

Co-Chairs Bynum and Manning Jr., and members of the Joint Committee On Transparent Policing and Use of Force Reform,

For the record, my name is Andrew Riley, my pronouns are they/them, and I am a Portland-based community organizer for Unite Oregon, though I write today as an individual to ask that you strengthen your proposed legislation on the use of tear gas, OC gas, and other chemical weapons to outright ban their use by law enforcement.

I want to begin this testimony by stating my position simply: law enforcement should not be allowed to use chemical weapons against Oregon's civilian population (or, for that matter, at all). One would not think this to be a controversial statement, but for nearly 2 months straight our city has been subject to a protracted siege by law enforcement involving chemical weapons, ballistic munitions, pepper spray, acoustic weapons, and other forms of brutality, with the full blessing of Oregon law.

Enough is enough. Ban the use of tear gas and other chemical weapons. Reform-oriented "restrictions" on police use of force are not sufficient.

On Friday, June 5th, I joined the ongoing protests against police brutality in downtown Portland, as I had since they began. Sometime after midnight, Portland Police purported to "close" the entirety of downtown Portland to public access. They launched flash-bang grenades and fired OC ammunition (also known as "pepper bullets") at those of us protesting the long history of police violence against civilians; that irony should not be lost on any of us. And then, when officers decided protesters were not abdicating their right to protest quickly enough, they encircled us from all directions and fired canister after canister of CS tear gas at our feet. To escape, I was forced to flee along a 400-foot stretch of downtown streets through heavy clouds of tear gas.

There are acute and lingering effects to tear gas exposure. In the minutes after breathing in a heavy cloud of it, my vision became blurry, my brain began panicking - whether starved of oxygen, fearful of further police violence, or both, I cannot say definitively - and I began coughing heavily, which turns out to make the effects of tear gas significantly worse. Within an hour of exposure, my entire body began to burn as if I were covered head to toe in a second-degree sunburn. I began coughing frequently and painfully, and found myself unable to catch my breath. I began sweating and shaking, which continued until I was able to shower off the residue upon returning home.

For three or four days after exposure, my body continued to feel like it was on fire at all times. Even light pressure applied to my skin hurt. For two weeks after being exposed, I had a lingering, painful, violent, racking cough. I hope I do not need to explain that this is especially scary in light of the COVID-19 pandemic, given the damage that disease can do to the lungs on its own. To this day, a month and a half after my last exposure, I still cough more heavily when exposed to dust or chemical fumes.

All of this for the apparent crime of standing downtown in a public space to protest police brutality and demand the defunding of police. My story is hardly unique; night after night, hundreds of dedicated protesters are subjected to the same violent use of force by an out of control law enforcement agency. Hundreds have been shot, grenaded, and gassed by agencies supposedly

dedicated to "protecting and serving" the community. Many, many people in Portland have gotten it much worse than I have, and experienced significantly worse symptoms, including CS-induced hormonal imbalances, which has had an especially negative impact on people who menstruate.

The effect of "only" permitting the use of these chemical weapons in cases of "riot" is semantic, not substantive. As we've seen in Portland in the wake of a court order restricting their use, police merely declare a "riot" instead of an "unlawful assembly" and then gas civilians with impunity. This has an additional negative consequence: under ORS 30.265, police are immune from civil liability for harms caused to civilians in the course of a "riot, civil commotion or mob action" [see ORS 30.265(6)(e)] and thus limits the ability of Oregonians to seek legal redress for their injuries. Incentivizing police to declare a "riot," as this legislation would do, is a barrier to accountability.

If the goal of this legislation is - as it should be - eliminate the police use of chemical weapons against civilians, then it must be strengthened. Ban the use of tear gas and other chemical weapons against civilians. The world is watching.

Andrew Riley (they/them)

Resident, Hazelwood neighborhood, Portland (HD 47 and SD 24)