

Chair Bynum, Vice Chair Noble, and Members of the Subcommittee,

My name is David Balgley, and I am a resident of Washington County. I am writing today in support of HB 2928. Since last June, I have repeatedly witnessed acts of police brutality, including police deliberately targeting the head and groin with less lethal munitions, indiscriminate use of tear gas, using pepper spray on people already in restraints, and preventing medical personnel from treating injured protestors, just to name a few concrete examples. On multiple occasions, I have personally been shot with less lethal munitions and assaulted by police with batons while on the sidewalk and fully complying with police orders. The disproportionate and collective violence Portland police choose to inflict on crowds of citizens, often justified by minor illegal actions taken by a few protestors, is unjust, immoral, and a violation of our constitutional rights to assemble.

In late June, after Governor Brown signed into law new restrictions on the use of tear gas except during a riot, Portland police immediately began declaring riots to justify their use of tear gas, deliberately flouting the spirit of the law. When Mayor Wheeler banned the use of tear gas entirely, the police openly collaborated with federal officers and frequently used tactics that trapped protestors in clouds of tear gas fired by federal officers. I mention these issues to emphasize that Portland police have repeatedly demonstrated that they are more committed to punishing the citizenry they claim to protect and serve than they are to following new laws meant to restrict their violent excesses.

Finally, while I find it encouraging to see a revision of ORS 30.265 that eliminates immunity to claims arising from riots or civil commotions, I am concerned that the burden of proving bad faith or malice, from Section 4, 6.e, on the part of police will be insurmountable for many claimants. While civil disturbances can be chaotic affairs, they are also an instance where police are much more likely to violate the rights of citizens. As such, police should have less legal protections to ensure their actions are accountable to the citizenry, not more.

Thank you for taking the time to consider my testimony.

Sincerely,
David Balgley