



OREGON ASSOCIATION CHIEFS OF POLICE
EXCELLENCE IN POLICING

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OREGON STATE SHERIFFS' ASSOCIATION
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PO Box 7468 Salem OR 97303

To: Members of the House Committee on Judiciary

From: Chief Chris Skinner, Eugene Police Department
Oregon State Sheriffs' Association &
Oregon Association of Chiefs of Police

Date: February 10th, 2022

Re: Testimony in Support of Dash 1 Amendment to HB 4131

Chair Bynum, Vice-Chair Noble and members of the committee,

For the record, y name is Chris Skinner. I am the Chief of Police for the City of Eugene and I'm here today on behalf of the Oregon Association Chiefs of Police and Oregon State Sheriffs' Association to offer testimony in **support of the dash-1 amendment to HB 4131 and in opposition to the dash-3 amendment.**

As you know, during the 2020 Special Sessions and 2021 Legislative Session, we worked closely with this committee and advocates to support 23 police reform measures that include a wide-range of meaningful changes to law enforcement and our public safety system as a whole. I can attest to the hard work our police agencies throughout Oregon are doing to honor your efforts by fully implementing the requirements of the measures.

I would like to focus my limited time on our **support for the dash-1 amendment to HB 4131.** I am aware that a dash-3 amendment was posted late yesterday that we cannot support because it reopens the police reform negotiations from the 2021 Session and includes a number of very significant policy provisions that haven't been vetted and that we consider problematic.

As you know, Oregon's sheriffs, chiefs, cities and counties supported the passage of HB 2928 during the 2021 Legislative Session and we are here today to support the language in the dash 1 amendment that is intended to provide important clarity to police agencies while honoring the intent of the legislation. Following the 2021 Session, legal interpretations of the language of the bill appeared to differ from the intent of the measure, created confusion and opened up officers to potential criminal liability. We believe it is critically important for officers to have a clarity

about their authority when they are faced with destructive, violent or potentially violent behavior by individuals who are participating in an event that is otherwise peaceful.

- The challenge is this:
 - Numerous paragraphs in ORS 161 govern when a person may and may not use physical force to affect an arrest, protect themselves or another person or protect property. Oregon’s police officers are trained to adhere to and are held accountable to these statutes.
 - If two people are fighting and an officer needs to break up that fight, statutes and policy allow the use of pepper spray to stop the violence. If that same conduct occurs in a crowded setting, the officer would not have the same ability to respond in the same way, since this same response in a crowded setting might be considered a use for crowd control that is prohibited. Adding to that concern, the officer could be subject to the charge of Official Misconduct for using this response in a crowd control setting, even though it would be permitted for the officer to respond that same way in a non-crowd control setting.
 - We respectfully request that we let our police officers know with as much clarity as possible what force they can use in crowded settings and when in order to protect themselves and the public. This is what the -1 amendment to HB 4131 will do. The amendment language:
 - Defines “crowd control” to provide clear guidance as to when the new law will apply.
 - Creates separate rules for handheld pepper spray and tear gas.
 - **Expressly states that impact munitions and handheld pepper spray cannot be used indiscriminately.**
 - Creates consistency between the new law, existing Oregon law, and constitutional principles governing use of force.
 - Clarifies that in circumstances constituting a riot, law enforcement agencies may use chemical incapacitants to terminate or prevent furtherance of the riot.
 - Tailors the definition of “sound device” so that it does not prohibit the use of police car sirens to respond to an emergency.
 - Replaces the term “medical help” with “emergency medical services,” which is used first in the bill and is considered a term of art, for consistency throughout the bill.

- We want to protect the rights of people to freely express themselves. It is unacceptable for police to use excessive force but it’s also unacceptable for peaceful demonstrators to be subject to violence from opposing groups. We want to protect everyone’s rights, we’re simply asking for clarity in doing so and we are hopeful you will adopt the dash-1 amendment to HB 4131.

Thank you for your consideration!