



To: Members of the Joint Interim Committee on The First Special Session of 2020

From: Sheriff Terry Rowan, President
Oregon State Sheriffs' Association

Chief Jim Ferraris, President
Oregon Association Chiefs of Police

Date: June 23, 2020

Re: Testimony re HB 4208 (LC 81) – Use of tear gas

Good afternoon Co-Chairs Courtney and Kotek and members of the Joint Interim Committee on The First Special Session of 2020,

On behalf of the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association, please accept this testimony regarding HB 4208, a measure designed to ban the use of tear gas.

There have been a number of concerns that have been raised regarding the use of tear gas to de-escalate unlawful/illegal assemblies. The concerns are indeterminate use of tear gas, individuals being exposed who are peacefully protesting and the disparate impact this munition has on communities of color. With these concerns at the forefront and a legal requirement for law enforcement to use the lowest level of force necessary to protect persons, we would offer the following language.

- Create statutory limitation on use of tear gas in civil disturbances where a need to protect life and large-scale property destruction is established and other options are not effective.
- Set statutory training requirements: Require select members to be trained in use of munitions based on a statewide standard. Require proper application and training for case law twice per year to ensure that authorized users are current with legal and policy considerations.

- Limit authorization of chemical agents in a civil disturbance to an incident commander. Incident commander before approving use of chemical agents shall consider the following moral and legal implications:
 - Presence of elderly or children;
 - Vicinity of hospitals or other medical institutions;
 - Where large food sources may be contaminated;
 - Health considerations;
 - Availability of medical assistance to those adversely impacted;
 - Means of escape for citizens directed to leave verbally or with munitions

- Establish standards for notification that include requirements for the method and frequency of warnings in advance of use and appropriate exigencies.

Thank you for your consideration