

# Bill could change when police can pull you over

Virginia Barreda

Salem Statesman Journal | USA TODAY NETWORK

Oregon legislators are considering a bill that would require a law enforcement officer to tell a driver they can refuse a search during a traffic stop and would prohibit them from pulling someone over based solely on a minor infraction such as a broken taillight.

Senate Bill 1510 takes portions of House Bill 2002, which died in the 2021 legislative session, and makes reforms to how drivers interact with law enforcement, as well as to parole and probation conditions.

If it becomes law, the bill would no longer allow officers to pull drivers over because of one broken headlight, tail brake light or license plate light. Officers would still be able to ticket drivers for those equipment violations if the stop was initially made for another unsafe driving violation.

Additionally, officers would have to ask for consent to search a vehicle and get that consent in writing or audio or video recording.

Advocacy groups such as Transforming Justice Coalition and Next Up Action Fund say unnecessary interactions with police, such as stops for minor traffic violations, disproportionately affect persons of color. The goal is to reduce interactions that could escalate to violence.

A New York Times investigation from 2021 determined police over the prior five years had killed more than 400 drivers or passengers nationwide who were not wielding a gun or a

knife, or under pursuit for a violent crime.

But some law enforcement officials and district attorneys argue the proposed Oregon law will make roads less safe.

Advocate and member of the Transforming Justice Coalition Babak Zolfaghari-Azar said many Oregonians, especially Black, Indigenous, Latino and other persons of color feel unsafe, in part due to “unnecessary” interactions with police.

## Fears surrounding stops

During an informational hearing on the bill last week, Zolfaghari-Azar said he’s been stopped by police more than 15 times throughout his life.

His first time was at 17 when he was taken to Washington County jail on suspicion of furnishing alcohol to minors, which was later dropped to a traffic violation and fine in court.

In his early 20s, he was placed in handcuffs and his car was “illegally searched” after he said police lied about him running a red light.

“There were no public safety threats in any of these stops, Zolfaghari-Azar said. “Multiple times, police said in court — and of course a judge took their word over mine — that I didn’t signal before turning or didn’t stop all the way at a red light before turning, using that lie as an excuse to violate my freedom, ask me questions unrelated to the stop, and leave me with experiences that have shaped my life.”

Kate Suisman, a coalitions manager and attorney with Northwest Workers’

Justice Project, an organization that provides legal representation to low-wage workers, said many of the organization’s immigrant clients constantly deal with racism and fear of deportation, and some have been deported for non-violent offenses without opportunity for diversion.

Suisman said the organization supports the bill because it would reduce the chances of interactions between police and individuals like their clients for non-violent offenses.

“We have seen the traumatic effects of deportation too many times,” she wrote in a testimony presented in support of the bill.

## Concerns about impact on safety

Yamhill County Sheriff Tim Svenson, who spoke on behalf of the Oregon State Police Officers Association and Oregon Association of Chiefs of Police, said prohibiting officers from making traffic stops for defective headlights and taillights would still create a safety hazard for motorists.

The impacts on visibility are exacerbated on unlit rural highways, Oregon State Police Officers Association president Joshua Wetzel added.

“One headlight not working could be likened to covering one eye 55 miles per hour or faster. Add in weather factors such as fog, rain or snow and this makes for a dangerous situation,” Wetzel said.

In written testimony, leaders from the Oregon District Attorneys Association said the bill would exacerbate uncertainty in Oregon over the search and seizure law, which has already been in flux over the past few years.

Oregon Supreme Court and Oregon Court of Appeals decisions have impacted the ability of officers to interact with people during stops, conduct inventories, and largely eliminated the mobile vehicle exception to the warrant requirement, the statement said.

“Introducing additional uncertainty into the consent analysis could lead to the suppression of otherwise lawfully obtained evidence,” the statement said.

## Bill details

Here are other changes proposed in the bill:

- Changes to parole and probation conditions, such as aligning supervision conditions with state, not federal, drug laws.

- Requires parole and probation officers to get additional training for certification and continuing education, such as trauma-informed care, culturally-specific services and de-escalation tactics.

