



May 13, 2021

Senate Judiciary and Ballot Measure 110 Implementation Committee
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of HB 2929A and the -A4 Amendment

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee,

Thank you for the opportunity to share support for HB 2929A and the -A4 Amendment on behalf 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.

- **Police violence is a scourge 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 who have been 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.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://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.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 scourge 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 scourge 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.

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

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>

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

The -A4 Amendment will provide this needed transparency by removing public records exemptions for police disciplinary records, as well as actions and investigations that do not result in disciplinary actions.

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.

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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 many more BIPOC individuals.

We must stop the evil of black and brown people being killed and harmed by police officer misconduct and violence.

This legislative session, Oregon has the opportunity to take actionable steps towards greater racial justice and public/community safety through several bills, and HB 2929 with the -A4 Amendment is one of the bills critical to our State's efforts to implement our values of justice, community, and safety.

For these reasons, the ACLU of Oregon respectfully urges you to support HB 2929 with the -A4 Amendment.

Thank you,



Sandy Chung
Executive Director
ACLU of Oregon

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