



OREGON ASSOCIATION CHIEFS OF POLICE
EXCELLENCE IN POLICING

PO Box 21719 Keizer OR 97307



OREGON STATE SHERIFFS' ASSOCIATION
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PO Box 7468 Salem OR 97303

To: Members of the House Rules Committee

From: Jason Myers, Executive Director
Oregon State Sheriffs' Association

Kevin Campbell, Executive Director
Oregon Association of Chiefs of Police

Date: February 18, 2021

Re: Testimony with concerns for HB 2487 – Public records access to Public Safety Officer's personnel records

Chair Smith Warner and members of the committee,

On behalf of the Oregon State Sheriff's Association (OSSA) and the Oregon Association Chiefs of Police (OACP), thank you for the opportunity to provide testimony regarding HB 2487 which would allow access, through a public records request, to a Public Safety Officer's disciplinary record. Currently, statute requires a balance test when this type of a request is made. If this measure passes as written, it would place Public Safety Officers in a class of their own as no other group of personnel records are completely open to public inspection.

OSSA and OACP believe strongly in transparency and understand the importance of the community having confidence in their Public Safety Officers. We know that improvements can and should be made to our systems to provide increased transparency. With this being said, we believe HB 2487, as written, will have damaging and unintended consequences. We would like to share our concerns and propose an alternative.

Disclosing unfounded complaint investigations may not paint an accurate picture of the conduct of a public safety official. Public safety officers often receive complaints that, following an investigation, are found to be meritless. In addition, there are many disciplinary issues that have nothing to do with serious misconduct, they are administrative issues such as an officer is late for court, officer fails to complete a report by the end of the shift, or officer backs into a parked car.

We believe that allowing these kinds of investigations and findings to be publicly accessible would create a chilling effect in both public and self-reporting. We believe this will further complicate the investigative and disciplinary processes a law enforcement employer already

has to navigate. Most low-level forms of discipline such as coaching, counseling and verbal reprimands are often very successful in correcting behavior and are part of the mentoring process. Also, these levels of discipline are not traditionally grieved by employee associations. Making these types of disciplinary records available through a public records request would undoubtedly change the acceptance of these corrective measures by labor. Finally, this measure will make recruiting the high-quality officers we hope to attract to a law enforcement career more difficult at a time when hiring pools are already dwindling.

Alternative: A similar measure to HB 2487 would require all complaints, allegations and investigations of a public safety officer to be forwarded to DPSST for posting on a publicly accessible database. Understanding the importance of transparency while balancing the importance of fairness, due process and to avoid a chilling effect on reporting and adherence to low level corrective measures for public safety officers, we believe only sustained violations that result in an economic sanction to the public safety officer employee should be released to DPSST for this proposed database. These types of violations (serious policy violations, continued behavior despite coaching/counseling/verbal reprimands) is conduct we believe that is in the public interest and therefore should be available. For this measure we would suggest the same, limiting public records access to only those records that have a sustained finding and resulted in an economic sanction to the public safety employee.

Thank you for this opportunity to provide testimony and we would be happy to answer any questions the committee may have.