



OREGON ASSOCIATION CHIEFS OF POLICE
EXCELLENCE IN POLICING

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OREGON STATE SHERIFFS' ASSOCIATION
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PO Box 7468 Salem OR 97303

To: Members of the Oregon State Legislature

From: Kevin Campbell, Executive Director
Oregon Association of Chiefs of Police

Jason Myers, Executive Director
Oregon State Sheriffs' Association

Date: March 2nd, 2022

Re: Support for HB 4008 B-Engrossed

Members of the Oregon State Senate and Oregon House of Representatives,

On behalf of the Oregon Association Chiefs of Police and Oregon State Sheriffs' Association, please accept the following letter of support for HB 4008 B-Engrossed.

As you know, during the 2020 Special Sessions and 2021 Legislative Session, our associations worked closely with the House and Senate Judiciary Committees and members of the legislature to craft and support 23 law enforcement measures that include a wide-range of meaningful changes to law enforcement and our public safety system as a whole. Our police agencies throughout Oregon are working hard to honor these efforts by fully implementing the requirements of the measures. During this implementation process, legal interpretations of the language in HB 2928 created unintended impacts that bring us back to the legislature to seek fix language that clarifies intent. HB 4008 B-Engrossed addresses these unintended impacts and clarifies the intent of the original measure and we urge your support for the bill.

Why is this measure and the fix language included in it critical? Without this clarification, many in law enforcement (and their attorneys) believe that an officer may face criminal liability for using, for example, pepper spray against an individual who is actively harming another person, simply because the conduct is occurring in the context of a crowd.

HB 4008 B-Engrossed includes the following important provisions:

- Defines "Crowd Management" to mean "a public security practice in which crowds are managed to prevent the outbreak of crowd crushes, affrays, fights or riots, or in which an

assembly, protest or demonstration is dispersed.

- Replaces a “declaration of riot” as the trigger authorizing the use of tear gas to an “objectively reasonable” standard that is currently used successfully in the State of California. Based on this standard, tear gas can only be used:
 - When the use is objectively reasonable to defend against a threat to life or serious bodily injury. This is a much stricter requirement, again, than the declaration of a riot.
 - When the use is objectively reasonable to bring an objectively dangerous and unlawful situation safely and effectively under control.
- Includes several technical improvements to current law related to use of tear gas including the following requirements:
 - Requires a commanding officer to authorize the use of tear gas;
 - Requires attempts to utilize de-escalation techniques or other alternatives to force, when reasonable, without success, before using tear gas.
 - Requires that announcements must be made at least twice prior to deploying tear gas and requires law enforcement to allow sufficient time for people to evacuate.
- Adds a new provision requiring emergency room notification when handheld chemical incapacitants, tear gas and kinetic impact projectiles are used in a crowd.
- Clarifies that emergency vehicle sirens are not restricted by the sound device provisions. The provisions of HB 2928 inadvertently restricted the use of sound equipment for announcements only. This created an unintended prohibition on the use of emergency services sirens.
- Ensures that local law enforcement may adopt more stringent policies than are set out in ORS 181A.708.

The measure also authorizes Commission on Statewide Law Enforcement Standards of Conduct and Discipline (Commission) to hire an executive director and support staff and to enter into interagency or intergovernmental agreements for another state agency or governmental agency to provide support staff. As you know, the commission was a feature of HB 2930 from the 2021 Legislative Session and this authorization helps to ensure the commission is successful in its work.

We urge your support for HB 4008 B-Engrossed and appreciate your consideration!