


THE 2021 STATE OF OREGON LEGISLATIVE SESSION

The ACLU of Oregon is striving to center our work on the individuals and communities in Oregon who are the most marginalized and impacted by the systemic inequities of racism, xenophobia, misogyny, ableism, transphobia, homophobia, socioeconomic injustice, and other types of oppression.

We believe that each and every person has inherent dignity and value and that no person is disposable.

We seek to create real – not performative – public and community safety, wellness, and care through democratic values and processes that recognize, value, and are rooted in our fundamental civil liberties and civil rights.

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EXECUTIVE SUMMARY



Since the legislative session closed at the end of June 2021, the ACLU of Oregon¹ has taken time to reflect on this session. During this time, we have been asked how we are feeling about the legislative session, as well as how our partner organizations, allies, and communities are feeling. Our response: Our feelings about the legislative session are nuanced and mixed.

There were tremendous challenges as Oregon started the 2021 legislative session in January. With approximately 400,000 deaths in the U.S. as of January 2021, the COVID-19 pandemic was continuing to create devastation across our state and country, with no clear end in sight as vaccines had not yet been widely distributed. The COVID-19 pandemic had also laid bare the stark inequities of racism; with COVID-19, Black and Indigenous people died at about 1.4 times the rate of White people, and Hispanic/Latino and Native Hawaiian and Pacific Islander people died at about 1.2 times the rate of White people. Incarcerated individuals were another group of people who were particularly vulnerable to sickness and death from COVID-19; as of June 2021, 2,715 incarcerated people had died across the United States and 42 incarcerated people had died in Oregon.

As well, our hearts were raw from bearing witness to the unrelenting murders of Black and Brown people by police officers. In May 2020, a police officer murdered George Floyd by pushing his knee into George Floyd's neck for 8 minutes and 46 seconds. This cruelty broke us and millions of people protested in the streets, but our protests did not stop more Black and Brown people from being murdered by the police. Indeed, the Portland Police Bureau, as well as federal agents sent to Portland by the Trump administration, seemed determined to prove the point of protesters by engaging in unnecessary violence toward protesters and poisoning our streets and communities with CS gas and other forms of tear gas.

As the Oregon legislative session started on January 21, 2021, the safety of our legislative spaces was a significant area of concern for reasons other than just COVID-19. Two weeks before the start of the Oregon session, hundreds of supporters of Donald Trump breached police barriers set up around the U.S. Capitol building. The mob assaulted Capitol Police officers and reporters, erected a mock gallows on the Capitol grounds, and attempted to locate lawmakers to capture and harm. They forced their way into the Capitol to disrupt the joint session of Congress assembled to count electoral votes to formalize President-elect Joe Biden's victory. Inside the Capitol, they vandalized and looted offices and other spaces in the Capitol. During this insurrection, five people died, many people and officers were physically injured, and the safety of legislators, their staff, and

other Capitol Hill employees was placed at unconscionable risk.

There were significant concerns about safety at the Oregon State Capitol too. A couple of weeks before the insurrection at the U.S. Capitol, a mob tried to storm their way into the Oregon Capitol building while legislators met for a special session on December 21, 2020. The Capitol's locked doors kept the mob at bay until an Oregon state representative intentionally opened a door and held it open as the mob raced inside, attacking officers, damaging property, and frightening legislators and other people at the Capitol. A video later emerged showing that the house representative who had opened the door had actively plotted the incursion into the Capitol before the event. As well, there were also significant concerns about the safety of women and their right to participate in our democratic processes at the Capitol. During the 2021 legislative session, the Oregon Legislature addressed several situations involving sexual harassment and hostile work environment towards women at the state Capitol.

With the challenges and traumas of 2020 and January 2021 fresh in our minds and hearts, we entered the 2021 Oregon state legislative session with hope that our state's elected leaders would rise to the challenges faced by Oregonians. We had hope that our state's leaders would do the legislative work needed to create an Oregon that truly values the inherent dignity and value of every Oregonian, no matter the color of their skin, where they were born, how much money

¹ In this report, "ACLU of Oregon" refers to the American Civil Liberties Union of Oregon, a 501(c)(4) organization.

they make, what part of town they live in, or what mistakes they may have made in their lives.



This year, many of our state legislators did engage in the work necessary to create a better Oregon — including legislation that funds and operationalizes the treatment of drug addiction as a public health issue rather than a basis for imprisonment, and legislation that further upholds our state’s values as a sanctuary state that supports our immigrant and refugee neighbors. However, in other areas such as racial and criminal justice reform, our state legislators were not able to achieve what our communities asked for, what our communities urgently need.

In summary, although progress was made during the 2021 Oregon legislative session for an Oregon that is more just, fair, and equitable, there is significant unfinished business as well.

Our main purpose in this report is to memorialize the victories achieved during this legislative session and the important unfinished work that remains. As well, we have added contextual information about the impact of the ACLU of Oregon community; reviewed the challenges navigated by the Oregon Legislature during 2021; remembered Mrs. Lawanda Joyce Manning and Oregon House Representative Gary Leif, who passed away; recognized the leadership of Black, Indigenous, and people of color (BIPOC), Black, Indigenous, and women of color (BIWOC), and women legislators during the 2021 session; and expressed gratitude for our coalition partners and allies.

In this report, we document the story of the 2021 legislative session for now and the future because we need to know where we have been and what we have done in order to know what more needs to be accomplished.

THE ACLU OF OREGON'S VALUES

We are striving to center our work on the individuals and communities in Oregon who are the most marginalized and impacted by the systemic inequities of racism, xenophobia, misogyny, ableism, transphobia, homophobia, socioeconomic injustice, and other types of oppression.

These communities include Black, Indigenous, and people of color (BIPOC) communities, immigrants and refugees, people with varying abilities and disabilities, LGBTQ+ communities, and people experiencing poverty and other socioeconomic injustices.

We believe that each and every person has inherent dignity and value and that no person is disposable.

We recognize that people are often disadvantaged by multiple sources of oppression based on their identity markers. We recognize that identity markers do not exist independently of each other and that each informs the others, often creating a complex convergence of oppression.

We seek to create real – not performative – public and community safety, wellness, and care through democratic values and processes that recognize, value, and are rooted in our fundamental civil liberties and civil rights.



THE ACLU OF OREGON'S 2021 POLICY PRIORITIES

The ACLU of Oregon's policy priorities for the 2021 Oregon legislative session were based on the following articulation of policies and values:



HOUSING & HOUSELESSNESS

We believe housing is a human right and that everyone has a right to rest and a right to be free from discrimination.

