

Submitter: Barbara Kenny  
On Behalf Of:  
Committee: Senate Committee On Judiciary  
Measure: SB808

Dear Senator Prozanski, Senator Manning, Senator Thatcher, Senator Gelser-Blouin, and Senator Linthicum,

My name is Barbara Kenny, I'm a resident of Senate District 6, and my child, Stacy Kenny, was beaten, tased, shot and killed by four Springfield officers in 2019. None of the officers were counseled or disciplined, two remain on duty today, and our story has been covered in the Washington Post.

<https://www.washingtonpost.com/podcasts/post-reports/policing-mental-health-crises/>

I am writing in support of Senate Bill 808, especially two of the provisions, along with three suggestions for amendments.

The first provision I strongly support is the addition of “two members who represent community-based organizations to represent the interests of the public” in exchange for two current members who represent law enforcement interests. The first amendment I would offer is to explicitly specify that at least one of the new community members be representative of people who have been harmed by police actions. This would provide a necessary voice to the damage that is caused to the community by law enforcement misconduct.

The second provision I strongly support is the requirement for an Annual Report from the Commission that includes information regarding the progress of agencies and oversight boards, and recommendations on updates to the standards. In addition, the second amendment I would offer is to direct the Commission to explicitly report on public comment received and how the Commission considered and/or used the public comment to improve the Standards. In the first public comment period, in August 2022, the Commission received 190 written comments and 21 verbal comments and to date there has been no public response to the suggestions in those comments. This could be addressed by requiring the Commission to report on public comment in their Annual Report.

Finally, the third amendment I would offer is the Commission should be directed to define “excessive force” when setting the discipline standards. Neither OAR 265-005-001 nor OAR 265-010-0015, both developed by the Commission, define “excessive force” nor identify the standard to be used when determining whether physical force or deadly force is sufficiently “excessive” to constitute misconduct. How can there be a standard for discipline for “excessive force” when the term is never defined and when the meaning varies from department to department across

the state?

Sincerely,  
Barbara Kenny