

Testimony on LC 17 from Alison Cole of Portland, OR
28 July 2020

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

The current draft of LC 742, now LC 17, serves no one. The erasure of the chemical incapacitants ban is deeply troubling and the codifying of brutal uses of force by officers will only perpetuate the violence we are currently experiencing in Portland. Though these bills have arisen to address the tumult of the current moment, they will have long lasting impacts for mass demonstration throughout the state.

As currently written, the bill provides that law enforcement can injure, maim and poison civilians who come out to express their world views and protest injustice in their community. The language stating that the use of chemical weapons and impact munitions may not be allowed “except against an individual engaged in conduct otherwise justifying the use of physical force by a peace officer” promotes the status quo. Let’s be real: the ability of officers to correctly identify an individual in the crowd who is breaking the law, target them exclusively, and injure no one else is deeply flawed. Furthermore, we have seen repeatedly over the last 98 nights of demonstrations that police show no discretion towards members of a crowd and have beaten people following orders, medics, press, people in wheelchairs, grandparents, teens, houseless individuals and people uninvolved in the action who are just trying to make their way home. To assume that law enforcement could suddenly practice strong discretion under the direction of this bill is insane.

A chemical incapacitants ban for the state of Oregon is unquestionably necessary. Under no circumstance should law enforcement ever be allowed to use such weapons. Not for crowd control, not for home raids, not even for defence against unforeseeable acts of terrorism. These chemicals poison our community and pollute our waterways as the residues flush down storm drains.

Making changes to the Tort Claims Act and allowing injured persons to sue law enforcement through civil or criminal courts is not a deterrent, it is a backhanded apology. Law enforcement will pull out all the stops to attempt to incriminate an individual who sues them and you know it. Rather than serving justice to civilians brutalized by police you are entrapping them in years of litigation and trauma. Moreso, offering litigation is classist. Those who live in poverty, are houseless or struggle with mental illness are highly unlikely to have the resources to pursue a lawsuit against an officer.

LC 17 should direct law enforcement to *never* show up for demonstrations in any sort of riot gear or with chemical weapons or impact munitions. Multiple experts have testified in front of this committee that such actions provoke demonstrators and further radicalize individuals in the crowd. It should also make a clear direction that law enforcement should be altogether absent at demonstrations in which law enforcement themselves are the target of the demonstrators’ ire. A coalition of fire, medics and legal observers should be present instead. I guarantee you would see an entirely different outcome.

Respectfully,
Alison Cole
SE Portland
Constituent of Rep Keny-Guyer & Sen Dembrow