

Submitter: Brian Decker

On Behalf
Of:

Committee: Senate Committee On Judiciary and Ballot Measure 110
Implementation

Measure: SB1510

TO: Sen. Floyd Prozanski, Chair, and members of the Senate Judiciary Committee

FROM: Brian Decker

RE: Support for SB 1510

DATE: February 3, 2022

I am a former prosecutor and public defender living and working in Washington County. I have over fourteen years of experience as a lawyer, twelve in criminal law. I have worked to build criminal cases with law enforcement at the local, state, federal, and tribal levels. I have advocated for and counseled victims of crime as well as indigent Oregonians accused of crime. In short, I have looked at the criminal legal system from many different perspectives throughout my career. The system needs some work. SB 1510 represents sensible reforms, and I support it.

There are several sections of this bill that would do tremendous good to alleviate some strains on our criminal justice system, mitigate some harmful effects on our communities, and promote real, effective safety. I want to focus on one: Section 6, relating to police traffic stops.

Police traffic stops can do some good to address broken tail lights. And I will not minimize the necessity of keeping vehicles in good working order and promoting visibility on the public roads. But make no mistake: many, perhaps most, traffic stops of cars for a broken light are pretextual. That is to say, a police officer uses the traffic violation as an excuse to explore whether the car and its driver or occupants are involved in something more serious—even without probable cause or a reasonable, articulable suspicion. The discretion to make such pretextual stops is ripe for abuse, and too often, abuse is the result.

The aim of Section 6 is to reduce racial disparities in traffic stops, which pose a major problem. In Washington County, the most diverse county in the state, STOP data over the past few years has shown that our three largest law enforcement agencies have been disproportionately citing, searching, or arresting Latino drivers during traffic stops. And those are the routine outcomes. We are all familiar with the catastrophic failures that can occur when an otherwise innocuous traffic stop leads to the officer shooting a civilian. Many Black and brown people live in fear that such a tragedy could befall them.

The critique that this change would decrease traffic safety or hamstring police is

misguided. Earlier in my career, I prosecuted cases in a state where statutory and case law did not permit traffic stops for broken tail lights when at least one light was working--in essence, the same rule that this bill would adopt for Oregon. The sky did not fall. Traffic stops in more serious situations continued. Law enforcement remained able to build cases against those who were breaking the law.

It is the responsibility of good public policy in this area to balance the public's interest in traffic safety against its interests in another kind of safety: the safety that protects us against dangerous, stressful interactions during traffic stops. By continuing to permit traffic stops for more serious violations, and continuing to permit stops based on reasonable suspicion of a crime, but curtailing police interactions for minor violations, Section 6 strikes a fair balance. I urge you to pass this bill.