

OREGON TRIAL LAWYERS ASSOCIATION

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Testimony of Arthur Towers
Before the Joint Committee on
The First Special Session of 2020
In Support of House Bills 4201, 4203, 4205, 4207 and 4208
June 25, 2020

Thank you for the opportunity to testify in support of this important legislation.

The members of the Oregon Trial Lawyers Association are lawyers who fight for underdogs. In this instance, the underdogs are Oregonians who suffer the effect of the use of excessive force by law enforcement officials.

We support this package of bills before the committee today. They are important initial (and long overdue) steps to prevent and reduce police violence. We applaud the Governor for calling on a special session on this topic and the legislature for giving these issues the level of consideration they deserve. We appreciate the opportunity to be part of the discussion now and in the future.

I wanted to focus my remarks on HB 4205 and the -4 amendments. The specificity in the definition of misconduct in Section 1(2) is important. That language encompasses the deprivation of an individual's Constitutional rights; falsification of documents; fraud; violations of statutes and administrative rules; and violations of law enforcement policies and procedures.

Victims of the failure to intervene should have the right to tell their story to a judge and jury in a state court, but civil liability did not make it into this set of amendments.

I also want to touch on HB 4207 designed to create a state database of officers who engage in excessive force. The -2 amendments set the bar quite high for inclusion in the database. It would be in the public interest to know of officers who repeatedly engage in the use of force that triggers disciplinary action short of dismissal. We believe additional refinement of the threshold would be worthy of consideration by the committee.

We look forward to additional efforts by the legislature for the cause of racial and civil justice, and urge an aye vote on House Bills 4201, 4203, 4205, 4207, and 4208.