

February 3, 2022

Chair Prozanski, Vice-Chair Thatcher, and members of the committee,

My name is Jessica Kampfe and I am the executive director of Multnomah Defenders Inc. I have been practicing as a public defender, representing poor people charged with crimes, since 2006. I am here today to testify in support of SB 1510 and to specifically discuss why sections 1 and 6 promote public safety.

Section 1 codifies best practices by requiring police officers to advise civilians of their constitutional rights prior to requesting a consent to search without a warrant and to record that informed consent was provided. Many Oregonians do not know they have a constitutional right to refuse to be searched when the police do not have a warrant. This law simply requires that police create a record that they informed the individual about the existing constitutional rights prior to asking that person to waive their rights.

Importantly, section 1 does NOT impact implied consent law for driving under the influence investigations.

Section 6 saves lives by eliminating unnecessary and dangerous traffic stops for minor equipment failures. Police conducted traffic stops are dangerous for both officers and civilians. Oregon research from 477,964 traffic stops conducted by law enforcement officers between July 1, 2020 and June 30, 2021 showed that Oregon state troopers disproportionately issued citations to motorists of color compared with white drivers over a one-year period, creating a statistically significant racial disparity. The same research showed that Black drivers were more likely than white drivers to be searched during Portland Police Bureau traffic stops. This disparity creates an increased risk of death to persons of color.

Section 6 is narrowly tailored to eliminate traffic stops for minor equipment infractions that do not render a vehicle unsafe. The prohibits police from stopping a motorist for a single broken head light when the other headlight is working, for a single broken tail light when the other tail light is working, for a single broken break light when the other break light is working, and for a broken license plate light. We know that these minor equipment infractions do not currently create a risk to public safety because under current law when police stop a motorist for this type of infraction the officer does not tow the car. Instead the officer allows the individual to continue driving with the broken equipment after the traffic stop. By eliminating traffic stops for these infractions we are increasing public safety by limiting dangerous police civilian encounters to situations where there is a public safety need for police to intervene.

Importantly, police can still stop a motorist for an equipment infraction described in section 6 if the circumstances rise to a safety concern. This statute does not alter ORS 815.020, which provides that it is unlawful for a person to drive a vehicle in an unsafe condition. There may be times, such as incimate weather or dangerous road conditions, that would render a vehicle with a single broken light unsafe. In those limited circumstances the officer could still stop the vehicle pursuant to ORS 815.020. Once stopped for a safety reason, the officer could issue a citation for the equipment failure.

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Section 6 is narrowly tailored to eliminate unnecessary traffic stops while maintaining the officers' ability to address road safety concerns.

I support SB 1510.

Sincerely,

Jessica Kampfe

Jessica Kampfe, Executive Director
Multnomah Defenders Inc.