



**OREGON ASSOCIATION CHIEFS OF POLICE**  
EXCELLENCE IN POLICING

PO Box 21719 Keizer OR 97307



**OREGON STATE SHERIFFS' ASSOCIATION**  
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PO Box 7468 Salem OR 97303

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**To: Members of the House Judiciary Subcommittee on Equitable Policing**

**From:** Chief Jim Ferraris  
Woodburn Police Department  
On behalf of the Oregon Association Chiefs of Police and  
the Oregon State Sheriffs' Association  
[Jim.ferraris@ci.woodburn.or.us](mailto:Jim.ferraris@ci.woodburn.or.us)

**Date:** February 3, 2021

**Re: Testimony identifying concerns re HB 2928 with -1 amendment – Tear gas,  
kinetic energy projectiles and sound devices**

**Chair Bynum and members of the committee,**

On behalf of the Oregon State Sheriff's Association (OSSA) and the Oregon Association Chiefs of Police (OACP), thank you for the opportunity to provide testimony regarding HB 2928 with the -1 amendment. We are appreciative of the changes that have been made in the -1 amendment and would like to flag a few additional concerns and request adjustments to language in a few sections.

- **Section 2(2)(a)(b)(A):** These subsections appropriately limit the use of chemical incapacitants and kinetic impact projectiles for crowd control with exceptions for individuals engaged in conduct otherwise justifying the use of force by a police officer, but the term "crowd control" isn't defined. We believe a definition of crowd control is important and would provide additional clarity.
- **Section 2(3):** We fully support the importance of taking injured persons to safety, allowing injured persons to seek medical help, ensure access for emergency medical services to reach injured persons and accommodating disabilities when issuing or enforcing orders to disperse. Law enforcement should always prioritize these needs unless it is not safe or possible to do so. We request that exigency language be added recognizing that there may be situations where it is unsafe to accomplish these priorities.
- **Section 2(4):** We request the words "and attempt to enforce the requirements of this section" be removed. While law enforcement agencies can agree to inform federal law enforcement agencies regarding the requirements in section 2, neither the State of Oregon or Oregon law enforcement agencies can limit the authority of the federal government due to the Supremacy Clause of the US Constitution.

- **Section 3(3):** We would ask that the word **Intentional** be added to create a culpable mental state. We propose the line would read “**Intentional** violation of this section constitutes official misconduct in the first degree under ORS 162.415.”
- **Section 4:** We request that language eliminating immunity for responding to a riot be removed. This provision could force law enforcement agencies to create policies against responding to or taking law enforcement action in situations where there are large scale fights or civil disobedience because of liability concerns. Given the situations that have occurred in our state and nation over the past year (and within the last month) this provision could create unintended consequences.

Thank you for your consideration and for allowing us an opportunity to provide this testimony.