

May 9, 2023

Dear Chairman Kropf and Members of the House Judiciary Committee,

I am writing to reluctantly support the current version of SB-808 because it corrects some administrative flaws from the original legislation ([HB-2930](#)) that created the Commission on Statewide Law Enforcement Standards of Conduct and Discipline ([LESC](#)). But I am also writing to urge you to support the *original* version of SB-808 rather than an amended one.

The *original* form of SB-808 is much better because in addition to correcting administrative flaws, it also modifies the membership of the Commission to add more viewpoints outside of law enforcement experience perspectives. The *original* SB-808 reduces double representation on the Commission from each of two constituencies: “representatives of labor organizations who represent law enforcement officers,” and “chief law enforcement officers,” and replaces them with “two members who represent community-based organizations to represent the interests of the public.” And beyond what is written in the original SB-808, one of the new public members should be **specified** to be a **family member directly impacted by law enforcement misconduct or violence**, and a good option for the second public member is someone who has served on a Civilian Review Committee or as a police Auditor or similar function, and who is not currently in law enforcement. The Commission members, original constituencies and SB-808 revised constituencies are summarized in the table below.

When one looks at the backgrounds of the individuals appointed to fill each of the constituencies of membership, summarized in the first column of the table, many of them have law enforcement or prosecutorial backgrounds even though the *constituency* they are representing is not inherently specified to law enforcement. In the current membership structure the double representation of some constituencies, coupled with the experiential background of the individuals actually appointed to the Commission, results in more law enforcement and/or prosecution points of view being represented than one would think from the constituencies specified in the original legislation, HB-2930. Diversity of experience and diversity of thought is what leads a team to successful solutions and the Commission composition as it currently stands is weighted too heavily toward law enforcement points of view and life experiences. The original SB-808 attempted to correct that and it is extremely disappointing to see that corrective action be edited out in subsequent amendments. This is especially true because the existing Commission has produced a set of discipline standards that allow mitigation to a *written reprimand* for [sexual harassment](#), [sexual assault](#), [assault](#), and [unjustified or excessive use of physical force that results in death](#) (and note that “[excessive force](#)” is not defined).

I find it disturbing that we can’t hold law enforcement to any standards, especially given my lived experience where my child Stacy (Patrick) Kenny was beaten, tased, then shot and killed while seat-belted in their own car and on the phone with 911 asking for help, and not one of the four officers involved was held accountable for anything. See [OIR critical incident review](#) and [Washington Post podcast](#) for details—apparently what happened to my child wasn’t

“excessive” enough to result in any consequences. I’m concerned that nothing has changed with these current discipline standards and nothing *will* change without a more diverse Commission. I urge you to return to the original version of SB-808.

Sincerely,  
 Barbara Kenny, Ph.D., Lt. Col. USAF, retired  
 Mother of Stacy Kenny  
 Springfield, Oregon

Current Members of LESC	Current Constituencies of LESC (13 positions, specified in HB-2930)	<i>Original version of SB-808 (red showing modified constituencies under original SB-808; purple showing additional suggestions)</i>
Brian Henson (co-chair)	DPSST Director or Designee	DPSST Director or Designee
Michael Slauson (co-chair)	A/G Office A/G or Designee	A/G Office A/G or Designee
John Teague, Chief of Police, Keizer Police Dept.	Two members who are chief law enforcement officers	One member who is a chief law enforcement officer
Angela Brandenburg, Sheriff, Clackamas County		Add “member who represents community-based organizations to represent the interests of the public.” (Further, this position should be reserved for a family member directly impacted by police violence or misconduct.)
Anil Karia, general counsel for police association Public Safety Labor Group (PSLG)	Two members who represent labor organizations who represent law enforcement officers	One member who represents labor organizations who represent law enforcement officers
Mark Makler, Counsel to PSLG		Add “member who represents community-based organizations to represent the interests of the public.” (Further, someone with experience on a Civilian Review Committee or as a police Auditor or similar function, and who is not currently in law enforcement)
Steven Schuback; Labor Relations attorney, former Deputy District Attorney	Two members who are representatives of local government to represent the interests of cities and counties	Two members who are representatives of local government to represent the interests of cities and counties
Umatilla County Commissioner John Shafer, Previous sergeant for the Umatilla County Sheriff’s office		
Timothy Addleman, Chief of Police, Confederated Tribes of the Umatilla Indian Reservation	One member who represents a federally recognized Indian tribe or association of tribes within this state	One member who represents a federally recognized Indian tribe or association of tribes within this state
Michael Wu, Executive Director, Oregon DA Association	One member who represents the interests of the prosecutors in this state	One member who represents the interests of the prosecutors in this state
Laura Fine, Criminal Defense Attorney	One member who represents public defender organizations or the OCDLA	One member who represents public defender organizations or the OCDLA
Tarron Anderson, Sr. Employee and Labor Relations Officer, OSU	Two members who represent historically marginalized groups or community-based organizations that represent communities impacted by policing	Two members who represent historically marginalized groups or community-based organizations that represent communities impacted by policing
Benny Williams, President, NAACP, Corvallis Branch		