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February 25, 2021

Re: Testimony in support of HB 2002

Dear Chair Bynum and members of the House Judiciary Committee,

As a criminal defense lawyer, I work to defend the rights of people charged with crimes and, if they are convicted, to ensure our system provides a pathway to living successful productive lives. In this way, public defenders help steward state resources effectively to the people who need them.

While OCDLA supports all of HB 2002, my testimony is directed at sections 22 and 24, which limit an officer's ability to stop people for low-level vehicle maintenance infractions and requires a warrant before a custodial arrest for low-level crimes that are often the result of behavioral health issues or homelessness. As a public defender, I see these crimes charged daily and know that we as public safety stakeholders can do better, and that the people charged with these offenses deserve better.

Under current law, police officers have discretion to either issue a citation or take a person into custody for the crimes listed in HB 2002 section 22. People experiencing homelessness, struggling with substance abuse, or in mental health crisis, frequently have police contact for these crimes. The discretion allowed under current law invites the introduction of implicit bias in an officer's decision making when dealing with these marginalized populations. When police entities do not apply uniform procedures in their interactions, their implicit bias results in disparate impact on communities of color and also on people whom we know need a public health, not a criminal justice response.

Similarly, under current law, police officers have discretion to stop a vehicle, or not, when they observe the infractions listed in HB 2002 section 24. According to the Criminal Justice Commission's 2018 Stop Program Research Brief, within the time it takes to execute and conclude a single stop, there are numerous opportunities where racially disparate treatment could or might be present. Beyond the initial decision to stop a driver, race could be a factor in the decision to search, give a citation, or make an arrest. Sandra Bland's life was lost after she was stopped for failing to use her turn signal. Recently, Jenoah Donald died when he was taken off life support because a Clark Co. Washington police officer shot him after stopping him for a broken taillight. Both Sandra Bland and Jenoah Donald were African American. While most traffic stops do not end this way, limiting police interactions with civilians for these kinds of violations creates the greatest safety for our state.

Importantly, under HB 2002, officers maintain the ability to serve the community by helping those in need resolve the vehicle maintenance issues that lead to the infraction. The officer can take down the license plate number and mail the individual a coupon to repair a broken taillight, or if necessary, mail them a citation.

HB 2002 will reduce racially disparate impacts and promote more appropriate responses to behavioral health issues by removing the officer's discretion to take a person



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into custody for some misdemeanors and to stop a person for some infractions. In turn, this bill improves public safety by not further destabilizing marginalized people. As a public defender, I am committed to defend my client's individual rights, but I also come to this work because I want people to succeed and thrive. HB 2002 is an important step in the right direction to produce better system outcomes.

Sincerely,

A handwritten signature in blue ink, appearing to read "JK", is positioned below the word "Sincerely,".

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