ECONOMIC JUSTICE

We value people over profit, and public agencies equitably distributing and stewarding public goods and resources.

STRENGTHENING DEMOCRACY & GOVERNMENT ACCOUNTABILITY

We believe in a representative and accessible democracy, leadership by individuals from BIPOC, low-income, and other marginalized communities, and access to voting, assembly, and speech rights, especially for BIPOC, low-income, and other marginalized communities. We believe that the government must be held accountable for its important role in helping to create an Oregon that is more just, fair, and equitable.

HEALTH & WELLNESS

Reproductive justice, inclusive of abortions, is a human right, as is access to full comprehensive healthcare services. We believe no one should be discriminated against when accessing healthcare services – especially BIPOC and low-income mothers, transgender and LGBTQ+ individuals, incarcerated individuals, and survivors of domestic and sexual violence, gun violence, and other forms of violence.

EDUCATION EQUITY & JUSTICE

Access to quality, free, and accessible education, including reproductive health and consent education, is a human right, and everyone has a right to be safe from discrimination and bullying in schools. Staff of BIPOC, low-income, and other marginalized identities, lived experience, and diverse language abilities are valued.

CRIMINAL & RESTORATIVE JUSTICE

Drug use and possession should be decriminalized, and freedom should not be bought. Corruption and white supremacy must be rooted out of law enforcement and all public institutions, and accountability for those in power is essential. Freedom is a human right, and culturally-specific restorative justice is essential.

CONSUMER PRIVACY & CYBERSECURITY

Consumer privacy is valued and protected, internet access is a right, especially for BIPOC, low-income, and other marginalized and vulnerable communities. Technology should be accessible and equitably distributed, and data collection should be transparent.

PUBLIC & COMMUNITY SAFETY

The policing institutions in our country are deeply entrenched in racism and brutality, and we cannot allow it to continue. The inherently systemic issues of racism and brutality require immediate and permanent solutions. This requires a bold reimagining of the role police play in our society. It is time to divest from law enforcement and reinvest in the Black and Brown, low-income, and other marginalized communities they unjustly target. This will be the real pathway to public and community safety for all Oregon communities.



Based on these policy priorities, the ACLU of Oregon supported a diverse slate of legislation. The ACLU of Oregon's most important bills — those where we allocated more of our time and resources — were those that contained policies to address the disproportionate impacts and harms of systemic racism on BIPOC communities:

Treatment of drug addiction as a public health issue through effective implementation and funding of Measure 110.

Supporting immigrant and refugee communities through the Sanctuary Promise Act.

An array of important legislation related to racial and criminal justice.

An array of important legislation related to government/police accountability.

Our participation in the legislative session included a variety of approaches. On many of the bills, we acted in coalition with or supported partner and ally individuals, communities, and organizations. On other bills, we engaged as advocates or provided technical assistance.

The ACLU of Oregon is grateful for Andrea Valderrama's leadership as our Policy Director in shaping a strong justice and equity agenda for our participation in the 2021 legislative session. Andrea led the effort to shape our policy values and priorities for 2021 by engaging with organizations, individuals, and leaders in the communities we support. In early April of this year, after the state's legislative session was well underway, Andrea was appointed by the Multnomah County Commissioners to fill the vacant District 47 seat for Oregon State House Representative. The ACLU of Oregon is a nonprofit nonpartisan organization that does not support or endorse candidates for office, and our organization was not involved in the Multnomah County Commissioners' appointment of Andrea to the District 47 seat. Upon appointment, Andrea took a leave of absence from her position with the ACLU of Oregon to represent House District 47, and now that the state's legislative session has ended, Andrea has returned to the ACLU of Oregon in a new position as the Director of Strategic Planning and Initiatives for our organization.

THE IMPACT OF THE ACLU OF OREGON COMMUNITY



The more than 28,000 members of the ACLU of Oregon community engaged in our state's democratic processes during the 2021 legislative session and advocated for more robust civil liberties and civil rights for all Oregonians. During a two-day virtual lobby days event, community members learned more about the legislative process, heard from community partners about our priority bills, and took direct action to fight for critical civil liberties and civil rights issues, including racial justice and immigrants' rights.

Here is a snapshot of the ACLU of Oregon's people power during this session that contributed to our coalition wins:

1,700+

action alert
emails sent to
legislators

130

lobby days
participants

17

legislator
meetings
scheduled at
lobby days event

75

participants met
with legislators
at lobby days
event

We also hosted two budget trainings during which we provided information to community members about Oregon's state budget process. The budget training proved timely and strategic given the state's revenue forecast and the need to organize and implement budget campaigns to ensure that policy priorities that support greater justice are supported by funding that is critical to their implementation.

THE CHALLENGES OF THE 2021 LEGISLATIVE SESSION

Many of the challenges faced by the Oregon Legislature during the 2021 legislative session involved the safety of democratic participation at the Capitol which is a fundamental civil liberties issue.

These challenges included the threats of COVID-19, sexual harassment and hostile work environment in Capitol work spaces, and breaches of State Capitol safety protocols by a state representative who opened a locked door to far-right groups who were agitating to get inside the Capitol even though the Capitol's doors were locked for safety reasons.

In our view, Oregon state leaders took reasonable measures to try to keep the State Capitol safe for elected and non-elected leaders and their staff, other Capitol employees, and the public. It is also our view that the State Legislature took steps to create appropriate accountability when its own members engaged in conduct that was inconsistent with the State Legislature's rules and expectations about sexual harassment, hostile work environment,

and breaches of safety protocols. We thank Oregon state leaders for supporting the safety of democratic participation at the Capitol for all people, including women.

As well, we call upon our state leaders to recognize that there is more work to be done. In mid-June 2021, the individual hired to be the state's Legislative Equity Officer resigned after only two months in the position, expressing concerns about inadequate institutionalization of structure and resources. We acknowledge that the departure of the Legislative Equity Officer may involve more factors than that individual's concerns about institutional structure and resources. Nevertheless, we ask that the Legislature continue prioritizing the values of diversity, equity, inclusion, and belonging at the Capitol, and engage in the actions needed to identify and implement the structure and resources needed for the long term and systematic success of the Legislative Equity Office.

REMEMBERING MRS. LAWANDA JOYCE MANNING



Near the end of the 2021 legislative session, Oregon lost a leader — Mrs. Lawanda Joyce Manning. Miss Lawanda, as she was affectionately known, was a legislative staff member and wife of Senate President Pro Tempore James Manning, Jr. Miss Lawanda was a beloved force at the Capitol, serving as a role model and support for countless legislators, legislative staff, and other members of the Capitol community, especially BIPOC community members. We express our deep condolences to Senator Manning and his family, and we express gratitude to Miss Lawanda for the leadership and light she brought to our communities.

