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Legislature Passes Sweeping Police Accountability Bills

Package of bills just the first step in a long process of transformation

SALEM, Ore. – A historic package of police accountability measures has cleared the Oregon legislature. The legislation, championed by the Oregon Legislature’s People of Color (POC) Caucus, tackles a variety of issues, from the use of tear gas and chokeholds to transparency in police discipline records.

“Today is a good day for healing, justice and accountability in Oregon,” said Rep. Janelle Bynum (D-Happy Valley), the chair of the House Committee on Judiciary. “These measures will seek to set us on a path to safer and more welcoming communities throughout our state. This work is fundamentally about raising the bar for the law enforcement profession and ending the tolerance for those who bring it dishonor. Know though, these measures represent just a first step in the long road of reforms that our state must tackle.”

“There’s a common narrative that the issues with police are nothing more than the result of ‘a few bad apples,’” said Sen. Lew Frederick (D-Portland). “While the issues are certainly much larger, more complex and more serious than that, we do also need to look at the bigger picture of this sentiment – the environment that allows these apples to remain, move around and spoil the others. That’s why we have to address these issues at their roots. We took important steps on that path today, but this is just the tip of the iceberg. We have much work ahead.”

The measures that passed the legislature today were:

- **Joint Committee on Transparent Policing and Use of Force Reform** – [House Bill 4201A](#) – establishes a committee to examine policies to improve transparency in investigations and police protocols and to examine use of force policies. The committee will make recommendations by December 31, 2020.

- **Outlaw the use of respiratory restricting restraints** – [House Bill 4203A](#) - Declares that a peace officer is not justified or reasonable in any circumstance to use physical force that impedes “the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person” unless it is a circumstance in which an officer may use deadly force as provided by in ORS 161.239. Rules will be adopted prohibiting the training of this force, except as a defensive maneuver.
- **Duty to report and intervene** – [House Bill 4205A](#) - requires police and reserve officers to intervene to prevent or stop another officer from engaging in an act they know, or should reasonably know is misconduct.
- **Transparency of police discipline records** – [House Bill 4207A](#) - requires the Department of Public Safety Standards and Training (DPSST) to establish a statewide online public database of records for officers whose certification has been revoked or suspended and specifies the information to be provided as well as timeline for posting and requires law enforcement agencies to request and review an applicant’s personnel files from current or prior law enforcement agencies.
- **Protecting freedom of speech and assembly from excessive force** – [HB 4208A](#) – prohibits law enforcement agencies from using tear gas for crowd control, except for circumstances that meet the definition of a riot in ORS 166.015. In the event of a riot, the legislation requires sufficient notification and ability for individuals to evacuate an area before tear gas is deployed.
- **Discipline guidelines and arbitration decisions** – [SB 1604](#) – requires an arbitrator to uphold a discipline decision should they agree that misconduct occurred, as long as the discipline lines up with the discipline guide. The disciplinary guide or matrix would be a mandatory subject of collective bargaining.

“Today we proclaimed that Black Lives Matter,” said Sen. James Manning (D-Eugene). “We shared the current and historic experiences of Black and Brown people in nation and across Oregon. I am former law enforcement and I know what we are doing today is the beginning of ongoing work and lasting change. I am proud of what we accomplished.”

“For the people marching on the streets today, for everyone who wants to feel safe in their own communities from police harassment, for the future generations who deserve to live in a better World, today is an historic day,” said Rep. Akasha Lawrence Spence (D-Portland). “We know that even amidst our celebration of what the POC caucus and our legislature has been able to accomplish that there is so much more work ahead of us.”

All of measures now go to Gov. Kate Brown for her consideration.

The members of the Legislature’s POC Caucus are Rep. Teresa Alonso Leon (D-Woodburn), Rep. Janelle Bynum (D-Happy Valley), Rep. Diego Hernandez (D-Portland), Rep. Akasha Lawrence Spence (D-Portland), Rep. Mark Meek (D-Oregon City), Rep. Andrea Salinas (D-Lake Oswego), Rep. Tawna Sanchez (D-Portland), Sen. Lew Frederick (D-Portland) and Sen. James Manning (D-Eugene).

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