To: **Members of the Joint Committee on the**
                 First Special Session of 2020

From: **Sheriff Tim Svenson, 1ˢᵗ Vice President**
                 Oregon State Sheriffs' Association

                 Chief Jim Ferraris, President
                 Oregon Association Chiefs of Police

Date: June 25, 2020

Re: **Support for HB 4208 with Adoption of the Dash 2 Amendment –**
                 Standards and Limitations on Use of Tear Gas

Good afternoon Co-Chairs Courtney and Kotek and members of the Joint Interim Committee on The First Special Session of 2020,

On behalf of the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association, please accept this testimony in support of HB 4208 as amended by the dash 2 amendment.

There have been a number of concerns that have been raised regarding the use of tear gas to de-escalate unlawful/illegal assemblies. The concerns are indeterminate use of tear gas, individuals being exposed who are peacefully protesting and the disparate impact this munition has on communities of color. With these concerns at the forefront and a legal requirement for law enforcement to use the lowest level of force necessary to protect persons, we believe HB 4208 with adoption of the dash 2 amendment meaningfully addresses these concerns. As amended, HB 4208 would:

- Create a statutory limitation on use of tear gas to circumstances constituting a riot as described in ORS 166.015 civil disturbances where a riot is declared based on the need to protect life and large-scale property destruction.

- Defines "tear gas" for purposes of the bill as: 'Tear gas' means oleoresin capsicum or orthochlorobenzalmalononitrile, or other similar chemicals meant to accomplish the same effect, administered by any shell, cartridge or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of the chemicals.

- Establish notice requirements in advance of deploying tear gas and require an allowance of sufficient time for individuals to evacuate the area following an announcement.

Thank you for your consideration