



STATEMENT RE: OFFICER UNIFORM STANDARDS

To: Joint Committee On Transparent Policing and Use of Force Reform

From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs

Date: November 15, 2020

Co-Chairs and Members of the Joint Committee:

For the record, my name is Michael Selvaggio, representing the Oregon Coalition of Police and Sheriffs (ORCOPS). For your consideration on the concept surrounding uniform standards for law enforcement officers, we want to bring the following values and suggestions to your attention for consideration:

- **We fully agree that accountability must remain a paramount consideration**
As we stated in our “Values Statement” dated July 30 (attached), we believe that “law enforcement officers on duty are able to be individually identified in a manner that allows for effective reporting of any allegations of misconduct.” We believe that Draft 7 accomplishes this goal as well as the suggestions attached to this statement. We also agree with Senator Manning’s suggestion that the intentional obscuring of information on a uniform should be prohibited.
- **Officer safety must also be considered**
We hope that officers are always able to display their names without unduly jeopardizing their safety. Sadly, this is not always the case. We would ask that the legislation allow for exigent circumstances in which an identifying number may be used in place of an officer’s name during certain crowd management duties -- this would still allow for identification of an individual officer for purposes of holding an officer to account for their actions, but provide some measure of protection for their families. (And, it should be noted that it is easier for an officer to change their name than their ID number; as we saw in the recent scandal within the West Linn Police Department, an allegedly involved sergeant had undergone a recent name change.)
- **We cannot rely on the unknown provisions of a future bill**
While we understand that there is an anti-doxxing measure being discussed, we cannot reasonably rely on the unknown provisions of a future measure that may or may not be passed alongside this concept. Additionally, without knowing how the anti-doxxing measure is structured, it is unknown whether that measure or this measure would take precedence in any particular circumstance. We cannot represent our membership in good faith if we are simply assuming that an unknown and as-yet-unwritten piece of legislation will address the concerns we have with another bill.

- **The objective and purpose of this measure is at risk of becoming ambiguous**

Respectfully, we roundly reject the notion that inquiring about the purpose of the legislation or what it aims to accomplish is somehow an attempt to derail a conversation. Our understanding was that the purpose of this workgroup was twofold:

1. To ensure that officers at crowd control events were held to account for their actions by a clear avenue for the filing of allegations of misconduct, and
2. To ensure that members of the general public are clearly apprised of the jurisdiction and agency employing such officers by their uniform insignia.

However, Draft 12 incorporated new elements that were absent from Draft 7, including the idea that members of the general public would be privy to an officer's name simply through a description or photograph (or other ambiguous data point) of the officer, without any rationale for requiring that information. At this point, it is not clear to us what problem that broad new element is trying to solve.

Given that ORCOPS is hoping for a draft that satisfies our concerns but also represents meaningful policy that is broadly supported by the workgroup members, we would make the following suggestions based on the previously-shared Draft 7 (our revised draft is attached):

- **Narrowly allow for exigent circumstances (Section 1 subsection 3)**

The attached discussion draft provides that officers working crowd management functions must display their name on their uniform. But creates a narrow exception in circumstances where:

1. The agency employing the officer issues such a directive,
2. The name is replaced with a unique identifier assigned by that agency,
3. The identifier is assigned to a specific officer for the purpose of identifying the officer and investigating complaints, AND
4. The agency has a policy in place that provides for accepting and investigating complaints via the use of an officer's identifier, as well as communicating the status of the investigation back to the complainant.

- **Prohibit intentional obscuring (Section 1 subsection 2)**

As Senator Manning noted during the November 10 meeting, officers should be prohibited from intentionally obscuring their information.

- **Maintain the requirement to provide information (Section 2)**

Section 2 of the discussion draft maintains the requirement that officers provide their information to a member of the general public who enquires, so long as it is safe to do so.

ORCOPS will commit to supporting -- and actively lobbying in support of -- the attached draft or a substantively similar version that addresses the concerns outlined above. With regard to the new elements in Draft 12, ORCOPS is willing to learn more about what problem those elements are attempting to address, but is not at this point in a position to support their inclusion in the workgroup's current measure.

Thank you.

