



STATEMENT OPPOSING HB 2487 **(PUBLIC RELEASE OF PERSONNEL RECORDS)**

To: House Committee on Rules
From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs
Date: February 16, 2021

Chair Smith Warner and Members of the Committee:

For the record, my name is Michael Selvaggio, representing the Oregon Coalition of Police and Sheriffs (ORCOPS). We represent line officers and deputies around the State of Oregon, and are Oregon's largest law enforcement organization.

On behalf of our membership, I want to convey our opposition to HB 2487.

HB 2487 is at once overly broad in its actions and extraordinarily narrow in its application solely to law enforcement officers.

The measure seeks to broadly release records of personnel investigations of public safety officers to the general public, regardless of whether those investigations resulted in discipline or were even sustained. The idea of publicizing investigations that may be unsustainable, frivolous, or even retributive opens the door wide to the weaponization of personnel records for purposes not intended by this measure.

Given that investigations may in many cases be instigated by anonymous complaints, this measure functionally allows anyone, without attribution, to write an allegation into an officer's personnel record and ensure that it becomes a public document. This is an authorship privilege rife with opportunities for abuse:

- Unscrupulous managers could conceivably make unsubstantiated complaints about employees in order to justify termination,
- Unscrupulous officers could conceivably make unsubstantiated complaints about unpopular managers in order to justify termination, or
- An intolerant member or members of the public could make unsubstantiated complaints about officers based on their racial background, sexual orientation, or other

characteristics in order to justify termination or simply to provide an opportunity to harass.

Lest the committee believe that these types of abuses are rare, please consider the case of Charmaine McGuffey,¹ who as a Deputy with the Hamilton County Sheriff's Office in Ohio, was treated to a number of unfounded complaints which were used as a basis for her eventual termination. However, McGuffey's subsequent lawsuit quotes then-Sheriff Neil as explaining the reasoning that some deputies "don't like working for a woman." McGuffey explained to the press that "The fact I was a woman was an issue with some of the men in the upper echelon. The fact I was gay was an issue [too]." This particular story has an inspirational ending, in that in 2020 McGuffey ran successfully for and now serves as Sheriff of Hamilton County. But not all law enforcement officers may be so lucky.

If HB 2487 passes in its current form, Oregon will be setting the stage for this kind of targeted abuse of the personnel and public records systems.

ORCOPS firmly supports the value of accountable and transparent law enforcement, but this must be balanced with the understanding that opening personnel records in such a broad manner will certainly have unintended consequences. This is why these public records exemptions exist in the first place -- not only for public safety officers, but for teachers, firefighters, and even elected officials.

ORCOPS is willing to have a more detailed discussion of public records. As noted in our testimonies to other measures, various databases regarding law enforcement conduct exist currently (e.g: at DPSST, USDOJ, etc) and also several more are proposed in legislation this session (e.g: HB 2929, HB 2932, LC 17, etc). To avoid establishing a tangle of separate databases and disclosures that overlap in varying degrees, we request that this concept be considered in a more comprehensive discussion of data collection and use.

We oppose HB 2487 in its current form.

¹ McGuffey v. Hamilton County Sheriff's Office, Case No. 1:18-cv-322 (S.D. Ohio Jul. 29, 2020)