

Submitter: Bob Joondeph

On Behalf Of:

Committee: House Committee On Judiciary

Measure, Appointment or Topic: HB4106

My name is Bob Joondeph. I live in Portland and Oceanside, OR. I worked as an attorney at Disability Rights Oregon for over thirty years and am now mostly retired.

Based upon my knowledge and experience, I believe that HB 4106, as written, creates an invitation for unnecessary trauma and physical harm to people with mental and cognitive disabilities and may be legally challenged as being discriminatory under state and federal law.

The behavior of a peace officer should be in response to the actions of the individual they encounter, regardless of the circumstances of the interaction. Peace officers are not trained to make clinical judgments about a person's behavior but may have common prejudices about them. Physical violence, when used against an already powerless and vulnerable individual, can have devastating results for them and create a setback for their treatment. The officer may, in good faith and without malice, decide to err on the side of safety by taking the preventative steps to restrain and force people who they have identified as being unpredictable and potentially harmful.

In addition, HB 4106 allows government agents to treat people differently based upon their legal status which is defined by disability. Once an individual is found eligible for preventive government deprivation of their liberty (not due to alleged criminal behavior) HB 4106 will also deprive them of basic legal protections enjoyed by others. This is pure discrimination based upon disability.

I respectfully urge the committee to reject this undue deprivation of safety and rights of individuals with mental and cognitive disabilities.