

From Michael Mann, Oregon Resident

June 24, 2020

Honored legislators,

My name is Michael Mann.

I agree with many others who are calling for reform of the criminal justice system; I have a degree of knowledge about this topic and I offer more specifics on my knowledge base after I address the bill at hand (*please see the end of my statement).

Regarding HB 4205 (the bill that will require police officers to intervene in and report law and policy violations), the current draft of the bill requires police officers to intervene and report any and all unethical acts and all violations of law, rules, and policies under penalty of decertification. I suggest that the scope of the bill be restricted to force and authority situations in order to not overwhelm agencies and the certification system with reports of minor policy violations.

Organizations such as the Oregon Accreditation Alliance, the Commission on Accreditation for Law Enforcement Agencies and Lexipol encourage agencies to have extensive policies to improve organizations and as a result, many agencies have become and are becoming more professional. Many agencies have hundreds of specific policies that could be violated by each member any number of times and the topics range from force policies to what color of socks are required with a uniform.

Compliance and reporting non-compliance with agency policies and rules should be the purview of each individual agency and the State should spend its limited resources on the most pressing issues, which I believe are excessive force and misuse of police authority.

Here is a suggested modification for the language of this bill (text other than the alphabetized portion of Section 2 would remain the same):

(a) Police officers are required to intervene in any application of physical force or deadly physical force by another officer that is or should be immediately recognizable to the observing officer as excessive force, based on the reasonable officer standard.

(b) Police officers are required to intervene in any application of police authority by another officer regarding stopping a person, taking a person into physical custody or arresting a person that is or should be immediately recognizable to the observing officer as an unlawful exercise of police authority, based on the reasonable officer standard.

(c) As used in this section, "excessive force" means force that is not justified in light of all the circumstances known at that time.

(d) As used in this section, “intervene” includes strongly cautioning the officer to stop and/or physically stopping the other officer’s actions (if necessary); the intervening officer will immediately report the incident to a member of the governmental agency who is superior to the officer taking the improper action, without delay.

(e) As used in this section, “Reasonable Officer Standard” means the expectation that officers with similar training and experience, facing like or similar circumstances, will respond the same way or use similar judgment.

Please continue with legislation that reforms and improves the criminal justice system, but please do not pass this legislation as drafted.

Thank you for your consideration in this matter.

Respectfully submitted,

Michael Mann

* I am a member of the Oregon community, as are my family, friends, and acquaintances.

I am knowledgeable about law enforcement as a recent retiree of the criminal justice system. I retired in 2019 as the Training Sergeant at the only police department in Oregon that was awarded international accreditation at the “Gold Standard with Advanced Meritorious Certification.” I am not writing as a representative of that agency since I am now retired, but I do have information that you may find valuable. I instructed police officers for 25 years in areas such as de-escalation, police authority, force and other topics including the DPSST developed course “Police Legitimacy and Procedural Justice.” I believe that competent, frequent, and progressive training delivered in a consistent manner is the most important component of a successful and trusted police agency.

There are many paths to build a justice system that more accurately reflects the vision of our nation; one path that I believe would deliver substantial results would be to require standardized on-going training to all law enforcement officers in Oregon, not just to basic police recruits. Many people likely do not realize that police officers in Oregon only receive state-standardized training during the basic police academy which occurs during the first eighteen months of employment. After that, police officers must receive on-going training, but the content and quality of that training is up to each individual agency; the training is not standardized which inevitably results in different knowledge, different skills, and different practices on the street.