



**To:** Members of the House Judiciary Committee

**From:** Chief Jim Porter & Deputy Chief Paul Kansky, Bend Police Department  
On behalf of the Oregon Association Chiefs of Police &  
Oregon State Sheriffs' Association

**Date:** February 10<sup>th</sup>, 2020

**Re:** Support for HB 4145 with the Dash 2 Amendment  
Threats to Schools and Places of Worship

**Chair Sanchez and members of the Committee,**

On behalf of the Oregon Association Chiefs of Police and Oregon State Sheriffs' Association, please accept this testimony in support of HB 4145 with adoption of the dash 2 amendment:

- HB 4145 is needed to fill a gap in Oregon Statute that is tying the hands of law enforcement officers, impeding their best efforts to keep our schools and places of worship safe, hold offenders accountable, or get offenders mental health screenings and the mental health assistance they need.
- Currently there exists a gap between the crimes of Disorderly Conduct and Menacing as it applies to suspects making threats directed at schools and places of worship:
  - Disorderly conduct requires proof that a suspect:
    - Intended to cause public inconvenience, annoyance, or alarm, or does so recklessly, *knowing the report to be false*.
    - It is nearly impossible to prove a negative set of circumstances in a court of law.
    - In a scenario where the suspect makes a threat to attack a school or place of worship in Bend, but makes the threat from Eugene, but never travels to Bend, then the suspect would lack the *means or opportunity* to carry out the threat.
      - This would still result in a significant investigation and more likely than not place children or worshipers in fear,

- But, it is the opinion of many District Attorneys that the suspect could not be charged under current statutes.
  - Menacing requires proof that a suspect intentionally attempts to place another person in fear of *imminent serious physical injury*. If the suspect never enters Deschutes county after placing the threat from another county, there can be no *imminent threat* of serious physical injury..
- With continuous attacks on school and places of worship in America, law enforcement must respond to every threat as a potential attack.
- When threats come in via social media, as is often the case, it takes investigative teams hours to trace the origins of the threat, often involving the work of local investigators, school district I/T departments, local law enforcement computer forensic teams, and in many cases, the resources of the FBI.
- With the smart phones that are capable of transmitting threats via cell phone carrier networks by accessing wi-fi open networks, it is increasingly difficult to locate a suspect who conveys a threat and to verify their intent or potential actions.
- Over the last 24 months, the Bend Police Department alone has been called upon to investigate 29 threats of violence against schools.
  - Two of these threats were made by suspects outside of Deschutes County to schools in Bend.
  - In two of these cases Bend PD investigations resulted in over 100 hours of investigative work.
- With social media and 24/7 communications, threats often are reported after school and church hours, late in the evening, or on a weekend. When these threats are received, law enforcement seldom has sufficient time to validate the threat or declare it a hoax threat before the beginning of the next school period, leaving school with no other choice than to suspend classes.

We support HB 4145 and thank you for your consideration!