

# Lawmakers act on police reform, unemployment

By DIRK VANDERHART  
and LAUREN DAKE  
Oregon Public Broadcasting



Brian Hayes/Statesman Journal  
State Sen. Betsy Johnson, D-Scappoose, listens during the second special session of the Oregon Legislature at the Oregon State Capitol in Salem on Monday.

ing to state policies that allow people in many counties to patronize restaurants or bars. “There’s no reason why we can’t have the public in these meetings.”

Lawmakers managed to largely preserve recent investments made to the state’s public school system. By tapping into a \$400 million state education reserve fund, they managed to keep a \$9 billion fund for schools intact.

Lawmakers also held off closing two state prisons, which at one point was discussed.

And although many agreed the budget managed to stave off draconian cuts, some felt it hit certain programs too hard. Sen. Mark Hass, D-Beaverton, voted against the budget because he felt it disproportionately harmed a fund that helps Oregon high school graduates pay for community college.

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State Sen. Betsy Johnson, D-Scappoose

Non-budget bills put forward by Democrats created more opportunity for controversy. Though most legislative leaders — including Courtney — insisted last week the session should not include unrelated policy bills, negotiations over the week-end resulted in five notable proposals being brought forward.

Three of the bills aimed to help unemployed workers, many of whom have seen their weekly benefit checks delayed for weeks or months. Just two of the proposals wound up passing.

The first bill, SB 1701, will allow unemployed workers to make up to \$300 a week and still qualify for full unemployment benefits.

That proposal, suggested by Labor Commissioner Val Hoyle, more than doubles the amount part-time workers can earn without losing benefits. It had strong backing from the state’s restaurant and hotel owners, who say they’re not able to offer workers full hours, and worry too-little pay will prevent employees from returning.

The concept saw broad

support from lawmakers in a legislative committee Monday, but many became concerned by an estimate that the change could take nearly 300 hours to program into the state’s inflexible and problem-plagued computer system.

David Gerstenfeld, acting director of the Oregon Employment Department, told lawmakers that change could detract from other priorities, as the agency scrambles to modify its computer program. Gerstenfeld added that the agency would prioritize any other coding projects that would result in a greater number of people receiving benefits. As a result, he could not say when the change might be complete.

“We certainly feel the pressure and are doing everything we can to get everything implemented,” Gerstenfeld said.

Johnson, D-Scappoose, who said she understood the logic of the bill, but worried it would create negative perceptions.

“I still cannot get past the notion that this creates an added benefit for a certain class and gets them passed through faster,” Johnson said.

Johnson joined the two Republican senators on the committee in opposing the bill. That meant a majority of senators on the committee were against the measure, dooming its chance of advancing.

Lawmakers found far more common ground in a bill that limits the use of force by police.

That bill, House Bill 4301, was the product of weeks of work by a legislative committee convened in late June. The bill further tightens the rules around chokeholds set during a special session in June. Under the new bill, police are prohibited from using the holds except for instances when they are trying to defend themselves or another person.

The bill also folded in new rules for when police can use physical force — which under Oregon law includes the use of pepper spray or a stun gun — or deadly physical force. In order to deploy deadly physical force under the new rules, police must believe a person “poses an imminent threat of death or serious physical injury” and that such force is necessary to make an arrest, prevent escape, or to defend the officer or another person. The bill similarly limits when an officer may use physical force to situations where they believe an injury is imminent, or to make an arrest or prevent escape.

In any case of using force, police would be required to consider alternatives and give a warning if they have “a reasonable opportunity to do so.”

The bill had support from sheriffs, police chiefs, and the Oregon State Police. But it drew criticism from some Republicans, who depicted it as a rushed fix of a chokehold policy lawmakers passed in June. Girod provoked a passionate response in the Senate when he announced that

he was voting against the bill “to fire a shot across the bow that, for now, this is enough” bills on policing.

Sens. Lew Frederick, D-Portland, and James Manning Jr., D-Eugene, who are both Black, replied that it would not be the last bill the Legislature takes up in the coming months.

“I hear people saying, ‘Too much, enough,’” Manning said. “People like me have been saying ‘too much, enough’ for years. Some people don’t have the ability to say, ‘Too much, enough.’”

Lawmakers also made several notable changes to the Legislature’s rules for dealing with harassment. As Oregon Public Broadcasting has reported, the current rules contain holes that give harassment victims little say in whether their experiences are dredged up in a public hearing.

Among a long list of changes, lawmakers decided to give such “impacted parties” a say in whether their cases move forward to a public hearing, or are resolved

another way. The bill also ensures lawmakers and other officials are not required to self-report allegations against them — a provision that appears tied to a case in which state Sen. Sara Gelsler, D-Corvallis, said she was forced to report complaints about her from a staffer.

“This is what we’ve determined ... is a very large void that we need to start opening up to further discussions, to put a foundation in place,” Sen. Floyd Prozanski, D-Eugene, said of the resolution. “That’s what this would do.”

But the proposal drew concerns from lawmakers on both sides of the aisle who said people accused of wrongdoing are not adequately protected under Capitol policies.

“I’m still very uncomfortable with a process that, while well-intentioned, still can amount to a public lynching,” said Rep. Janelle Bynum. D-Clackamas. “I remain unsatisfied with the protections afforded to someone who is accused of something pretty serious.”

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