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M E M O R A N D U M

TO: Honorable Rep. Janelle Bynum, Chair

FROM: Aaron Knott, MCDA Policy Director

SUBJECT: Testimony in support of HB 3164

DATE: 2/24/2021

Per ORS 162.247, the charge of Interfering with a Peace Officer (IPO) is a Class A misdemeanor punishable by up to 364 days in jail. This charge can be proven either by demonstrating that a person intentionally acted in a manner that prevented or attempted to prevent a peace officer from performing their lawful duties with regards to another person, or by demonstrating that the person refused to obey a lawful order by the peace officer.

Oregon's criminal statutes are generally highly specific about the behavior they are meant to prevent. Comparatively, the crime of Interfering with a Peace Officer is exceptionally broad. The statute does not clarify whether a refusal to obey a lawful order must involve an overt act, and treats all orders given as equal, regardless of the circumstances, the level of risk to the officer, or the severity of the person's conduct.

A 2021 study by Oregon's Criminal Justice Commission on the crime of Interfering with a Peace Officer concluded that arrests for IPO increased by 140% between 2010-2020 while convictions increased only 50% during the same time period. While part of this gap can undoubtedly be attributed to the dismissal of the charge of IPO as part of a plea bargain, it also reflects that the charge of IPO is frequently declined for prosecution by District Attorneys across Oregon. Not every refusal to obey a lawful order results in an IPO, but some do. Because the statute does not require that the failure to obey the order present the risk of any harm to the officer or anyone else, the enforcement of IPO can at times appear arbitrary, and even those who believe they are complying with an order may find themselves subjected to the charge.

It must also be mentioned that the data reflects significant racial disparities in the relative rates of arrest for the crime of IPO. Per the Criminal Justice Commission, a Black person is roughly three and a half times more likely to be arrested for IPO than their overall representation in Oregon's census would suggest.

HB 3164, as amended, applies needed structure to the crime of IPO by placing specific parameters on when the crime can be charged, requiring affirmative interference with either the lawful duties of the officer with regards to another person, or as to a criminal investigation. This will encourage consistency in the application of the statute and make the law easier to follow and understand. We encourage the passage of HB 3164.

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