



July 28, 2020

Co-Chairs Senator Manning and Representative Bynum, and Members of the Committee:

On behalf of the American Association of University Women (AAUW) of OR, we respectfully request your support for Legislative Concept 742, although we have some concerns that are expressed below.

It is frankly unfortunate that it has taken the events we are experiencing today to move us in the direction of genuine police practices' reform. It is also unfortunate that these reforms failed to arise from the law enforcement community itself, rather than having to resort to changes via state law.

When dealing with these issues, drawing sharp lines between what is permissible and what is not permissible is critical. LC 742 represents a significant step forward in abiding by this proposition.

We appreciate LC 742's implicit recognition that once tear gas is deployed, a confrontation is virtually assured. Such deployment defeats the purpose for which it is designed.

Banning chemical precursors and inclusion of law enforcement proxies within the ambit of this proposal represent significant, real-world responses to the dangers posed by the use of chemical agents in law enforcement activities.

Providing for a cause of action regarding violations of LC 742's proscriptions, plus the potential award of attorney's fees, is critically important. It supplies those aggrieved by the use of these dangerous devices with an enforcement mechanism that exists outside of any law enforcement disciplinary or administrative framework.

We object, however, to the language regarding the use of kinetic impact projectiles. As presently drafted, these projectiles may not be used by law enforcement agencies for purposes of crowd control unless an officer has individualized probable cause to believe a specific person poses a threat to another's life or serious injury, or has committed or is committing a crime that constitutes a felony. We believe that the threats should be revised to reflect "immediate" threats only, and the "has committed" language should be eliminated. The current language is too broad and fails to recognize the exigencies that are needed to overcome banning the use of these projectiles.

We are also concerned that the use of the word "specifically" in Sections 2(1)(a)(B) and (C) may present the potential for unintended and undesirable loopholes. Section 2(1)(a)(B) refers to "[m]unitions and devices specifically designed" to cause injuries and Section 2(1)(a)(C) refers to "[a]ny equipment specifically designed" for use with these munitions and devices. We believe that "specifically" should be struck in each of these instances. The munitions, devices and related equipment need only to have been designed to cause injuries for it to be subject to LC 742's ban.

Aside from these concerns, we wish to reiterate our appreciation for the leadership and attention to real-world details that this Committee has demonstrated by proposing LC 742.

Respectfully submitted,

Trish Garner

*State Public Policy Chair, AAUW of OR*  
*Member, National AAUW Public Policy Committee*  
*503-407-2341*  
*garner37@mac.com*