



**To:** Members of the Oregon State Senate

**From:** Jason Myers, Executive Director  
Oregon State Sheriffs' Association  
Kevin Campbell, Executive Director  
Oregon Association Chiefs of Police  
Travis Hampton, Superintendent  
Oregon State Police

From the Desk of  
Senator  
James Ivory Manning Jr.

A handwritten signature in blue ink, appearing to read "James Ivory Manning Jr.", written over a blue rectangular box.

**Date:** August 10, 2020

**Re:** Support for HB 4301 – Use of Force Legislation

Members of the Oregon State Senate,

On behalf of the Oregon Association Chiefs of Police, Oregon State Sheriffs' Association and the Oregon State Police, please accept this floor letter in support of HB 4301. This measure is in complete alignment with our objective as law enforcement professionals to strengthen the confidence Oregonians have in our work and to reaffirm our ongoing commitment to just and equitable policing outcomes. We will continue to work in partnership with our communities and the Oregon State Legislature to achieve these objectives. HB 4301 includes a number of key provisions including:

- Confirms in statute that use of force that impedes the normal breathing or circulation of blood of another person by applying pressure on the throat or neck is not recognized as an appropriate law enforcement tool. Importantly, the measure recognizes exceptions when physical force is justified under ORS 161.209 and 161.215 including situations where the life of the officer or a third person is threatened.
- Aligns Oregon Revised Statute with two landmark Supreme Court cases in Tennessee v. Garner (1985) and Graham v. Conner (1989) and the United States 9<sup>th</sup> Circuit Court of Appeals Enhanced Standards. The Oregon Law hasn't been updated since the 1970's and HB 4301 modernizes state law to reflect federal case law and the 9<sup>th</sup> Circuit Court of Appeals findings. The measure includes a number of key provisions including:
  - Requires a peace officer to consider alternatives and providing a warning prior to using force when there is a reasonable opportunity to do so including:
    - verbal de-escalation, waiting, using other available resources and techniques if reasonable, safe and feasible, or using a lesser degree of force; and
    - a verbal warning to the person that deadly physical force may be used and

- provide the person with a reasonable opportunity to comply.
- Authorizes a peace officer to use physical force upon another person only to the degree that the peace officer reasonably believes is necessary to:
    - Address an imminent threat of physical injury to the peace officer or to a third person; or
    - Make a lawful arrest when the peace officer has probable cause to believe the person has committed a crime; or
    - Defend the peace officer or a third person from the imminent threat of physical injury; or
    - Prevent the escape from custody of the person when the peace officer has probable cause to believe the person has committed a crime.

Oregon law enforcement leaders and the officers, deputy sheriffs and troopers who honorably serve our communities are committed to earning the trust of Oregonians one contact at a time. Our objective will continue to be ensuring our communities are safe and our policing outcomes are just and equitable.

We urge your support of HB 4301