



STATEMENT RE: HB 4208
(LIMITING THE USE OF TEAR GAS AND ACOUSTIC DEVICES)

To: Joint Committee on the First Special Session of 2020
From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs
Date: June 24, 2020

Co-Chairs and Members of the Joint Committee:

For the record, my name is Michael Selvaggio, representing the Oregon Coalition of Police and Sheriffs (ORCOPS). I am speaking to HB 4208, which seeks to limit the use of tear gas and acoustic devices by law enforcement officers.

While a limitation on the use of “tear gas” or “long range acoustic devices or sound cannons” during peaceful protests is a reasonable legislative endeavor, an outright ban on such devices in all scenarios limits a law enforcement agency’s ability to use such tools when large gatherings become “riots” as that term is defined under current Oregon criminal law or when there is a threat to life safety during a large scale gathering.

ORCOPS cannot support HB 4208 in its overbroad state. The broad brush used by the bill unduly interferes with a law enforcement agency’s moral and statutory obligation to maintain public safety and peace. This may be the first time that the State Legislature has directly intervened in tactical decisions of a local police force. We strongly advise against wide-ranging tactical decisions being made at this level.

The purpose of these tools is to allow law enforcement officers to maintain distance and de-escalate a situation, thus reducing the need for hands-on physical force. Law enforcement officers who have a moral imperative to save lives and keep the peace will be forced to rely on closer-proximity tactics if existing policing tools that allow for time and distance are banned.

These tools are also necessary at events involving barricaded armed suspects with hostages. On many occasions, law enforcement officers have saved lives by using “tear gas” or similar types of CS gas to draw an armed, barricaded suspect away from an innocent victim. Completely banning the use of “tear gas” or “long range acoustic devices or sound cannons” in these scenarios as well would put more lives at risk -- of officers, victims, and suspects.

Additionally, neither “tear gas” nor “long range acoustic devices or sound cannons” are defined terms. Broad based, undefined legislative bans on policing tools should at the very least include definitions.

Please be mindful of these nuances and risks as you assume a tactical responsibility in law enforcement operations around the state.