



**Testimony of Kimberly McCullough, Legislative Director  
In Support of HB 4003  
House Committee on Judiciary  
February 2, 2016**

Chair Barker and Members of the Committee,

ACLU of Oregon strongly urges your support of HB 4003, which will extend the valuable work of the Law Enforcement Profiling Work Group. I am honored to have had the opportunity to participate in the work group thus far. The group has diligently worked toward consensus on many challenging issues, but this topic is complex and requires thoughtful and deliberate consideration in order to craft the best possible recommendations for further legislative action.

On the one hand, the work group needs more time to continue various discussions already underway, such as exactly when and how to collect stop data. On the other hand, there are many relevant topics which the group did not have time to discuss at all, despite concerted effort to meet regularly and meaningfully.

Along those lines, we would like to briefly highlight several things that the ACLU of Oregon would like the work group to discuss, which we have unfortunately been unable to address in the short time frame within which the work group has been operating:

- How to identify and prevent profiling that won't be identified in demographic stop data, such as political profiling.
- Identification and examination of police department policies that inherently involve or promote profiling.
- Whether or not to allow for evidence suppression in criminal trials when defendants can prove they were profiled.
- Consent search reforms, such as documentation of consent, translated into various languages, and clear articulation of the right to refuse a search.
- Limitations on the legality of pretextual traffic stops.
- Additional procedural justice reforms which may have an impact on the rates and occurrence of profiling.
- Whether to update the definition of profiling to remove the word "solely," which limits the definition of profiling to activities that fall far short of the entire scope of what is generally considered to be profiling in current-day police reform discussions across the nation.

Thank you for your time and consideration. Please feel free to contact me if you have any questions, comments, or concerns at [kmccullough@aclu-or.org](mailto:kmccullough@aclu-or.org).