REMEMBERING OREGON STATE REPRESENTATIVE GARY LEIF



Oregon State Representative Gary Leif, who represented House District 2 (a district that comprises sections of Douglas, Jackson, and Josephine counties), passed away shortly after the end of the 2021 legislative session. Community and elected leaders remembered Representative Leif as a person who loved Douglas County. We express our condolences to Representative Leif's family and community.

RECOGNIZING THE LEADERSHIP OF BIPOC, BIWOC, AND WOMEN LEGISLATORS

There were a [record number of legislators of color](#) in the 2021 Oregon Legislature. As well, with the appointment of Andrea Valderrama as State Representative for Oregon House District 47 in April, [women legislators held the majority of seats](#) in the Oregon House of Representatives for the first time.

We recognize and express our gratitude to the Black, Indigenous, people of color, women of color, and women leaders who laid the groundwork for transforming Oregon into a state of more justice. BIPOC leadership included members of the newly-established [BIPOC Caucus](#) and members of the [Governor's Racial Justice Council](#). These [leaders advocated for a wide array of bills](#) that aimed to level the playing field for communities of color and low-income Oregonians who have been the hardest hit by the health and economic impacts created by the COVID-19 pandemic.



GRATITUDE FOR OUR COALITION PARTNERS AND ALLIES

The work of justice cannot be accomplished by any one individual or organization, and we are grateful for our many coalition partners and allies who fight every day for a better, more just, and more caring Oregon.

In particular, we recognize and express much gratitude to the following coalition partners and allies of the 2021 legislative session:

Our coalition partners and allies who continued the important work of funding and implementing Measure 110.

Our coalition partners and allies who worked on immigrant and refugee rights, got the Sanctuary Promise Act passed as law, and helped establish a state-wide Office of Immigrant and Refugee Advancement.

Our racial and criminal justice coalition partners and allies who advocated for greater justice in Oregon with a focus on the Oregon communities disproportionately impacted by systemic racism.

We have deep gratitude for all of our community members, partners, and allies who worked hard — with fierce commitment to the values of care and community — to demand bold action from our state's elected leaders.

VICTORIES!

We have compiled a list of bills that were passed by the Oregon Legislature during the 2021 session. This list highlights successful bills from the 2021 session that contain policies consistent with the ACLU of Oregon's values. Many of these bills were championed by members of the State Legislature's BIPOC Caucus and were priorities of many of our coalition partners and allies:

Legislation aligned with our policy priorities of Strengthening Democracy & Government Accountability, Criminal & Restorative Justice, and Public & Community Safety

SB 755 | FUNDING AND IMPLEMENTATION OF BALLOT MEASURE 110, THE DRUG ADDICTION AND RECOVERY ACT

Oregonians understand that true public safety is created when we center people and communities and treat drug addiction, which disproportionately impacts BIPOC and low-income communities, as a public health issue. Ballot Measure 110 was passed in November 2020 by the majority of Oregon voters, and during this legislative session, we secured the necessary funding to implement it. In addition, SB 755 added oversight and transparency requirements for organizations receiving state funding to provide addiction treatment and recovery services. The ACLU of Oregon's testimony and other documents in support of this bill are [here](#) and [here](#).



HB 3265 | SANCTUARY PROMISE ACT

The Sanctuary Promise Act reaffirmed Oregon's values of recognizing and embracing the inherent dignity of every person, no matter where they were born, the color of their skin, or how they joined our communities. The passage of the bill supported immigrant and refugee Oregonians and made our communities safer by (1) disentangling local governments, local law enforcement, and other local resources from federal immigration enforcement; (2) prohibiting the use of local public facilities and for-profit prisons for immigration detention; and (3) allowing community members to seek accountability in court when Oregon's sanctuary law is violated. The ACLU of Oregon's testimony and other documents in support of this bill are [here](#), [here](#), and [here](#).

SB 778 | OFFICE OF IMMIGRANT AND REFUGEE ADVANCEMENT

Immigrants and refugees are a vital part of Oregon's families and communities. They are our family members, friends, coworkers, and neighbors, as well as taxpayers, consumers, and entrepreneurs. Immigrants and refugee communities face a range of challenges, including exploitative workplace conditions, higher rates of income inequality and poverty, disparities in health and educational outcomes, family separation and youth criminalization, and hate crimes. To support the immigrant and refugee community, this bill creates a coordinated, data-based approach through the establishment of a statewide Office of Immigrant and Refugee Advancement. The ACLU of Oregon's testimony in support of this bill is [here](#).

SB 621 | AFFIRMING VOTER-ESTABLISHED COMMUNITY OVERSIGHT BOARDS TO OVERSEE POLICE DISCIPLINARY PROCESSES

In November 2020, more than 81% of Portland voters passed Ballot Measure 26-217, which established a community oversight board to oversee disciplinary processes involving Portland Police Bureau officers. The union representing Portland police officers responded by immediately mounting a legal challenge to the community oversight board, taking the position that the union had not agreed to such provisions during collective bargaining processes. With the passage of SB 621, state legislators made clear that it is important to recognize the will of voters who support accountability processes for police officers. The bill established that community oversight boards like the one established by Portland City voters remain valid even if not subjected to collective bargaining processes. The ACLU of Oregon's testimony in support of this bill are [here](#) and [here](#).

HB 3164 | CLARIFYING THE NARROW SCOPE OF CONDUCT THAT CONSTITUTES UNLAWFUL INTERFERENCE WITH A POLICE OFFICER

The crime of interfering with a police officer has been significantly and disproportionately used to arrest Black and houseless Oregonians. It is also one of the most frequent charges used to arrest peaceful protesters. This criminalization has occurred despite the Oregon Supreme Court and other laws in Oregon expressly protecting passive resistance from criminalization. This bill removed the failure-to-obey theory as a basis for arresting Oregonians, clarified the narrow scope of conduct that constitutes unlawful interference with a police officer, and made clear that people — including protesters, Black and other BIPOC people, and houseless people — are not legally obligated to do anything and everything a police officer commands. The ACLU of Oregon's testimony in support of this bill are [here](#) and [here](#).



