



STATEMENT OPPOSING HB 2002-4 AMENDMENTS **(VARIOUS PUBLIC SAFETY ITEMS)**

To: House Committee on Rules
From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs
Date: April 30, 2021

Chair Smith-Warner and Members of the Committee:

For the record, my name is Michael Selvaggio, representing the Oregon Coalition of Police and Sheriffs (ORCOPS). We represent line officers and deputies around the State of Oregon, and are Oregon's largest law enforcement organization.

On behalf of our membership, I want to convey our deep disappointment of the process that has led to consideration of the 2002-4 amendments, and make several specific policy objections.

Throughout the 2020 interim and the 2021 Session, ORCOPS has been working constructively with stakeholders on a slew of public safety and police reform items. In the 2021 Session, a special subcommittee was formed specifically to work on these issues and ORCOPS has been working through that process in good faith. To post amendments that encompass issues that have not been raised in any stakeholder meetings or committee meetings throughout the past year — and to hold a Rules Committee hearing on those new items with three hours' notice — is not reflective of a legislative process that has been touted to be more inclusive and more transparent. We sincerely hope that this will not be the only public hearing on this matter.

To the amendment itself, there are some positive elements around anti-recidivism efforts. However, there are some specific items that cause ORCOPS some significant concern:

- In **Sections 3 and 5**, the language requiring an officer to inform a person that they may refuse a search is incredibly broad and absolute. While it is important for people to know their rights, there are often circumstances where individuals may proactively consent to a search in the course of a conversation with a police officer, even if an overt request is not made. We suggest that this requirement be transformed into an instruction to a judge to appropriately weigh the resulting evidence based on the circumstances.

- In **Section 7**, the amendment prevents officers from making arrests in various circumstances. While some of these circumstances make sense, the measure fails to take into account that HB 3164, if passed in its current form, may create a circumstance whereby an individual committing any of these offenses could be legally protected in simply walking away from an officer attempting to make a citation (given that HB 3164 limits officers' ability to issue enforceable lawful orders). Additionally, we would like to echo the concerns of the District Attorneys' Association in noting that arrests are sometimes a positive tool in removing trafficking victims from dangerous circumstances.
- In **Section 9**, the amendment prevents officers from making traffic stops based on faulty headlights or taillights, thereby allowing unsafe vehicles to stay on the road until their next vehicular inspection. While many proponents of the amendments pointed to Section 9 as a way to decrease police interaction for minor vehicular infractions, the measure makes no effort whatsoever to actually address currently-existing quota policies. Rather, we suggest banning the practice of law enforcement agencies using peer-to-peer citation quotas to evaluate officer performance, which ORCOPS has introduced in multiple past sessions to little interest.

I usually sign off these statements with an indication of ORCOPS' willingness to meaningfully participate in the legislative process moving forward, but those statements increasingly appear to be either unread or actively ignored. Nevertheless, we stand ready to meaningfully participate in the process moving forward.