- Directs the Department of Corrections to adopt rules concerning supervision reporting standards, such as when an officer can visit a person at their workplace.

- Appropriates money from general fund to Oregon Criminal Justice Commission for distribution to Northwest Health Foundation Fund II for Justice reinvestment programs.

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# Fuel tank farm has potential for largest spill in US history

Tracy Loew

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A “ticking time bomb” sits alongside the Willamette River in Portland, state Sen. Michael Dembrow, D-Portland, says.

In the city’s urban core, 630 fuel tanks with a combined capacity of 350 million gallons stretch along six miles of the river, on unstable soil. Most are more than 50 years old, some more than 100.

In the event of a Cascadia subduction zone earthquake, many of those tanks would spill onto the ground, slide into the river or explode.

Scientists say there’s a 37% chance of a magnitude 8 or 9 Cascadia subduction zone earthquake happening in the next 50 years.

The tanks are a disaster waiting to happen, one that would rival Japan’s Fukushima nuclear disaster or the Deepwater Horizon oil spill, multiple

government agencies have warned.

Dembrow hopes to avert that disaster.

He is sponsoring a bill that would require the 10 private companies that own the tanks to submit reports on their seismic vulnerability to the state, and to implement seismic risk implementation plans.

“We know that this facility was built on unstable soil, soil that will liquefy in a major seismic event. We know that such an event would present an immediate danger to the community and first responders who would be called into the area to contain the damages,” Dembrow said.

“We know that millions of gallons of fuel could wind up in the Willamette and then the Columbia rivers. We know that the state will not have the fuel it will need to recover from the catastrophe,” he said.

## Potential for unprecedented

## disaster

The tank farm, called the Critical Energy Infrastructure Hub, stores 90% of Oregon’s gasoline and diesel, and all of the jet fuel used at Portland International Airport.

Most of it was built before scientists realized the Cascadia subduction zone could produce a large earthquake.

Increasingly alarming reports about the hub have been coming out for a decade, but state officials say they have no authority to force private companies to move or strengthen their facilities.

“To be clear: What would start as a potential rupture or collapse and fuel spillage would almost certainly rapidly ignite into a toxic fireball and flame front that would eviscerate anything and everyone in its path,” said Rep. Dacia Grayber, D-Tigard, a firefighter who also is sponsoring the bill.

“The fuel-pushed fire would then be

blanketed in heavy, carcinogen-laden smoke that would coat anything downwind. Not only the fuel itself, but the chemicals of combustion would seep into our waters and soils and create contamination that would take decades to address,” Grayber said.

A report estimated the cost of potential fuel releases to be between \$359 million and \$2.6 billion.

The report was prepared for Portland and Multnomah County by ECO-Northwest, Salus Resilience and Enduring Econometrics.

It estimates 150 different types of materials are stored in the tanks.

“An oil spill on the scale of the potential releases at the CEI Hub is unprecedented,” its authors wrote.

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# OT bill

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four minutes the gravity of this problem, but what I would draw your attention to is the 107+ submitted testimonies on the record tonight from people who do this job day in and day out, who can illustrate for you what this work is like and the impacts of our overtime exclusion on farmworkers and their families.”

Several farmworkers spoke about their experience in the industry and plead with lawmakers to support HB 4002.

Miguel Nieves spoke about working on Oregon farms for 33 years without receiving overtime. The most he has received has been a soda, he said.

“We do not have vacations. We do not have benefits. We are just tools for employers,” he said. “They look at us with contempt but because of us there is food for your children on the table. Overtime would help us give our family a better life.”

Angelica Ortiz has worked on farms since 2012. She said farmworkers receive no vacations, no benefits and cannot afford to take days off with the high costs of living in the state. Companies earn a lot of money but pay minimum wage because they view workers as cheap labor, she said.

“They call us essential workers but we have no right to overtime pay,” Ortiz added. “It is unjust that owners do not want to invest in their workers. I urge you to vote to approve overtime for farmworkers.”

Advancing overtime protections to farmworkers would honor humanity and eliminate the gap between the recognition that farmworkers are essential and wages, labor laws and benefit programs, Susannah Morgan, CEO of the Oregon Food Bank said.