HB 3059 | CLARIFYING THAT OFFICERS SHOULD ARREST PEOPLE FOR CRIMINAL BEHAVIOR AND NOT FOR CONTINUED PRESENCE AFTER THE DECLARATION OF A RIOT OR UNLAWFUL ASSEMBLY

Prior to the legal changes made by this bill, Oregon law required police officers to arrest any person who continued to be present after the declaration of a riot or unlawful assembly. This was required by Oregon law even if the people remaining present were not committing a crime and even though it is plainly unconstitutional to arrest people simply for being present, without probable cause that they committed a crime. This bill removed this requirement of arrest under Oregon law and makes clear that officers should only arrest people for criminal conduct. The ACLU of Oregon's testimony and other documents in support of this bill are [here](#), [here](#), [here](#), and [here](#).

HB 2928 | LIMITING THE USE OF CROWD CONTROL WEAPONS AND INSTITUTING PROTECTIONS FOR PROTEST MEDICS

This bill tightens certain restrictions on police use of tear gas and also limits the ways in which police can use impact munitions in crowd control situations. With the passage of this bill, tear gas cannot be used unless a riot is occurring — not merely declared — and the officer using the tear gas must reasonably believe that its use is necessary to stop the riot. Also, impact munitions cannot be used to intentionally target a person's head, and sound devices can only be used to make announcements, which must be provided visually and audibly whenever possible. Additionally, the bill imposes on officers an affirmative duty to attempt to obtain medical help for persons they injure and to refrain from interfering with those trying to provide emergency medical services. The bill also requires accommodations for people with disabilities when officers are dispersing crowds. As well, the bill expressly prohibits law enforcement from cooperating with other agencies to serve as proxies to circumvent these and other duties. The ACLU of Oregon's testimony in support of this bill is [here](#).

HB 3355 | REQUIRING POLICE OFFICERS TO BE IDENTIFIABLE AND NOT ANONYMOUS

With this bill, state legislators recognized that anonymous police have no place in a democracy. This bill requires police officers engaging in crowd control measures to be individually identifiable — by first initial and last name or a unique identifier — from both the front and back. Uniforms must also identify the agency for which the officer works. Law enforcement agencies are also required to adopt policies that expressly prohibit its officers from obscuring the identifiers on their uniforms. The ACLU of Oregon's testimony in support of this bill are [here](#) and [here](#).

HB 2929 AND HB 3145A | CREATING ADDITIONAL STATE-LEVEL REPORTING REQUIREMENTS FOR POLICE OFFICER MISCONDUCT

Police officer misconduct is a serious problem of racial, social, and criminal justice. Although much more needs to be done (including the need to create transparency with information regarding misconduct and violence complaints and investigations about police officers), these bills start the work of creating more transparency about situations of police officer misconduct by creating reporting processes and requirements that are managed with greater oversight by the state's Department of Public Safety Standards and Training. The ACLU of Oregon's testimony in support of these bills are [here](#) and [here](#).

SB 819 | CREATING GREATER CONVICTION INTEGRITY IN OREGON'S CRIMINAL JUSTICE SYSTEM

This law allows district attorneys and people who are incarcerated the ability to jointly petition a sentencing court to have the person's conviction and sentence reconsidered. By allowing for more nuance and responsiveness in the criminal justice processes, this law provides the criminal justice system the ability to correct mistakes that can occur with convictions or sentences, address situations when the original conviction or sentence no longer serves justice, and provide for mercy when mercy is justice. The ACLU of Oregon's testimony in support of this bill is [here](#).

SB 397 | REMOVING UNFAIR BARRIERS IN OREGON'S EXPUNGEMENT PROCESSES

Criminal records make it much more difficult for a person to rent an apartment, get employed, support their families, and go back to school. Oregon already has laws that help people remove barriers to rebuilding their lives by giving them the opportunity to request expungement of certain criminal convictions from their records. However, many Oregonians have difficulty navigating expungement processes available to them because of unfair administrative barriers. SB 397 removes these administrative barriers and streamlines expungement procedures, while maintaining safeguards for public safety. Legislators also allocated monies to modernize recordkeeping of criminal records to further streamline expungement processes, a measure the ACLU of Oregon specifically advocated for. The ACLU of Oregon's testimony and other documents in support of this bill are [here](#), [here](#), and [here](#).

SB 817 | ELIMINATING DEBILITATING FINES AND FEES FROM THE JUVENILE JUSTICE SYSTEM

Current law allows the juvenile justice system to impose administrative fines and fees on kids in the system and their families. Debt from these fees can be debilitating for already vulnerable families, a disproportionate number of whom are families of color. SB 817 eliminates these fees and fines, and puts Oregon amongst a growing number of states that have abolished these archaic practices that extract financial resources from the families who most need them.

SB 48 | REDUCING RELIANCE ON WEALTH-BASED DETENTION

One of our basic rights under the American criminal justice system is that everyone is presumed innocent until proven guilty. However, in reality, about 450,000 people sit in American jails every day, not because they have been proven guilty but because they do not have the financial resources to post cash bail. SB 48 eliminates the requirement that Oregonians accused of crimes post security for bail prior to release except in certain circumstances, particularly circumstances involving risk to public and community safety. Although there is more work to do, the passage of this bill was a start to ending the unfair and inequitable system of wealth-based detention in Oregon. The ACLU of Oregon's testimony in support of this bill are [here](#) and [here](#).





Legislation aligned with our policy priorities of Health & Wellness, Education Equity & Justice, and Economic Justice

HB 2362 | THE EQUAL ACCESS TO CARE ACT




Mergers, acquisitions, and other big business deals amongst healthcare organizations can limit access to essential healthcare services, including reproductive and end-of-life care, for Oregon communities. This bill gives the state — through the Oregon Health Authority — the authority to review these types of changes, assess impacts on Oregon communities, and approve or deny such changes as needed to support Oregon communities. The ACLU of Oregon's testimony in support of this bill are [here](#) and [here](#).

SB 567 | PROHIBITING DISCRIMINATION IN HEALTHCARE



All Oregonians should be able to access healthcare services and support without experiencing discrimination. Unfortunately, this has not been true, especially during the COVID-19 pandemic. With the passage of SB 567, state legislators reaffirmed our state's values of diversity, equity, inclusion, and belonging by prohibiting healthcare providers from denying, limiting, or restricting a medical service based on a patient's race, color, national origin, sex, sexual orientation, gender identity, age, or disability. The ACLU of Oregon's testimony in support of this bill is [here](#).



