

Testimony on LC 742  
28 July 2020

Co-chairs Manning, Bynum, and members of the committee,

LC 742 is a leap forward in the protection of individuals who gather in crowds to exercise their first amendment rights in the form of protests. The banning of chemical incapacitants outright and limits on decibel levels for acoustic devices is humane and necessary. I have been in the streets during the Portland protests and the transgressions by law enforcement against people's health and constitutional rights, including my own, have been horrifying. The new requirement that medical personnel be at the service of those injured by law enforcement is critical.

Furthermore, the requirements that local law enforcement may not use proxies to do the dirty work for them if this language is enacted is a necessary addition. Thank you. That local law enforcement would also be required to notify federal forces of these rules and require their compliance makes me feel less terrified of the future.

However, there remain sections of this draft I find troubling. As currently written, this draft anticipates and allows for continued violent actions against civilians by law enforcement and offers up litigation as means to apologize for it. I truly doubt the fear of litigation will act as a necessary deterrent.

The exception for pepper spray does not limit the amount nor the range at which it can be used. I worry this bill exerts an evolutionary pressure that favors large scale dosing of pepper spray over entire crowds.

This draft also allows law enforcement to shoot at people on the frontlines of the crowd at their own discretion, albeit not in the head, pelvis, or back. There is a bizarre assumption in this language that the targeted individual remains still and therefore allows the law enforcement officer sufficient time and judgement to shoot the individual in the chest, stomach, arms or legs and also not miss their target thus shooting someone else.

Allowing officers to declare a crowd member a threat at their own discretion and then shoot at them, while they are mostly likely moving amongst a crowd of others does not sound any different than the model currently employed. It will continue the practice of violent escalation and enrage the crowd. People will continue to be shot and injured. I ask you to define in detail what actions make a crowd member a threat to others before you allow law enforcement to make that distinction themselves.

Critique aside, the work of this committee has been some of the most promising I have seen from my state legislature. I am inspired by the leadership, the vision, and the quality of experts you have invited to give testimony in your first two weeks. It delights me to know that even though Senator Heard is deeply confused about anti-facism and anti-racism, he himself is part of a committee doing anti-facist and anti-racist work. I will be supportive of every effort this committee makes, even if I have to ask you to take it further.

Regards,  
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