



February 3, 2021

House Judiciary Subcommittee on Equitable Policing
Oregon State Legislature
900 Court St NE
Salem, OR 97301

Chair Bynum and Members of the House Judiciary Subcommittee on Equitable Policing,

The American Civil Liberties Union (ACLU) of Oregon supports the underlying goal of HB 2928, with the -1 Amendment. Police public safety activities at protests and other mass assemblies should not involve militarized displays or mass violence by the government, and law enforcement should not rely on indiscriminate weapons, such as tear gas and stun grenades, to manage crowds of people. In addition to posing serious risks to people's health and safety, as well as the environment, such weapons almost by definition violate our right to due process and will seldom, if ever, constitute the least restrictive means available to regulate unlawful conduct in the context of a protest.

In Oregon, we have seen months of protests against police killing of and brutality against Black people. The public is demanding that government officials and systems act to ensure that Black Lives Matter and cease the counterintuitive reliance on violence to create public safety. Yet, state and local police repeatedly and disproportionately directed violence against Black Lives Matter protesters in violation of the United States and Oregon Constitutions, including protections for freedom of expression, freedom of the press, freedom of assembly, as well as protections against excessive force.

While the intent of HB 4208 from the first special session of 2020 was to severely limit the police's use of tear gas, it actually codified in statute a pathway for law enforcement to legally use tear gas on protesters based on the alleged actions of a few. We are pleased to see that HB 2928 with the -1 Amendment repeal this law, and clearly ban the indiscriminate use of tear gas and impact munitions, like pepper bullets and rubber ball grenades. We see the language of the -1 Amendment in Section 2, (2)(a) and (2)(b) limiting any use to individuals "engaged in conduct otherwise justifying the use of physical force by a peace officer" as a significant improvement. We look forward to working with the subcommittee to ensure that this language does not create loopholes similar to HB 4208.

Thank you,

Chloe Becker,
on behalf of the ACLU of Oregon