HB 2697 | PROHIBITING HATE SYMBOLS AT SCHOOLS AND REQUIRING SCHOOL OFFICIALS TO INVESTIGATE BIAS INCIDENTS

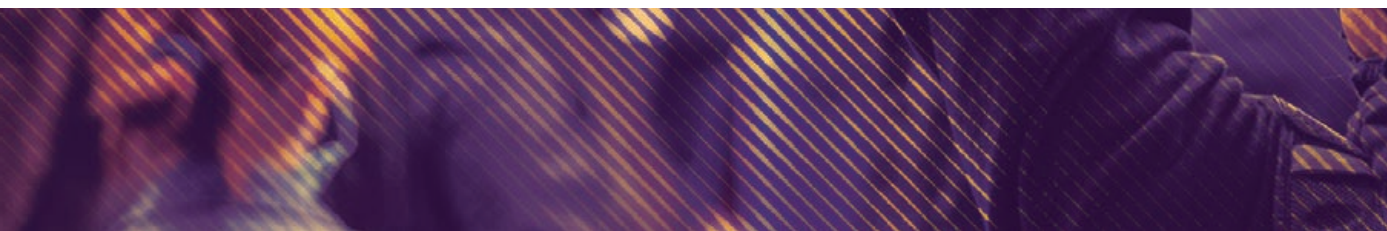
Schools should be safe for Oregonians of all backgrounds and identities. However, schools have not been immune from incidents of hate and violence, and these types of incidents have increased during the COVID-19 pandemic. This bill requires school providers to prohibit hate symbols such as nooses, symbols of neo-Nazi ideology, and the battle flag of the Confederacy on school property, and it requires education providers to investigate bias incidents. The ACLU of Oregon's testimony in support of this bill is [here](#).

HB 2935 | CROWN ACT

Black, Indigenous, and people of color individuals have continued to face discrimination because of how they wear their hair, especially if their choice is to wear their hair in ways natural to their hair texture or consistent with their cultural background. This bill clarifies that prohibited discrimination by schools and employers includes discrimination based on physical characteristics historically associated with race, including natural hair, hair texture, hair type, and hairstyle. With the passage of the CROWN Act, the ACLU of Oregon is now working with coalition and community partners to develop and spread education about people's rights under this law.

SJR 10 | REMOVAL OF SLAVERY AND INVOLUNTARY SERVITUDE FROM THE OREGON CONSTITUTION

The Oregon Constitution currently permits slavery and involuntary servitude in certain circumstances, namely, as punishment for a crime. SJR 10 asks Oregonians to vote in the next general election in 2022 on removing this form of slavery and involuntary servitude from the Oregon Constitution. The ACLU of Oregon's testimony in support of this bill are [here](#), [here](#), and [here](#).



UNFINISHED BUSINESS

While we celebrate the significant steps that Oregon took in building a more fair and just future, we join our coalition partners and allies — including BIPOC leaders in our state legislature and in our communities — in stating that there is unfinished business. We state, unequivocally, that we will continue fighting for the Oregonians most marginalized and impacted by the systemic inequities of racism, xenophobia, misogyny, ableism, transphobia, homophobia, socioeconomic injustice, and other types of oppression.



Further work needed in our policy priority areas of Strengthening Democracy & Government Accountability, Criminal & Restorative Justice, and Public & Community Safety

RACIAL AND CRIMINAL JUSTICE | **HB 2002** DURING 2021 SESSION

Following the leadership and recommendations of communities and coalitions that came together through the Governor's Racial Justice Council, state legislators attempted to pass an omnibus racial and criminal justice bill in HB 2002. This bill included an array of approaches to create greater justice for Oregon communities, with targeted strategies for addressing the disproportionate impacts of systemic racism

on BIPOC communities. These included preventing police from conducting unnecessary stops and searches, transforming community supervision (parole) of formerly incarcerated Oregonians with approaches that promote public safety and successful reintegration, and investing \$8 million into community-based, culturally-specific services to support crime victims and other justice programs.

State lawmakers did not adopt this legislation, and we call on our state's elected leaders to pass this important racial and criminal justice legislation during the next session. The fight for racial justice in the U.S. has a long history and it remains unfinished business. Let us continue the work of leaders like Harriet Tubman, Frederick Douglass, Sojourner Truth, W.E.B. Du Bois, Martin Luther King, Jr., Rosa Parks, Ruby Bridges, Malcom X, John Lewis, Shirley Chisholm, and many other racial justice leaders in the United States — as well as the work of millions of other fellow Americans — by realizing the fight for racial justice in our legislatures, courts, and communities.

The ACLU of Oregon's testimony during the 2021 session in support of legislation in this area are [here](#), [here](#), and [here](#).

INVESTING IN LEGAL SUPPORT FOR IMMIGRANT AND REFUGEE OREGONIANS | **HB 3230** DURING 2021 SESSION

Immigrants and refugees are a vital part of Oregon's families and communities, contributing to Oregon as loved ones, parents, friends, coworkers, community members and leaders, taxpayers, consumers, and entrepreneurs. Indeed, one in ten Oregonians is an immigrant or refugee, while one in nine residents is a U.S. citizen who was born in the U.S. with at least one immigrant or refugee parent.

When an immigrant or refugee is forced to participate in deportation proceedings by the federal government without legal counsel, the proceeding becomes fundamentally unfair. In the Portland area, a broad coalition of organizations successfully implemented a pilot program, Equity Corps of Oregon, that has provided immigrant and refugees with legal counsel during deportation proceedings. Although this program has effectively provided our immigrant and refugee communities with a fair and fighting chance against deportation via established legal processes, it needs support from the State of Oregon in order to continue and expand to support immigrant and refugee communities across all of Oregon. We urge our state legislators to uphold our core values as a sanctuary state that supports immigrant and refugee Oregonians by supporting this important program.

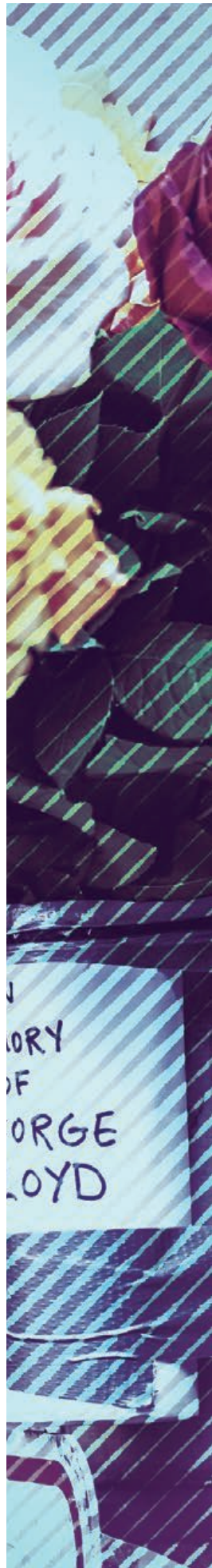
The ACLU of Oregon's testimony during the 2021 session in support of legislation in this area is [here](#).


