

Thank you for the opportunity to testify and advance the work you've already done on these important measures under consideration this week. I appreciate the intent of all of these bills and ask that most of them be amended slightly and then passed, please and thank you.

LC 742 – The language of what constitutes a “riot” is vague and written in outdated English. Portland Police Bureau used the following phrase after a court told them they could not longer use tear gas on crowds unless the assembly was determined to be a riot. They announced to the crowd, “This gathering presents a dire threat to public alarm.” They then declared the assembly a riot and asked folks to move west. They had to use the words “Dire threat to public alarm” in order to justify labeling an assembly a riot. So I ask that either you:

1. Outright ban on teargas, which is banned in war as well as the indiscriminate use of impact munitions.
2. Update the exception of riot to something more functional and that cannot be used to dismantle or suppress the civil liberties of any Oregonian.

The language of policy creates the outcome of police behaviors. Currently, the outcome is using policy to do what they think is either best for them or what they want to do. I would like policy that has the outcome of police using policy to do what is best for me and my neighbors and supports the civil liberties of all Oregonians.

LC 743 - I support amending this measure Section 2 (2) so that that failure to do what is required to be done is failure to do so in the first degree, not second. No officer walks out of the office and forgets their badge and gun. You have to want to be unidentifiable for that to happen. Similarly, Prison officers should also be clearly identifiable.

LC 744 –I support amending this prior to passage and support the spirit of this bill. Duty to Report Officer Misconduct should be within 24 hours. I would also want to see requirement of supervisors and other bodies to follow through on reports of conduct as well as protections against retaliation. A duty to provide timely medical assistance would also be ideal. We all have to fix our mistakes. Further, please include peace officers, police officers, and corrections officers in the language. There seems to be a difference, and all three should be held to a similar standard of excellence.

LC 745 – I support this measure with an amendment or guarantee ORS161.239 will be amended. The language of “reasonably believes” deadly force is necessary in ORS161.239, upon which this bill rests, would still allow peace officers and corrections officers to use choke holds whether or not the conditions for the use of deadly force are actually met. If this language of ORS161.239 is altered to “**A peace officer may use deadly force when a peace officer can prove that:**” then this bill will provide more effective guidance for officers on when to.

Either:

1. Remove the clause of “unless the circumstance is one in which the peace officer may use deadly physical force as provided in ORS161.239.” This makes the most sense, as no peace officer or corrections officer has ever needed to choke a gunman or knife welder to death. That’s bad strategy. A limited choke hold is useful for submission, but excepting tournaments in Jujitsu, the functional application is non-existent in policing. If someone is trying to run away, there are far more effective pinning and subduing martial tactics than choke holds that all have less risk to the officer and thus require less life struggle. Banning choke holds will actually make officers safer, as they will not feel inclined to “dispense justice” at such a close range and will be forced to rely on more effective tools of engagement.

2. Pass the bill as is and Amend ORS161.239 to read **“A peace officer may use deadly force when a peace officer can prove:”** The conditions for use of deadly force are still too broad to provide the excellence in policing Oregonians would like without allowing for the existence of “dispensing justice” culture to exist; however, changing the language to “prove” would raise the bar without limiting the availability of the tactic. Simplifying the list to imminent threat of life to officer or other civilians when: (A) the person engaged is actively brandishing a deadly weapon with provable intent to use said weapon on officers or other members of the public. (B) the person engaged has a verified deadly weapon on their persons and can be proven to have threatened imminent use of said weapon on officers or other members of the public.

Thank you for your time and work in continuing to craft legislation that enhances police accountability to protecting civil liberties and diminishes their capacity to dismantle the civil liberties of Oregonians.

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