ORCOPS Discussion Draft

NOT PRODUCED BY LEGISLATIVE COUNSEL

A BILL FOR AN ACT

Relating to identification of law enforcement officers; creating new provisions.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) A law enforcement officer who is on duty and assigned to work crowd management shall:

- (a) Have their first initial and last name, or unique identifier assigned by their law enforcement agency, affixed to the front of their uniform, subject to subsection 3 of this section;**
- (b) If wearing a helmet and assigned a unique identifier by their law enforcement agency, have their unique identifier affixed to the front or back of their helmet;**
- (c) Have the word “POLICE” or “SHERIFF” clearly visible from the front and back of their uniform; and**
- (d) Have their law enforcement agency patch or name of the law enforcement agency jurisdiction affixed to their uniform.**

(2) A law enforcement agency shall adopt policies or rules prohibiting the intentional obscuring of the identification described in subsection (1)(a) and (b) of this section by an officer.

(3) A law enforcement officer who is on duty and assigned to work crowd management shall have their first initial and last name affixed to the front of their uniform, unless:

- (a) The law enforcement agency employing that officer issues a directive that officers assigned to work crowd management may replace the first initial and last name on their uniform with a unique identifier assigned by their law enforcement agency;**
- (b) The law enforcement agency associates the unique identifier to a specific officer for the purpose of identifying the officer and investigating any complaints;**
- (c) The law enforcement agency has a policy or procedure for accepting citizen complaints using the officer’s unique identifier; and**
- (d) The law enforcement agency has a policy or procedure for investigating such complaints, including a policy or procedure for communicating the status of the investigation to the complainant.**

(4)(a) A law enforcement agency’s list of unique identifiers associated with law enforcement officer names is not subject to public release unless the provisions of ORS 192.363 are satisfied by the requestor.

(b) Nothing in this section is intended to supersede the provisions of ORS 192.311 to 192.431.

SECTION 2. Whenever a law enforcement officer is in uniform and conducting official duties, and if practical, safe, and tactically feasible, a law enforcement officer shall provide their name and identification number, or a unique identifier assigned by their law enforcement agency, when requested by a member of the public. An officer may provide an agency-produced business card to the member of the public to satisfy this requirement.

SECTION 4. As used in this 2021 Act:

(1) “Law enforcement agency” means the Oregon State Police, a county sheriff’s office, a municipal police department, or a police department established by a university under ORS 352.121 or 353.125.

(2) “Law enforcement officer” means a member of the Oregon State Police, a sheriff or deputy sheriff, a municipal police officer, or an authorized police officer of a police department established by a university under ORS 352.121 or 353.125.



VALUES STATEMENT RE: Officer Identification

To: Joint Committee On Transparent Policing and Use of Force Reform

From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs

Date: July 30, 2020

Co-Chairs and Members of the Joint Committee:

Co-Chair Bynum requested a statement of values from ORCOPS with regard to the identification of officers. ORCOPS is pleased to outline the following values and priorities.

Values

- First, that officers and their families are protected from any unnecessary risk stemming from a method of identification.
- Second, that law enforcement officers on duty are able to be individually identified in a manner that allows for effective reporting of any allegations of misconduct.
- Third, that when not conflicting with the first priority, good community relationships are served by a clear display of officers' names when in uniform.
- Additionally, that there may be limited circumstances in which an officer's duty necessitates that they not be identified as a law enforcement officer, such as undercover operations, and those circumstances are provided for. There may be certain officers who are better able to de-escalate situations in plain clothes, and those options should be provided for.

Exception

ORCOPS members are used to displaying their names on their uniforms in the course of their official duties. However, under certain circumstances, such as emotionally-charged crowd control events, officers have fielded violent threats against their persons and against their households -- fueled by personal information derived from their name tags. In some situations, officers have been taunted with the knowledge of their home address, and some are currently living separated from their families.

ORCOPS requests that officers in crowd control situations be able to utilize an identifier in lieu of their name in circumstances in which their commanding officer determines that display of an

officer's name could result in an undue additional threat to an officer's person or family, pursuant to policy adopted by the employing jurisdiction.

Examples

A simple identifying number can be just as or even more visible than an officers' name, especially if the name is relatively long:



Above, the example Officer Englebert Humperdinck (a real name) has his name legible, but less clear than an identifying number, which would only be used in limited crowd control circumstances. *(Note: To compare, "Humperdinck" is 11 letters; my son's last name is 14 letters plus a hyphen. - Mike)*

Even when written the full breadth across a chest, the numeric identifier is clearer, especially in the case of a blurry photograph. Additionally, the obtaining of a partial identification would still be easily resolvable to a particular officer. (I.e: If the example was identified as "P-1-2-blank")



In sum, ORCOPS' proposal and values maintain that (non-undercover) law enforcement officers on duty are able to be individually identified in a manner that allows for effective reporting of any misconduct.