

Testimony in support of HR 4131-1 and in opposition to HR 4131-5 and 4131-6

Dan Pearson, Portland
Written Testimony Subcommittee Submitted to the
Oregon House of Representatives Committee on Rules

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Dear Chairperson Smith Warner, Vice Chair Breese-Iverson, Vice Chair Fahey, and Members of the Committee,

I am a resident of Portland, having moved here from Washington, D.C. in 2016 after 25 years of service in the U.S. House of Representatives as a Committee staffer. While I attended very few events during the 2020 protests, I did pay careful attention to those protests and police conduct, and I am well aware of the widespread use of toxic chemicals by the Portland Police Bureau (PPB) and other law enforcement agencies that operated in the city during the summer of 2020. In addition to my strong personal commitment to racial justice and civil rights, the incidents of 2020 touched me personally because I know many young people of the city who were active in exercising their first amendment rights to voice support for racial justice. Every night that our young people were out, I feared for their safety because of the way the police were treating citizens. My daughter was one of those young people.

The conduct of law enforcement in this city in response to protests made clear that the officers serving here do not view this community as their community. Portland police appear to have been among the most violent in the country in reaction to protests, with (by PPB count) over 6000 incidents of violence committed by its officers during 2020. The PPB is operating under a settlement with Department of Justice (DOJ) from 2014 based on a 2012 case DOJ brought against PPB over their pattern of using excessive force. Here we are, a decade after that case was opened, and it seems as if nothing has changed. In the wake of the 2020 protests and police abuse, the DOJ has taken the City back to court to try to enforce compliance with the settlement the City agreed to. After investigating PPB's use of force conduct in 2020, DOJ sent a letter to the City on March 23, 2021. In that letter DOJ--hardly radical advocates of defunding the police--argued that the PPB's rapid response team had acted under "a fundamentally flawed understanding of the constitutional and policy standard for use of force," and "(t)his basic misunderstanding of constitutional limits on force reflects failure of the City's accountability structure."

Make no mistake, launching "less lethal" gases and projectiles constitutes acts of violence. Efforts by the City Council in 2020 to reign in the use of these devices were ignored by the police, or they engaged in "work arounds" where another law

enforcement agency would use chemical irritants in apparent cooperation with PPB. When law enforcement does not respect legal limits on its activities, it shreds the fabric of trust in government. Theoretically, the people select officials to govern, and the agencies and bureaus of the city are supposed to respect the policies those elected officials set. That system is broken as regards to law enforcement conduct in the City of Portland.

If the PPB has changed its attitude towards the residents of the City, it doesn't show. Just this past weekend, a mass shooting occurred in a city park. I am sure you are all aware of the story, but a radicalized man pulled a gun and shot unarmed women who were there to keep racial justice protesters safe by deescalating conflicts. According to one of the victims of his violence, the shooting started after less than 90 seconds of contact and he called them c*nts before drawing and firing.

The PPB has still, as of this writing and more than 60 hours after the event, not released the shooter's name. More than that, they have lied in their descriptions of the killer by calling him a local homeowner and describing the shooting as a confrontation between two armed parties. They also suggested that there was no political motivation for the shooting. These were easily disprovable lies once the shooter's name was revealed.

When is the last time the police anywhere in the country withheld the name of a mass shooter? Why would the PPB lie about the motivations and connections that led the killer to grab a gun, leave his apartment to walk to the park, and shoot unarmed people? Usually after an event like this, a Chief of Police goes on television as soon as possible to reassure the city that the shooter has been captured and to share at least the rudiments of truth about what the shooter's motives were. Pretty sure this is considered a best practice that is designed to reduce anxiety and reassure a community that there is not a mass killer on the loose. Not what we get in Portland; the police actively suppressed facts and sowed confusion. We could speculate on the PPB's motive, but the effect of their misleading narrative appears to have been to establish a "first impression" of the shooting and the shooter as somehow justified, muddying the water about what happened.

Sit with that for a moment.

A mass shooting in our city, because of apparent political and misogynistic reasons, and the police have hid even the most basic truths about that from the public? Worse, they fed the public and the press lies about the shooter. Who do they serve? What are their values?

Why would we trust this current PPB leadership and officers with tools of law enforcement that they have demonstrated that they consciously will not use as directed

by civilian authorities? And as DOJ says, these civilian authorities have not provided effective oversight to guarantee the PPB will act consistent with Constitutional limits on use of force. The plain truth is that our police use force as they want, and our civilian leadership is feckless. Until the PPB shows real reform, and city leaders show they have real authority over the PPB, I do not believe the PPB should be trusted with chemical weapons or impact munitions.

I strongly support H.R. 4131-1 which provides further protections for people exercising their rights and for anyone providing emergency medical treatment. I strongly oppose HR 4131-5 and 4131-6 at this time.

Thank you.