ENSURING THAT *EVERY* PERSON LANGUISHING IN OUR PRISONS BECAUSE OF UNCONSTITUTIONAL NON-UNANIMOUS JURY CONVICTIONS CAN GET A FAIR TRIAL

In April 2020, the U.S. Supreme Court struck down a longstanding Oregon law that allowed nonunanimous juries to convict people in criminal cases. In issuing its decision in the *Ramos v. Louisiana* case, the high court recognized that Oregon's nonunanimous jury law, the last remaining of its kind among U.S. states, could be traced to white supremacy in the 1930s, including "the rise of the Ku Klux Klan and efforts to dilute 'the influence of racial, ethnic, and religious minorities on Oregon juries.'" After the Supreme Court held that nonunanimous juries were unconstitutional, Oregon courts were required to allow retrials for any people convicted by a nonunanimous jury and whose cases were still being appealed as of the date of the *Ramos* decision, April 20, 2020. But what about the people with older cases? In their decision in *Edwards v. Vannoy*, issued in May 2021, the conservative justices of the U.S. Supreme Court decided they would offer no relief for these people, allowing the arbitrary timing of the *Ramos* decision to determine this denial of justice. However, the high court also noted, "States remain free, if they choose, to retroactively apply the jury-unanimity rule as a matter of state law in state post-conviction proceedings."

A coalition of justice and community-based organizations and community leaders and members have asked for leadership from the Oregon Attorney General, Ellen Rosenblum, to allow requests for a fair trial from all Oregonians convicted by a nonunanimous jury to move forward in the justice system. But she has refused this request for justice and has continued to oppose these requests for a fair trial, even though there is no legal mandate to oppose justice for these Oregonians. Given the Oregon Attorney General's refusal to take steps for justice here, we urge our state legislators to act in order to create justice for all Oregonians unconstitutionally convicted by our state's racist non-unanimous jury law, individuals who are disproportionately people of color.

More information about this important issue of justice are [here](#) and [here](#).





ENSURING THAT ALL INDIVIDUALS, INCLUDING INCARCERATED INDIVIDUALS, HAVE THE RIGHT TO VOTE | **SB 571** AND **HB 2366** DURING THE 2021 SESSION

Voting is a cornerstone of our democracy, and everyone should have the right to vote for the elected officials who make decisions about issues that impact the wellness and safety of ourselves, our families, and our communities. However, incarcerated Oregonians currently do not have the right to vote. We believe this is a fundamental violation of the civil liberties of incarcerated individuals. As well, because BIPOC and low-income communities are disproportionately represented in prison, we believe that the disenfranchisement of incarcerated individuals from the right to vote perpetuates systemic racism and inequities. We urge our state legislators to support the voting rights of all people including incarcerated individuals.

More information about the ACLU's work in support of legislation in this area are [here](#) and [here](#).

ENDING WEALTH-BASED JAILING

Cash bail has long been justified under the guise of public safety and ensuring people appear in court. In reality, the concept that money can achieve public safety has been debunked. People without money end up sitting in jail because they cannot afford to pay for their freedom, and people with money get to go home even though they may impact public and community safety. This is not justice, and it is fundamentally unfair. While the state's efforts to lessen our criminal justice system's reliance on cash bail via SB 48 (which legislation was passed in part during the 2021 session) was a practical first step, we must continue engaging with crime victims and survivors, those at risk of being jailed for lack of money, and government stakeholders to change our wealth-based jailing practices. In doing so, we must and will ensure our criminal justice system promotes true justice, fairness, and real public and community safety that is not performative.

The ACLU of Oregon's testimony during the 2021 session in support of legislation in this area are [here](#) and [here](#).

REMOVING THE SHIELD OF QUALIFIED IMMUNITY FROM POLICE OFFICERS WHO HARM OREGONIANS

Police officers are public servants, and their mission should be to “protect and serve” the community. However, there are too many Black individuals who have been murdered by police officers. Although people of many races, backgrounds, and communities have experienced police misconduct and violence, Black, Indigenous, and people of color (BIPOC) communities in the United States have been disproportionately targeted, harmed, and killed by police officers. Another group of people disproportionately harmed by police violence is women, especially women of color. Studies indicate that sexual violence by police is the second-most common form of police misconduct, after excessive force, and multiple studies indicate that women of color have been disproportionately brutalized by police sexual violence.

Police officers must be held accountable when they engage in misconduct, violence, and murder. However, the legal doctrine of qualified immunity has been used as a sword and shield by police officers who have engaged in bad acts and refused to do the right thing after causing harm. States such as Colorado and New Mexico have taken steps through their state laws to create greater accountability for police officers who engage in bad acts. Our state leaders must do the same by creating Oregon law that allows Oregonians harmed by police officers the ability to seek meaningful accountability in our courts.

The ACLU of Oregon’s testimony during the 2021 session in support of legislation in the area of police misconduct and violence are [here](#), [here](#), [here](#), and [here](#).



CREATING TRANSPARENCY WITH INFORMATION REGARDING MISCONDUCT AND VIOLENCE COMPLAINTS AND INVESTIGATIONS ABOUT POLICE OFFICERS

| **HB 2929 -A4** DURING 2021 SESSION

Police officers are public servants, and especially given the inordinate powers granted to police officers — including the power to maim and kill members of the public — the public should be provided access to information about complaints filed against police officers and how those complaints were investigated and addressed. Such public access to police officers' personnel files is critical to creating and maintaining effective systems of supervision, accountability, and training, as well as cultures of integrity, in police departments. Public access to this information will allow Oregonians to apply a data-driven approach. Public access to this information will also provide the public with the information needed to request and advocate for effective and substantive redress and solutions by the public officials and public bodies in charge of police departments. We urge Oregon leaders to continue the full landscape of policy work needed to create accountability for police officers who engage in misconduct, violence, and murder by making information about complaints, investigations, and department actions transparent and accessible to the public.

The ACLU of Oregon's testimony during the 2021 session in support of legislation in this area is [here](#).

BANNING POLICE USE OF CHEMICAL WARFARE

The use of tear gas in warfare, along with other types of chemical weapons, was prohibited by the Geneva Protocol of 1925. Yet, Portland police officers and federal agents unleashed tear gas on protesters and our communities night after night during the summer of 2020. The use of tear gas in our communities was done indiscriminately and spread into Oregonian's homes, and families in impacted communities desperately tried to find tear gas masks that would fit the faces of their children. Although the 2021 legislature passed HB 2928 to restrict the use of tear gas, loopholes remain. There is no excuse whatsoever for the government to use our taxpayer money to buy chemical weapons that are banned in warfare and use them to poison us, our families, and our communities. Oregon leaders must make sure there are no loopholes that allow for chemical warfare against the public.

