



AMERICAN CIVIL LIBERTIES UNION

Oregon

March 1, 2023

Senate Committee On Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of SB 808— Making the Commission on Statewide Law Enforcement Standards of Conduct and Discipline Inclusive

Chair Prozanski, Vice-Chair Thatcher, and Committee Members,

Thank you for the opportunity to share our support for SB 808 on behalf of the American Civil Liberties Union (ACLU) of Oregon. With more than 28,000 members statewide, the ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to protecting and advancing civil liberties and civil rights.

We often testify about bills that are reactive to the effects of police violence and misconduct, rather than those that proactively address police compliance and standards. SB 808 is a welcome exception to this trend.

Current police and sheriff's departments in Oregon receive hundreds of millions of dollars every year. But despite law enforcement's sky-high funding, we are hearing Oregonians say that they can't count on police — that police are not addressing the roots of crime and violence. Worse still, communities across our state have been harmed by law enforcement, suffering racist or hateful misconduct, sexual assault, violence, and death.

Unchecked police misconduct and violence regularly harms people in our communities.

Below is some information about the harm caused by police in the U.S. and Oregon:

- From 2013 to 2020, police in the U.S. killed more than 9,000 people, with an average of about 1,095 victims per year.¹
- In Oregon, police kill Black people at a rate about four times higher than white people.
- Concerns have been raised about police across Oregon engaging in racist conduct, racial profiling, and participating in extremist hate groups, including those involved in the attempt to topple our democracy on January 6, 2021.
- Police sexual misconduct — which includes sexual harassment, sexual extortion, and forcible rape — is a systemic and proven problem. Research indicates that sexual assault of both adults and children is the second-most frequently reported form of police misconduct after excessive force.
- The Institute for Justice recently gave [Oregon a D+](#) for its accountability and immunity practices.

¹ <https://www.rollingstone.com/politics/politics-features/portand-oregon-police-brutality-history-1027677/>

The current system shields law enforcement from accountability. When police officers sexually assault, injure, or kill people, they are too often able to hide behind a legal maneuver called qualified immunity to elude liability. Qualified immunity can even protect officers when there is no dispute about whether their actions were unlawful.

Oregon lawmakers tried to create some accountability by requiring common police standards across the state. However, the composition and process of the resulting commission (the Commission on Statewide Law Enforcement Standards of Conduct and Discipline) has been unbalanced and created more rules to shield police violence and misconduct.

The Commission needs a representative and diverse membership to equitably establish statewide standards that create real accountability when officers engage in misconduct or violence. SB 808 is a step in the right direction.

In the fall of 2022, civil rights organizations, attorneys and advocates, government accountability advocates, community leaders, and many members of the public spoke to the Commission through public hearings and written testimony. They repeatedly communicated the necessity of clear, consistent standards for law enforcement both to help establish real accountability when Oregon police officers engage in misconduct or violence and to reduce future police transgressions.

The public's demands are consistent with the Oregon Legislature's mandate for the Commission: prescribe **uniform** standards of conduct for law enforcement officers.

SB 808 is responsive to some of the requests made to the Commission via 190 written comments and 21 verbal comments last fall. Replacing two of the four law-enforcement-affiliated members with members who represent the public's interests would create a more equitable structure. We also urge going a step further and making space for directly impacted community members harmed by police violence and misconduct to ensure a diversity of viewpoints.

Additionally, requiring an annual report from the Commission that includes information regarding the progress of agencies, oversight boards, and recommendations on updates to the standards would support clarity and consistency to help establish real accountability when Oregon officers engage in misconduct or violence.

SB 808 is an opportunity to improve policing not just for communities, but for police departments who do not want to uphold racism, hate, misconduct, and violence within their ranks.

The ACLU of Oregon urges your support of SB 808.

Thank you,

Jude al-Ghazal Stone

Pronouns: He/Him

Associate

ACLU of Oregon