



STATEMENT OPPOSING ADOPTION OF 2929-A4 AMENDMENTS (PUBLICIZATION OF COMPLAINTS AGAINST OFFICERS)

To: Senate Committee on Judiciary and Ballot Measure 110 Implementation

From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs

Date: May 11, 2021

Chair Prozanski 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 **opposition to amending HB 2929 with the 2929-A4 amendments dated May 4.**

The base measure — HB 2929-A — has been duly worked in the House Judiciary Committee and comes to you with a 58-0 vote in the House.

The amendment seeks to insert an entirely new concept into the measure: a broad shift in Oregon's public records laws that would publicize records of complaints and allegations made against public safety officers to the general public, regardless of whether those allegations or resulting investigations resulted in discipline or were ever even sustained. The idea of publicizing official actions that may be unsustainable, frivolous, or even retributive opens the door wide to the weaponization of personnel records for purposes not intended by this measure (nor by the amendment).

Given that investigations may in many cases be instigated by anonymous complaints, this amendment functionally allows anyone, without attribution, to write an allegation into an officer's personnel record and ensure that it becomes a public document. This is an authorship privilege rife with opportunities for abuse:

- Unscrupulous managers could conceivably make unsubstantiated complaints about employees in order to justify termination,

- Unscrupulous officers could conceivably make unsubstantiated complaints about unpopular managers in order to justify termination, or
- An intolerant member or members of the public could make unsubstantiated complaints about officers due to their racial background, sexual orientation, or other characteristics in order to justify termination or simply to provide an opportunity to harass.

If HB 2929 is engrossed with the 2929-A4 amendments, Oregon will be setting the table for this kind of targeted abuse of the personnel and public records systems.

The chilling effect on recruitment will be dire. As Oregon law enforcement agencies attempt to recruit quality officers who care deeply about their records and reputations, this amendment signals to those candidates that if they were to serve in Oregon, anyone might make an anonymous unsubstantiated complaint against them that will become a public record and follow them for their entire career.

ORCOPS firmly supports the value of accountable and transparent law enforcement, but this must be balanced with the understanding that opening personnel records in such a broad manner will certainly bring unintended consequences. This is why these public records exemptions exist in the first place — not only for public safety officers, but for teachers, firefighters, and even elected officials.

ORCOPS has withdrawn its initial opposition to HB 2929 since it was engrossed as HB 2929-A, and in fact supported the initial “duty to report” legislation passed in 2020’s First Special Session that HB 2929-A seeks to improve. Additionally, a number of other reporting and transparency measures are queued to pass this session, including HB 3145 (state discipline database) and HB 2932 (joining the federal use of force database).

We oppose amending HB 2929-A with the 2929-A4 amendments.