



July 24, 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 745.

While limiting the use of chokeholds, as was recently enacted in Oregon, represents a positive forward step in promoting police accountability, adding an exception that they can be used by a peace officer when deadly force is authorized will unfortunately render the exception, the rule. It is likely that however well intentioned, the legislation will have minimal effect on actual practice.

The problem with the deadly force exception is exacerbated by the loose standards set forth in ORS 161.235 which defines when deadly force may be used. As testified to on July 15, 2020, by Aaron Knott, Legislative Director, Office of the Attorney General, Oregon Department of Justice, the imminent harm standard needed to justify deadly force does not necessarily relate to imminence of the threat of harm at the time of the use of deadly force, but rather that the crime involved an imminent use of force at the time it occurred. There is also no provision in Oregon law that law enforcement must apply a lesser use of force whenever it might be reasonably available.

ORS 161.235 also provides that deadly force may be used when an officer's life or personal safety is endangered in the particular circumstances involved. This reflects a subjective rather than an objective standard, thereby essentially allowing use of deadly force whenever an officer says it is. Although perhaps not appropriate for consideration during a Short Session, the deadly force statute needs significant revision.

Chokeholds inherently involve restriction of an airway, which can lead to anoxic brain injury, cardiac arrhythmia and trauma to the neck and related areas. These sequelae are clearly life-threatening. Law enforcement chokeholds are also used in uncontrolled and likely exceedingly stressful circumstances. It may very well be that chokeholds may be relatively harmless when demonstrated in police training or at a wrestling match, but allowing them in such charged circumstances as a difficult arrest places individuals directly in harm's way.

Chokeholds should be banned -- full stop.

Respectfully submitted,

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