“Oregon Food Bank’s mission is to eliminate hunger and its root causes. We believe in an Oregon where everyone is welcome and has the opportunity to thrive,” Morgan said, explaining the organization’s support for HB 4002. “We know that, due to a host of institutional and systemic challenges, immigrant

and refugee Oregonians face disproportionate food insecurity in our communities, double the rate of people born inside the United States.”

## Farmer worries

Dozens of farm owners testified against the bill, warning that passage of the bill without amendments would bring ruin to Oregon’s agricultural industry.

“This is not a threat, this is a reality. A cap will be placed so that farmers can continue to farm and operate,” said an emotional Tiffany Monroe, a fifth-generation farmer who started her own farm in Junction City in 2020.

Passing a bill of this magnitude would devastate smaller farms, many said. Several referred to themselves as “price takers” not “price makers,” unable to set their own prices for their crops. Even if market prices are down for their harvest, their workers and other costs remain the same.

“I will not be able to afford the time and a half for my pickers,” Anne Kraemer-Steinkamp, a sixth-generation farmer in Oregon, said. The added costs would force her farm to switch to more mechanical harvesting rather than handpicking, she warned.

The agricultural business is unique, farmers said. The amendment proposed by Boshart Davis acknowledges that, they said.

“Agriculture is seasonal, and our work schedules are dictated by weather conditions and the tight time frames we work in. As a result, farmworkers rely on working extra hours during these peak seasons to offset when there is not as much work or when the weather makes it impossible to work. Allowing a permanent peak season accommodation gives workers a chance to get the extra wages they need during busy times and gives family farms a chance at survival,” Lesley Tamura, a fourth-generation pear grower from Hood River County, said.

Bobbi Harrold, a dairy farmer from Lane County and vice president of the Oregon Dairy Farmers Association, voiced her opposition to the current form of HB 4002.

She is a fourth-generation dairy farmer and her life is dictated by cows, she said.

“Calves aren’t born on a 9-5 schedule and cows only seem to get out when you’re sleeping, at church or at a party,” Harrold said. “Livestock operations don’t always follow neat, predictable cycles. Recognizing the unique nature of caring for livestock to include these considerations would go a long way to making this proposal workable for farms like mine.”

Farmers cannot afford a year-round 40-hour overtime threshold and being unable to absorb the cost of overtime wages, owners will be forced to cut work hours, mechanize or switch to less labor-intensive crops, they said.

## Next steps

Dozens of others were unable to testify during the public hearing. Hundreds of people have submitted written testimony.

Pressure is on for lawmakers to reach a consensus as a lawsuit filed by two Oregon farmworkers and the Mano a Mano Family Center against the Bureau of Labor and Industry alleging the state is currently illegally preventing farmworkers from getting overtime is likely to move forward.

“Rule-making should start potentially even before the end of this month,” said Holvey on Tuesday. “That’s a serious proposition and one that has great risks, I believe, for both sides.”

BOLI commissioner Val Hoyle has the authority to move to a 40-hour threshold after rulemaking but does not have the authority or ability to offer any kind of wage support during a transition, said Rep. Andrea Salinas, D-Lake Oswego.

HB 4002 provides the “certainty” of a timeframe and some supports that would help ease the burden, Salinas added.

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# Wildfire

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sues,” Corrah said. “Our best advice to survivors, if they were exposed to wildfire smoke and believe they have a medical issue from it, please contact your doctor for advice.”

Corrah said FEMA requires medical bills and receipts, information about health insurance or an affidavit stating they have no insurance, a physician statement concerning the medical issue, a treatment plan and a statement that the condition was wildfire-related.

For more information, contact FEMA at 1-800-621-3362.

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Niagara County Park was heavily impacted by the Labor Day wildfires. The previously forested park saw every tree killed by the flames. It will take years to reopen it. ZACH URNESS / STATESMAN JOURNAL



Clean up crews with the EPA check homes affected by the wildfires for hazardous materials on Tuesday, Oct. 27, 2020 in Gates, Oregon. ABIGAIL DOLLINS / STATESMAN JOURNAL