The ACLU of Oregon's testimony during the 2021 session in support of legislation in this area is [here](#).

REFORMING MEASURE 11 WHICH CREATES HARSH AND INFLEXIBLE PENALTIES THAT DO NOT CREATE REAL PUBLIC SAFETY

It is time for the United States and Oregon to create real — not performative — public and community safety and wellness by ending our reliance on incarceration, investing instead in alternatives to prison and in approaches better designed to break the cycle of crime and recidivism, and help people rebuild their lives. Sentencing enhancements and mandatory minimum laws often result in harsh and inflexible penalties that keep people in prison for years and even decades without adding to the safety of our communities.

Particularly troublesome is Oregon’s Ballot Measure 11, a 1994 law that established mandatory minimum sentences for people convicted of certain offenses involving violence, and prohibited those people from receiving a reduction in their sentence for any reason, including participation in rehabilitation programs. Four in ten people in Oregon prisons have been convicted of a Ballot Measure 11 mandatory minimum offense, which means that they have no possibility of a reduced sentence. This dynamic may also contribute to recidivism because prohibiting people from earning time off their sentence lessens the incentive for people in prison to use their time positively.

So, what’s the path forward? Oregon must turn to evidence-based alternatives to imprisonment, such as addiction treatment and decriminalization of personal drug use and possession, which Oregon voters supported by passing Ballot Measure 110. Our state also needs to support services such as mental health care, employment, housing, health care, and vocational training. Oregon leaders should reform the state’s sentencing enhancements and mandatory minimum laws by providing access to earned-time opportunities. Our leaders should also consider modifying sentences for offenses that include a broad spectrum of behaviors, like Robbery 2, Assault 2, or Sex Abuse 1, so that the sentences are better aligned with the crime. Reducing time served, even by just a few months, could result in thousands fewer of our family members, friends, neighbors, and coworkers in Oregon’s prisons. This is aligned with the urgent need to create real public and community safety and wellness across Oregon, as well as the urgent call to create greater racial justice by interrupting the school-to-prison pipeline that disproportionately impacts BIPOC, low-income, and other marginalized communities.

More information about the ACLU and ACLU of Oregon’s work in this area is [here](#).

CAMPAIGN FINANCE REFORM

The system of electing candidates to office is badly in need of repair. We will continue to advocate for reforms of the current system, including in support of our commitment to public financing of campaigns. In doing so, we are also mindful of fundamental democratic principles protected by the First Amendment. The ACLU supports a comprehensive and meaningful system of public financing that would help create a level playing field for every qualified candidate and allow leaders from all communities, including BIPOC, low-income, and other marginalized communities, to run for public office. We support carefully-drawn disclosure rules. We also support reasonable limits on campaign contributions, and we support stricter enforcement of existing bans on coordination between candidates and super PACs. These reforms are critical to a vibrant democracy of all the people, and we ask our Oregon leaders to make campaign finance reform a priority.

More information about the ACLU of Oregon's work in this area is [here](#).

REDISTRICTING

Redistricting refers to the process of redrawing the lines of districts from which public officials are elected. Gerrymandering is when the lines are drawn to manipulate boundaries to predetermine the outcome of elections, hindering voters from voicing their interests through their votes. Oregon will be engaged in redistricting processes during the fall of 2021. We are committed to working with the public and our state leaders to ensure that redistricting takes place in a fair way that accounts for the size of a district's population and its racial and ethnic diversity.

Further work needed in our policy priority areas of Health & Wellness, Housing & Houselessness, and Economic Justice

FARMWORKER OVERTIME PAY PROTECTIONS

All workers should be treated with respect and dignity. Our fellow agricultural workers do the hard work needed to provide food for our tables yet they have been excluded from protections received by most workers. For example, although many agricultural workers are now eligible for social security benefits, they were not eligible when social security was first established in 1935. Although federal protections for overtime work were first created in 1938, agricultural workers still are not covered by these protections, even though most workers in the U.S. are protected for overtime work under federal and Oregon law. Not only is this a worker's rights issue, but it also is a racial justice issue because Latinx workers make up a disproportionate percentage of the agricultural worker community in Oregon. Six other states — Washington, Hawaii, California, New York, Maryland, and Minnesota — have some type of overtime protections for farmworkers, and Oregon should join these states in mandating fair pay for our fellow Oregonians who help feed our communities and support the economic vitality of our state through farm work.

DECRIMINALIZING SEX WORK

Criminalizing sex work makes sex workers more vulnerable to violence and prevents sex workers from accessing health care and other critical services. Decriminalizing sex work is key to supporting the health, wellness, and legal rights of sex workers and disrupting the mass incarceration and the marginalization of transgender individuals, women of color, and immigrants who are disproportionately a part of sex worker communities. Sex workers deserve the same legal protections as anybody else, and they deserve to maintain their livelihood, access services, and seek justice without fear of violence or arrest.

More information about the ACLU and ACLU of Oregon's work in this area are [here](#) and [here](#).

DECRIMINALIZING HOUSELESSNESS AND THE RIGHT TO REST | **HB 2367** DURING 2021 SESSION

In our state, 35 per 10,000 Oregonians experience houselessness. Only three other states in the U.S. have a houseless rate worse than Oregon's. With 61% of the Oregonians experiencing houselessness living outdoors, Oregon is in the top three states with the highest percentages of unhoused people living unsheltered. Oregon's houseless crisis stretches across the state and rates of houselessness are high across most of Oregon — from urban areas in Portland to less urban areas such as Jackson County, Central Oregon, and Lane County. Eating food and drinking fluids, getting sufficient rest, having adequate clothing and shelter, using a restroom, having access to basic sanitation and health, and personal safety: these are basic human needs and fundamental human rights for all Oregonians.

However, cities and counties across Oregon have laws that criminalize these types of life-sustaining activities. According to research summarized by the ACLU of Oregon in 2017, Oregon's cities and counties had 224 laws as of that time that criminalized basic human activities such as sitting, lying, resting, and eating in public. The criminalization of houselessness violates the civil liberties and civil rights of individuals. It also perpetuates the poverty, criminal records, and physical, mental, and emotional health situations that result in many Oregonians experiencing continued housing insecurity. In summary, it is wrong, cruel, and indefensible to criminalize the basic human needs and rights of Oregonians experiencing houselessness, and criminalization just perpetuates the conditions that cause houselessness. We urge our state leaders to stop the criminalization of poverty and support the basic human needs and rights of all Oregonians, including that of our houseless neighbors.

