

LC 17 STAFF MEASURE SUMMARY

Joint Interim Committee on Transparent Policing and Use of Force Reform Special Session of 2020

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WHAT THE MEASURE DOES:

Regulates use of chemical incapacitants, kinetic impact projectiles and sound devices by law enforcement. Prohibits the use of chemical incapacitants and kinetic impact projectiles for purposes of crowd control unless use of force is otherwise authorized by statute. Requires certain accommodations and instructions to be made by law enforcement for certain individuals when deploying specified devices.

Declares that a violation of this act constitutes the crimes of official misconduct in the first degree. Prohibits law enforcement from acting in concert with another agency or proxy law enforcement to engage in conduct barred by statute or court order.

Eliminates immunity from claims under the Oregon Tort Claims Act arising out of riot, civil commotion or mob action.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

Tear gas, long range acoustic devices, and sound cannons are devices used by various law enforcement agencies for several purposes, including to control riots and disburse crowds. There is no Oregon statute that prohibits or limits the use of these devices by law enforcement.

During the 2020 first special session House Bill 4208 A was enacted which prohibits use of tear gas by a law enforcement agency for crowd control except during riots. It further required any agency using tear gas during riot to first announce intent to use tear gas, give individuals sufficient time to evacuate area, and to then again announce intent to use tear gas immediately before use.

LC 17 prohibits the use of chemical weapons, kinetic projectiles, and sound devices for purposes of crowd control unless the use of the specific physical force would otherwise be justified under the law.