



March 18, 2021

House Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of HB 2169, -1 Amendment

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee,

My name is Sandy Chung, and I am the Executive Director of the American Civil Liberties Union of Oregon (ACLU of Oregon). We are a nonpartisan, nonprofit organization dedicated to the preservation and enhancement of civil liberties and civil rights, with more than 28,415 members statewide. We are here today in support of HB 2169 with the -1 Amendment.

- **Police violence is a pandemic of injustice — in particular brutalizing BIPOC communities and women**

Police officers are public servants, and their mission should be to “protect and serve” the community. However, there are too many Black individuals — Breonna Taylor, Tony McDade, George Floyd, Oscar Grant, Michael Brown, Charleena Lyles, Stephon Clark, Tamir Rice, Elijah McClain, Deontae Keller, Lloyd “Tony” Stevenson, Kendra James, James “Jahar” Perez, Aaron Campbell, Quanice Hayes, and many many more — who were murdered by police officers.¹ Although people of many races, backgrounds, and communities have experienced police misconduct and violence, Black, Indigenous, and people of color (“BIPOC”) communities in the United States have been disproportionately targeted, harmed, and killed by police officers.²

Another group of people disproportionately harmed by police violence is women, especially women of color. Studies indicate that sexual violence by police is the second-most common form of police misconduct, after excessive force, and multiple studies indicate that women of color have been disproportionately brutalized by police sexual violence.³

¹ <https://www.denverlawreview.org/dlr-online-article/policeinvestigatingpolice/>;
<https://www.koin.com/news/special-reports/a-brief-history-of-african-americans-killed-by-ppb/>;
<https://www.opb.org/article/2021/02/23/police-shooting-quanice-hayes-settlement/>

² <https://www.denverlawreview.org/dlr-online-article/policeinvestigatingpolice/>;
<https://www.nature.com/articles/d41586-020-01846-z>; <https://jech.bmj.com/content/75/4/394>

³ <https://www.californialawreview.org/print/police-sexual-violence/>

- **Unconstitutional and unjust police misconduct and violence are enabled and shielded by systemic deficiencies in supervision, accountability, training, and the “blue wall” of silence**

When data about police officer shootings and misconduct is available to be analyzed, the data shows that a small percentage of officers account for a disproportionately large amount of the violence and other forms of misconduct emanating from a police department.⁴ The data also shows that “bad” police officers can spread their harmful ways like a disease — by drawing in like-minded officers to engage in misconduct and violence and by teaching other officers bad habits that can result in widening webs of harm.⁵

The data also shows that police officers who engage in misconduct and violence think they can get away with it because they usually do. For example, the results of an investigative research project of data available from the Chicago Police Department showed the following:

Research we conducted with the journalism organization the Invisible Institute suggests that ignoring complaints — even multiple complaints about one officer — is not the exception but the norm in police departments . . . These patterns demonstrate the larger truth that too often, instead of operating as an effective check on police abuses, complaint systems serve to further disempower poor, minority community members. The system offers the illusion that the police are listening to all residents, but they aren’t. Moreover, by repeatedly siding with officers, the systems encourage officers to adopt a mind-set that when black and brown citizens object to what they’re doing, they are almost always wrong; that reinforces officers’ sense of untouchability.⁶

What does all of this mean? It means that systemic deficiencies in the supervision, accountability, and training of police officers, as well as the “blue wall” of silence within police departments, results in the continuing pandemic of police misconduct and violence.⁷

- **Public access to police officers’ personnel files is critical to creating and maintaining effective systems of supervision, accountability, and training, as well as cultures of integrity**

The public’s access to the information in police officers’ personnel files — especially information about investigations dealing with interactions between police and members of the public — is critical to Oregonian’s efforts to effectively address the unjust pandemic of police misconduct and violence.

Public access to this information will allow Oregonians to apply a data-driven approach. It will allow researchers and investigators to identify the systemic failures and other areas of weakness that need to be addressed within a police department. It will also help identify areas of strength and efficacy that should be supported.

⁴ <https://theintercept.com/2018/08/16/chicago-police-department-officer-involved-shooting/>;
<https://fivethirtyeight.com/features/how-to-predict-which-chicago-cops-will-commit-misconduct/>

⁵ <https://theintercept.com/2018/08/16/chicago-police-misconduct-social-network/>

⁶ <https://www.washingtonpost.com/outlook/2020/06/08/complaints-force-police-ignore-black-citizens/>

⁷ <https://theintercept.com/2018/08/15/chicago-police-reform-rahm-emanuel-laquan-mcdonald/>;
https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf; <https://www.denverlawreview.org/dlr-online-article/policeinvestigatingpolice>

Public access to this information will also provide the public with the information needed to request and advocate for effective and substantive redress and solutions by the public officials and public bodies in charge of police departments:

Just as information control is a tool of power, transparency is a way of redistributing power and . . . enabling community members to monitor the reform process and engage in joint problem-solving. To put the point another way, a measure of democratic renewal is essential, if we are to realize this historic opportunity. Only a process that exemplifies the qualities it seeks to institutionalize will establish true accountability and restore institutional legitimacy. In that sense, process is reform.⁸

Truly effective public safety programs require the moral authority and legitimacy of police officers and police departments, as this is essential to building and maintaining the cooperation and trust of the community.⁹ If police departments are required to be transparent with information about officers, this will help build community trust, It will also allow the community to work together with elected and non-elected leaders and police departments to create effective systems of supervision, accountability, and training, as well as cultures of integrity, for all police officers.

For these reasons, the ACLU of Oregon respectfully urges you to support HB 2169 with the -1 Amendment.

Thank you,



Sandy Chung
Executive Director
ACLU of Oregon

⁸ <https://theintercept.com/2018/08/15/chicago-police-reform-rahm-emanuel-laquan-mcdonald/>

⁹ https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf