

Testimony Regarding HB 4008

February 7, 2022

My name is Jake Dockter and I am a concerned citizen and activist. I volunteer with the Chemical Weapons Research Center and have participated as a volunteer with Portland's Citizen Review Council's Use of Force Committee. I have been gassed by law enforcement and also have many friends who have been harmed by the use of these munitions. Some members of our community have had continuing health impacts including miscarriage. Through the studies of the CWRC and analysis of research, we should also be concerned for our natural neighbors and the impact on the rivers, trees, parks, and inhabitants.

In the summer of 2020, police from MCSCO, PPB, OSP, and other jurisdictions brutally responded to civil rights protests. Munitions were poured out on peaceful citizenry during a call for accountability. While Oregon police have attempted to shift the blame to federal law enforcement we know and have documentation of our own police harming us.

The munitions they released are known carcinogenic weapons, some of which have been banned by the US Military and banned in international war. However, our city demands to use it against the citizenry. The police will call these munitions "less lethals" or "riot control agents" and minimize the impact. They will ignore years of scientific research and claim there is little info about the impact. Working with researchers and scientists both local and international, I have read many studies and studied the impacts. "Delayed lethal" is a better name. Cancer, miscarriages, trauma, and continued harm all come from these weapons.

Part of the issue is that police claim they are safe but they are ignorant and naive. They rely on manufacturers who hide data and skirt federal laws. In an interview with former PPB Chief Resch, she told me that OC gas was “food grade” due to being an extract of capsicum. This is far from the truth and shows that the leadership even trafficks in misinfo and ignorant information.

“In 1993, however, the US Department of Labor warned that OC spray posed significant health risks to exposed employees, that it could cause unpredictable, severe adverse health outcomes, and that it should not be intentionally sprayed on the skin, eyes, or mucous membranes of employees during training.[\(1\)](#)”

Despite information like this, our cities demand to use this and worse against us. The leaders do not know the impacts and share false information to the public but now, call for use based on that ignorance.

We also have documentation of police dispensing gas in neighborhoods and impacting vulnerable populations, children and houseless community members. PPB is currently being prosecuted for attacking a father who was pleading with officers to stop gassing his home while his children struggled in pain inside. Now, refusing accountability there they demand to do that again. Why?

The United Nations themselves issues a warning about Portland Police and law enforcement attacks on rights [\(2\)](#) . International legal experts and watchdog groups raised concern about our police but now our city ignores that.

The report, “took aim at the use of tear gas, which has been heavily used by law enforcement agencies in Portland and elsewhere. It said tear gas should only be used as a last resort, and that rubber bullets should only be fired in response to an imminent threat of death or serious injury.”

The UN published a paper on rights to peaceful assembly and stated,

“Less-lethal weapons with wide-area effects, such as tear gas and water cannons, tend to have indiscriminate effects. When such weapons are used, all reasonable efforts should be made to limit risks, such as causing a stampede or harming bystanders. Such weapons should be used only as a measure of last resort⁽³⁾.”

Physicians for Human Rights also issued a report on Portland (4) ,

These CCWs are defined as “offering a substantially reduced risk of death when compared to conventional firearms.”[13] Less lethal does not mean non-lethal. PHR has reviewed cases upon cases of serious injuries, disability, and death from misuse of CCWs around the world, including in [Bahrain](#), [Panama](#), [South Korea](#), [Turkey](#), and multiple other countries. Projectiles, when fired at close range or directly at people’s heads, necks, or chests, have caused [loss of eyes](#), [perforated chests](#), [brain damage](#), [cardiogenic shock](#), and even death. They should never be used for crowd control against largely peaceful demonstrators. Law enforcement officials have a legal obligation to apply non-violent means before resorting to the use of force. “Less-lethal” [weapons](#) should only be employed against individuals committing violent acts if other means remain ineffective and when strictly necessary to obtain a lawful and legitimate law enforcement objective. Any use of these must be preceded by clear [warnings](#). In the face of multiple serious injuries caused by police use of force in the U.S. Black Lives Matter demonstrations, there is a heavy burden of proof on these law enforcement agencies to show that these actions do not amount to excessive force that fails to comply with the [international human rights principles](#) of necessity, proportionality, precaution, legality, and accountability.

Oregon claims to be a progressive place that respects the rights of our community. I hope that we will do so here and follow recommendations from the UN and other champions of human rights. We should be leaders in health and human rights. This before you today is an attempt to walk backward and ask from these cities to brutalize and harm their own citizens. It ignores recommendations from Portland’s own oversight groups like the [CRC](#) and from international groups like [the UN](#) . The CRC recommended Portland Police,

- *Make permanent the existing ban on the use of CS gas by PPB, and extend it to other chemical weapons used for crowd management.*
- *Create a plan to mitigate the risks to public health and the environment in the event of chemical weapons use. ○ Implement a more restrictive standard governing force that poses risks of indiscriminate harm to bystanders and/or individuals gathered in crowds (5)*

Here Portland and others continue to ignore science while publicly stating they follow it. ‘

You ignore communities who demand safety for all citizens.

You ignore the bruises and miscarriages of both children and justice.

Do not walk back safety.

- (1) http://www.nopepperspray.org/health_hazards_of_pepper_spray_ncjm.htm
- (2) <https://www.nytimes.com/2020/07/29/world/americas/united-nations-portland-protests.html>
- (3) <https://digitallibrary.un.org/record/3884725?ln=en>
- (4) <https://phr.org/our-work/resources/now-they-just-seem-to-want-to-hurt-us-portland-oregon/>
- (5) <https://pamplinmedia.com/documents/artdocs/00003714896218-0644.pdf>

Thank you, Jake Dockter