



STATEMENT REQUESTING AMENDMENTS: HB 2932 **(CREATING A USE/THREAT OF FORCE DATABASE)**

To: House Committee on Judiciary
From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs
Date: January 23, 2021

Chair Bynum and Members of the Committee:

For the record, my name is Michael Selvaggio, representing the Oregon Coalition of Police and Sheriffs (ORCOPS). ORCOPS is asking you to amend HB 2932 in order to add precision and context to the data being requested, protect officers and their families, and to hopefully better enumerate the purpose of the legislation.

First, we are not clear as to what objective the proposed database is serving. Since the database is intended not only to chronicle threats or uses of force that are alleged to constitute misconduct, but all such actions -- even when unquestionably within policy -- it is unclear to us why the Committee would feel the need to individualize this data, contrary to the recent model used in the "stop data" project. Many officers will naturally be using a "threat of force" via implication in order to compel adherence to certain lawful orders. In many cases the threat of force is a part of a successful de-escalation strategy. The idea of noting that a particular officer "threatens to use physical force" in a scenario or even has such a pattern of activity, may be indicative of many things unrelated to the disposition of that particular officer. ORCOPS would ask that only sustained complaints of misconduct are individualized in such a database.

Frankly, the list of information to be collected about these incidents seems to be focused very much on vilifying the officer in question without providing adequate context about the subject (we hope unintentionally). For example, specifically collecting information as to whether an officer used their weapon, while ignoring whether the subject of the threat or use of force was armed. In order to provide data that will contribute to a meaningful inquiry of police practices, ORCOPS would suggest adding the following context to the data being collected in Section 1:

- What brought the officer to the situation? (I.e: Was it a third-party 911 call or self-initiated officer action?) (*More specific than in clause (o).*)

- Had the subject committed a crime or allegedly committed a crime? If so, what kind of crime? Was the subject indicted, and if so what was the outcome?
- Was the subject armed? With what kind of weapon? Has the subject used the weapon?
- What is the subject's criminal record?
- Whether other individuals were at risk, or whether there were multiple subjects who posed a risk.
- The nature of any previous experience the officer had with the subject.
- Staffing levels at the agency employing the officer. Did the officer have additional units available?
- Can the officer safely de-escalate the encounter? Was the threat of force an element of a successful de-escalation?
- Quality of the dispatch information.

Second, we are not clear as to what objective the publicly-searchable nature of the proposed database is serving. As noted, the data collected will certainly include a huge array of threats and even uses of force that are a normal part of policy-compliant police work.

For example, if this measure and HB 2931 (mandating medical exams of arrestees) were to both pass, an officer who had an arrestee in custody who refused a medical exam would almost necessarily be using a “threat” of physical force (physically moving the person) to ensure compliance with HB 2931. In that instance, the officer would appear in the database as having threatened or used force on an individual in custody who posed no threat.

Out of context, that seems unnecessarily inflammatory. With protestors carrying anti-police signs with images of guns that read “we want revenge” and marking police union buildings with phrases like “cops need to die” and “kill kops all day long,” this Committee should be aware that a poorly-thought out policy that links officers by name to out-of-context use of force incidents may very well physically endanger officers and their families.

(Lest the Committee think we are being imaginative, just last year an individual undergoing a mental health crisis attempted to murder a law enforcement officer at his home with his family, knowing of the officer and his address in advance.)

Whether the objective is in gathering information or in assisting the Criminal Justice Commission or a public employer in identifying patterns in particular officers' behavior, this element seems superfluous.

ORCOPS is happy to work with the Committee, the Criminal Justice Commission, and other stakeholders to craft a data collection schema that will provide statistically sound and useful, meaningful information to the public and to lawmakers interested in addressing use of force policies. This bill isn't it.