



League of Women Voters of Portland

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Date: May 3, 2023

To: [Representative Jason Kroph](#), Chair, House Committee on Judiciary

Re: [SB 614](#) - **Relating to law enforcement officer recordings - Oppose**

The League of Women Voters of Portland believes that our democracy is strengthened and sustained by active and informed participation in government. That participation can take many forms from voting, to testifying before a decision-making body, or joining in a demonstration.

We value the protections afforded by Oregon law (ORS 181A.250) to individuals engaging in political and other non-criminal First Amendment activities. The law states the following:

No law enforcement agency, as defined in ORS 181A.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

SB 614 would weaken those protections by changing “collect or maintain” to “collect *and* maintain,” opening the door for law enforcement agencies using body-worn cameras to collect and maintain information on individuals engaged in lawful activities protected by the First Amendment. Furthermore, the following provision allows exceptions well beyond those pertaining to body-worn cameras: (2) The information was collected and maintained for any other lawful purpose, ***including but not limited to***, activities carried out in accordance with [ORS 133.741](#) (Law enforcement agencies policies and procedures regarding audio and video recordings).

Rather than changing ORS 181A.250, the League recommends that you consider amending ORS 133.741 to state that recording an encounter using a body-worn camera shall not be considered a violation of ORS 181A.250. The statute must also require, however, that the content be reviewed promptly and deleted if there is no evidence of criminal behavior.

The freedom to express one’s political views is threatened when people feel they may be under surveillance and their actions are being recorded and stored. These fears are not unfounded as demonstrated by the articles and references copied below.

League of Women Voters of Portland:

To promote political responsibility through informed and active participation in government.

The League encourages you to protect Oregonians' fundamental constitutional rights by opposing this legislation and instead amending ORS 133.741, the body-worn camera policy.

Sincerely,



Debbie Kaye
President



Debbie Aiona
Action Committee chair

News articles

The Secret Watchers

Portland Tribune, Sept. 13, 2002

<https://web.archive.org/web/20050115001522/http://www.portlandtribune.com/archol.d.cgi?id=13722>

Describes Portland Police Bureau's history of collecting files on activists engaged in lawful activities.

A legacy of suspicion:

When the police intelligence unit cast its spy nets, the wider black community got caught

Portland Tribune, Sept. 20, 2002

<https://web.archive.org/web/20050115001623/http://www.portlandtribune.com/archold.cgi?id=13896>

Additional analysis of the impact Portland Police Bureau surveillance had on the Black community.

Revealed: FBI and police monitoring Oregon anti-pipeline activists

The Guardian, August 8, 2019

<https://www.theguardian.com/us-news/2019/aug/08/fbi-oregon-anti-pipeline-jordan-cove-activists>

FBI and law enforcement agencies from around Oregon monitored Jordan Cove activists and circulated intelligence.

Additional References

City of Portland Audit: Police Intelligence-Gathering and Surveillance: Better management needed to protect civil rights

April 6, 2022

<https://www.portland.gov/audit-services/news/2022/4/6/police-intelligence-gathering-and-surveillance-better-management>

Circuit Court Issues Restraining Order on Police Surveillance of Protesters in Response to ACLU Lawsuit

July 30, 2020, ACLU Oregon press release

<https://www.aclu-or.org/en/press-releases/circuit-court-issues-restraining-order-police-surveillance-protesters-response-aclu>

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