

Submitter: Mark Baenziger
On Behalf Of:
Committee: House Committee On Rules
Measure: HB4131

I have been an Oregon citizen for the past 20 years. I am a veteran with 25 years of service and I know what the risk of serving entails and I understand how we balance government violence against constitutional rights and our existing laws. I have drafted rules of engagement (ROE) for forces at risk and argued against JAGs (lawyers) who recommended restrictive ROE. I know how hard it can be to tell a serving force who are potentially at-risk that they have to restrain their own use of force to respond.

But this is a time when you need to make that hard decision - do not go forward with HB 4131.

I am deeply concerned about the proposed bill HB 4131. Democracy is messy, and protest can be messy too. It is the goal and responsibility of government and police to respond to sometimes messy protests in a way that minimizes risk to protesters, police and the public, and simultaneously maximizes the right of assembly and free speech. This bill does not meet that goal.

Ideally, police would have found ways to respond to protest in Oregon in a way that used the minimum force necessary to achieve that goal. Unfortunately this has not been born out in public record. There has been a history of excessive and often indiscriminate violent police response to protest in Oregon. This was not just revealed in the last two years of protest against police violence and in demand of racial justice - but has been present for decades, across many years of previous protests.

The restrictions on the use of tear gas and dangerous munitions for Oregon police are there for a good reason. It is saddening but not particularly surprising that police have been reluctant to work under these restrictions, and have instead lobbied hard to remove them. It does not appear that there has been any conscientious effort on the part of police to attempt alternative ways of handling violence that occurs in protests.

Since the 60's, there have been numerous government and NGO studies that have identified effective mechanisms for police to reduce risk and violence at protests, that don't require the use of chemical or kinetic munitions, or minimize the use of them. It is time for many Oregon police forces to more fully explore those options before they seek legislative redress.

New public policy sometimes takes years to become effective. The police have not in

good conscience made that attempt. Now is not the time to roll back protections for citizens that were enacted in response to many years of repeated police overreach and violence. Rather, give incentives and support to police organizations that develop and use effective responses to protest that reduce violence.