More information about the ACLU of Oregon's work is [here](#) and [here](#).



CONCLUSION

The work of creating an Oregon that is more just, fair, and equitable is daunting. Our Black and Brown community members continue to die at the hands of police officers. Our houseless community members continue to be harassed by police sweeps, asked to simply disappear when that is physically impossible. Marginalized workers such as our sex worker and farm worker communities continue to face systemic barriers to accessing support and protections available to many other workers. Systemic racism and classism continue to wreak havoc on BIPOC and low-income communities, who continue to endure the devastation caused by mass incarceration, law enforcement violence, environmental pollution, crumbling infrastructure, and less access to essential public and private services like good health care, good schools, and safe homes.

The work of justice is hard. But the ACLU of Oregon is committed to this work alongside our partners and allies. We are committed to listening to, supporting, and following the leadership of our communities. We are committed to using our resources, privileges, and power to support the creation of greater capacity and spaces for marginalized communities and our partners and allies who lead, represent, and support our marginalized communities.

It is not an option to not do the work of justice. To close, we heed the words of bell hooks: “What we do is more important than what we say or what we say we believe.” The work of creating an Oregon that is more just, fair, and equitable is up to all of us.



APPENDIX

Testimony and Other Documents Related to Legislative Victories and Unfinished Business

Bill Number	Name or Short Description	Description	Links to ACLU of Oregon Testimony or Other Documents or Information
HB 2002	Omnibus Racial & Criminal Justice Bill	Creating greater justice for Oregon communities with targeted strategies for addressing the disproportionate impacts of systemic racism on BIPOC communities. Strategies include: preventing police from conducting unnecessary stops and searches, transforming community supervision (parole) of formerly incarcerated Oregonians with approaches that promote public safety and successful reintegration, and investing \$8 million into community-based, culturally-specific services to support crime victims and other justice programs.	Testimony 1 Testimony 2 Ways & Means Testimony
HB 2362	Equal Access to Care Act	Protecting the rights and needs of Oregon communities to essential health care services when healthcare organizations engage in mergers, acquisitions, and other big business deals.	Testimony Ways & Means Testimony
HB 2366	Restoration of Voting Rights	Allowing persons convicted of a felony to register to vote, update voter registration and vote in elections while incarcerated.	Testimony
HB 2367	Right to Rest Act	Decriminalizing houselessness and recognizing the human rights of houseless individuals and communities including their fundamental right to rest.	Testimony Report
HB 2697	Hate Symbols in Schools	Prohibiting hate symbols at schools and requiring school officials to investigate bias incidents.	Testimony
HB 2928	Prohibitions on Tear Gas	Limiting the use of crowd control weapons and instituting protections for protest medics.	Testimony
HB 2929	Duty to Report	Creating state-level reporting requirements for police officer misconduct.	Testimony

HB 3059	Unlawful Assembly	Clarifying that officers should arrest people for criminal behavior and not for continued presence after the declaration of a riot or unlawful assembly.	Testimony 1 Testimony 2 Report Attachment to Report
HB 3145A	Database for Police Misconduct	Creating state-level reporting requirements for police officer misconduct.	Testimony
HB 3164	Modifying Crime of Interfering with Police Officer	Clarifying the narrow scope of conduct that constitutes unlawful interference with a police officer.	Testimony 1 Testimony 2
HB 3230	Universal Representation	Investing in legal support for immigrant and refugee Oregonians facing deportation proceedings.	Testimony
HB 3265	Oregon Sanctuary Promise Act	Reaffirming Oregon's values of recognizing and embracing the inherent dignity of every person, no matter where they were born, the color of their skin, or how they joined our communities by: (1) disentangling local governments, local law enforcement, and other local resources from federal immigration enforcement; (2) prohibiting the use of local public facilities and for-profit prisons for immigration detention; and (3) allowing community members to seek accountability in court when Oregon's sanctuary law is violated.	Testimony Floor Letter Ways & Means Testimony
HB 3355	Uniform Standards	Requiring police officers to be identifiable and not anonymous.	Testimony 1 Testimony 2
SB 48	Pretrial Release/Bail Reform Bill	Reducing reliance on wealth-based detention.	Testimony Ways & Means Testimony
SB 397	Expungement Bill	Removing unfair barriers in Oregon's expungement processes.	Testimony Floor Letter Ways & Means Testimony
SB 567	Anti-Discrimination in Health Care Services	Prohibiting discrimination in health care.	Testimony
SB 571	Restoration of Voting Rights	Allowing persons convicted of a felony to register to vote, update voter registration and vote in elections while incarcerated.	Testimony

SB 621	Police Oversight Board Bargaining Exemption Bill	Affirming voter-established community oversight boards to oversee accountability processes for police officer misconduct and violence.	Testimony 1 Testimony 2
SB 755	M110 Implementation	Funding and implementation of the Drug Addiction and Recovery Act which centers people and communities and treats drug addiction, which disproportionately impacts BIPOC and low-income communities, as a public health issue.	Floor Letter Ways & Means Testimony
SB 778	Office of Immigrant & Refugee Advancement	Supporting the immigrant and refugee community by establishing a statewide Office of Immigrant & Refugee Advancement.	Testimony
SB 819	Conviction Integrity	Creating greater conviction integrity in Oregon's criminal justice system.	Testimony
SJR 10	Constitutional Amendment Prohibiting Slavery	Removing slavery and involuntary servitude from Oregon's Constitution.	Testimony 1 Testimony 2 Testimony 3
N/A	Values Based Budget	Supporting the development of a values based state budget.	Ways & Means Testimony
N/A	Measure 11 Reform	Supporting real public and community safety by reforming mandatory minimum sentencing requirements.	Testimony Report
N/A	Sex Work Decriminalization	Supporting the rights and wellness of sex workers and sex worker community through decriminalization.	Testimony Report
N/A	Government Transparency	Supporting efforts to create greater government transparency.	Testimony
N/A	Campaign Finance Reform	Supporting campaign finance reform to create a level playing field for every qualified candidate, including candidates from BIPOC, low-income, and other marginalized communities, while balancing important democratic principles protected by the First Amendment.	Relevant Information
N/A	Nonunanimous Jury Convictions	Working to address the unjust and racist impacts of nonunanimous jury convictions.	Opinion Article Additional Information



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Be a part of the ACLU movement! The more members we have, the stronger our voice for liberty, justice, and equality. **Help invest in our most fundamental freedoms by becoming a member today!**

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