

Co-Chairs Bynum and Manning,

I am a constituent of Representative Bynum and Senator Thomsen.

As a 5th generation Oregonian and Portlander, I am saddened and sickened by the nightly display of police violence and complete lack of accountability for their actions.

REGARDING LC 742: With the training and resources available to law enforcement in Oregon, there is no public safety reason for the use of chemical agents on the public. CS gas (Tear Gas), Pepper Spray, and other aerosol agents not only threaten the harm of those it is directed towards, but it threatens the health of all citizens due to its indiscriminate use and uncontrollable dispersal patterns.

Putting aside the fact that use of such aerosol agents violates any presumption of innocence of those it is inflicted upon, these agents affect those clearly innocent: residents in their homes, flora and fauna in residential neighborhoods, and public bystanders outside the area of deployment as the gasses are dispersed in the wind.

As a person with asthma, inhaling any of the aerosol agents used by law enforcement can cause life threatening conditions for me. Even simple smoke that has been used can initiate an asthmatic attack.

I FURTHER ASK that the proposed legislation BAN THE USE OF THESE AGENTS OUTRIGHT, not just restricting them to use after a Riot Declaration.

Why? I have personally attended protests in Portland where a riot declaration was issued preemptively before protesters even arrived on the scene where law enforcement was deployed.

There is no way for the public to challenge a riot declaration, i.e. unlike a warrant, where a judge has to sign off before it can be served, a law enforcement incident commander can declare a riot with impunity and no accountability to the public. There is no burden of proof, nor a clearly indicated protocol and mechanism whereby the ability of law enforcement to abuse this authority is able to be challenged or scrutinized prior to the declaration.

Even assuming a riot declaration is warranted and approved after scrutiny and review, there is no place for the use of chemical agents on the public. None.

The risk to public health is too great. The risk to my health is too great. The use of chemical agents precludes me from being able to exercise my 1st Amendment rights, and violates my 4th amendment rights.

I again urge you to ban all aerosol chemical agents, for any reason, if not as a violation of my rights, as a life threatening public health risk.

Thank you for your attention in this matter,

Matthew Subotnick

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