



May 4, 2021

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

RE: Testimony in Support of SB 621

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 28,000 members statewide. We are here today in support of SB 621.

- **Police misconduct and violence is a scourge of injustice – disproportionately 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 who have been murdered by police officers.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

- **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

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<sup>1</sup> <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.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/>

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

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

violence and other forms of misconduct emanating from a police department.<sup>4</sup> 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.<sup>5</sup>

The data also shows that police officers who engage in misconduct and violence think they can get away with it because they usually do.<sup>6</sup>

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 scourge of police misconduct and violence.<sup>7</sup>

- **With 81.58% support, Portland City voters established a Civilian/Community Police Oversight Board to create transparency and accountability for the Portland Police Bureau**

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.<sup>8</sup> Community oversight boards can help create this needed moral authority and legitimacy — by being the vehicle by which the community can work 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.

In other words, community oversight boards are needed to create the transparency needed for democratic engagement and trust building between the community and police department — which are essential elements to addressing systemic issues of police misconduct and violence.<sup>9</sup>

On November 3, 2020, Portland voters passed a measure to establish transparency and accountability for the Portland Police Bureau (PPB) by creating a Civilian/Community Police Oversight Board (Oversight Board). The Oversight Board — which was championed by Portland City Commissioner Jo Ann Hardesty and established by more than 81% of Portland City voters — has autonomy from PPB and Portland City Council, the requirement of a stable source of funding, authority to conduct and complete independent investigations including subpoena power and access to internal department records, and the authority to produce enforceable actions. These voter supported elements — fiscal resources and authority — vest the Oversight Board with the tools needed to create transparency and accountability for PPB.<sup>10</sup>

Although it is clear that Portland voters overwhelmingly support the establishment of transparency and accountability for PPB via the Oversight Board, the Portland Police Association (PPA) has vowed to limit the Oversight Board’s effectiveness. The day after the

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<sup>4</sup> <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/>

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

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

<sup>7</sup> <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.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf);  
<https://www.denverlawreview.org/dlr-online-article/policeinvestigatingpolice>

<sup>8</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf)

<sup>9</sup> <https://theintercept.com/2018/08/15/chicago-police-reform-rahm-emanuel-laquan-mcdonald/>

<sup>10</sup> <https://www.washingtonpost.com/investigations/interactive/2021/civilian-oversight-police-accountability/>

Oversight Board measure was passed by more than 81% of Portland City voters, PPA filed a grievance to oppose it.<sup>11</sup> Then, in March 2021, Commissioner Hardesty — the longtime champion of the Oversight Committee — was wrongly accused of being the driver in a hit-and-run crash, and it appeared that the malicious public dissemination of this false information was somehow related to PPA actions. The President of the PPA, Brain Hunzeker, resigned related to this situation.<sup>12</sup>

The Portland Police Association’s hostility to the will of Portland voters with the Civilian/Community Police Oversight Board is counterproductive and detrimental. When police misconduct and violence are not addressed with transparency and accountability, the consequences are disproportionately harmful to BIPOC individuals and communities. However, the harm flows out to and impacts all our communities in Oregon, including police officers and police departments too.

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Ma’Khia Bryant, Daunte Wright, George Floyd, Breonna Taylor, Tony McDade, 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 too many more BIPOC individuals have been killed and harmed by police officer misconduct and violence.

We must stop this inequity.

This legislative session, Oregon has the opportunity to take actionable steps towards greater racial justice through several bills. SB 621 is one of these bills and is critical to our State’s efforts to implement Oregon’s values of fairness, equity, and justice for all Oregonians. This is an opportunity for Oregon to be a national leader in creating transparency and accountability for police officers and police departments.

**The ACLU of Oregon respectfully asks that you support the will of Portland City voters and support SB 621.**

Thank you,



Sandy Chung  
Executive Director  
ACLU of Oregon

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<https://www.wweek.com/news/city/2020/11/05/portland-police-union-files-a-grievance-against-the-city-challenging-reform-measure-that-voters-passed-overwhelmingly/>

<sup>12</sup>

<https://www.kgw.com/article/news/local/portland-police-union-president-resigns-related-commissioner-hardesty-false-allegation/283-a050945a-edfb-4628-bff2-127f08ed2115>