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To: **Members of the Senate Committee on Judiciary and Measure 110 Implementation**

From: Chief Chris Skinner, Eugene PD
On behalf of the Oregon Association Chiefs of Police &
the Oregon State Sheriffs' Association
cskinner@eugene-or.gov

Date: May 12, 2021

Re: **Testimony in support of HB 3059-A – Unlawful Assembly modernization**

Chair Prozanski and members of the committee,

Thank you for the opportunity to provide testimony today in support of HB 3059-A which modernizes the Unlawful Assembly Statute.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations is to protect the rights of those peacefully assembling, regardless of the views they are expressing, to preserve the peace, to protect life and prevent the destruction of property. This is where the challenge ultimately lies – public safety is committed to protect the rights of those peacefully assembling, while simultaneously working to stop the few individuals who are intent on jeopardizing community safety up to and including those destroying property and committing acts of violence.

The Unlawful Assembly statute has been used to disperse gatherings and de-escalate tensions when violence and threats to community safety become likely. Law Enforcement agencies have detailed policies in place that guide the use of this statute that include attempts to persuade event organizers or participants to disperse of their own accord before an unlawful assembly is declared. If verbal persuasion efforts are unsuccessful, agencies provide a clear announcement that the event is an unlawful assembly, and order the dispersal of participants. Department policies require the announcement to be clear, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement includes information about what law enforcement actions will take place if illegal behavior continues, identify routes for egress and provide a reasonable time to disperse following a dispersal order.

Currently, ORS 131.675 requires law enforcement officers “to go amongst any unlawfully or riotously assembled group and command them to disperse.” If the group does not immediately

disperse after being commanded to do so, the statute provides that police officers “shall go among the persons assembled and shall arrest them or cause them to be arrested.”

House Bill 3059 A amends ORS 131.675 to allow officials to go among the persons assembled and order the persons to disperse and removes the requirement that law enforcement arrest persons who fail to disperse as ordered. The modernization of the statute in this measure recognizes that there are times when law enforcement should not go amongst the crowd if doing so could compromise the safety of community members or officers or could escalate tensions. The new language removes the requirement in current ORS that requires police officers to arrest everyone who fails to disperse when ordered and replaces it with “may arrest.” Law enforcement officers who are working to safely disperse a crowd after an unlawful assembly declaration use arrest as a last resort and this modernization language is in keeping with this approach and best practice.

In closing, OSSA and OACP strongly supports this measure. Thank you for allowing us an opportunity to provide this testimony.