



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: June 25th, 2020

TO: Senate President Peter Courtney, Co-Chair
House Speaker Tina Kotek, Co-Chair
Senate Minority Leader Fred Girod, Co-Vice Chair
House Minority Leader Christine Drazan, Co-Vice Chair
Members of the Committee

FROM: Aaron Knott, Legislative Director

SUBJECT: Testimony in support of HB 4201-1.

Oregonians deserve and demand full confidence in the investigation of law enforcement actions, especially when that action results in a death or the infliction of a serious injury. Under Senate Bill 111 (2007), a law enforcement agency who experiences a fatal use of force by an officer must bring an investigator from outside of their agency to assist in the investigation of the matter. The statute does not require that person to lead the investigation, merely to participate.¹ While SB 111 represented a significant step forward upon its passage in 2007 and remains in many ways a farsighted and enduring legislative act, it has failed to reassure many stakeholders, particularly in our BIPOC communities, of the fairness, transparency and impartiality we rightly demand of these investigations.

At its most basic, HB 4201 calls upon the Attorney General to guarantee that these investigations are conducted in a fair and transparent manner, and that the prosecution, if any, occurs without any taint of favoritism or self-dealing. The Department of Justice stands ready to assume any role the legislature sees necessary to restore and maintain the public trust in these crucial investigations.

That said, the fiscal and operational details that will need to be worked out in order to position the Department to be successful in assuming these expanded responsibilities are extensive, and make for a poor fit with the pressured timelines of this special session. The -1 Amendments will lay the foundation for a measured process that allows for far more meaningful participation from the community members most impacted by policing, a more careful implementation process and ultimately a better outcome.

The workgroup process will also allow for a more thorough exploration of the standards by which the appropriateness of an officer's use of force should be evaluated. This is of crucial importance. Maintaining the integrity of any investigation is an apex priority, but if the legal standards used to assess the reasonability of an officer's use of force are not carefully tailored and fairly balanced, the composition of the investigative team will do little to effect the ultimate outcome. The Attorney General and Department of Justice stand ready to assist this Task Force in their vitally important work in the weeks to come. Attorney General Rosenblum urges the passage of HB 4201-1.

¹ Senate Bill 111, Sec. 5(5)(a)(2007).