

Testimony Regarding HB 4131

February 7, 2022

My name is Kat Mahoney. I have been an ACLU Legal Observer since 2017. In the last 5 years of observing police responses to protests, the use of chemical and less lethal weapons has increased while de-escalation tactics have decreased.

Prior to summer of 2020, Portland police mostly used flash bangs and rubber bullets as a means to dispersing a crowd. In 2020, Portland police relied heavily on chemical weapons like tear gas and mace in the form of grenades, paintball sized capsules that broke open on impact, and rubber bullets. Portland police used this type of force frequently on protesters who were passively resisting or complying. In many cases, the police started the riot by firing tear gas and other weapons into a crowd that was engaging in passive resistance or dispersing slowly.

A Few Observations:

On June 2, 2020 when the police decided the protest was over, I saw people walking towards the Burnside Bridge, complying with the order to disperse. I saw police rush up behind people and shoot them with pepper balls and throw smoke grenades. The people were complying.

On June 6, 2020 police declared the protest an unlawful assembly and moments later, before the crowd could disperse, fired flash bangs into the crowd from behind the chain link fence. I saw people leaving and then cut off by police cars which directed them back towards the Justice Center where police fired pepper balls at them when they headed back down SW Main and SW Madison. I saw police tackle people and spray them point blank with mace. I saw people head to the Morrison Bridge and blocked by police on the bridge and shot with pepper balls. Police were not allowing people to leave and then shooting chemical weapons at them, like it was video game. I saw police fire shotgun shells rubber bullets into the the backs of people.

On June 26, 2020 I saw police fire grenades into the crowd from cut out holes in the plywood that surrounded the Justice Center. I saw a person struck in the skull with a

grenade and fall to the ground bleeding. After several rounds of police firing chemicals into the crowd, the police declared it an unlawful assembly, not before.

On June 30, 2020, hours after Governor Brown signed the bill that banned tear gas except when police declare a riot, the police started the riot. I saw police herd protesters east on N Lombard, walking by apartment complexes and residential side streets. I saw police fire grenades over the heads of protesters and land in front of them, cutting off their pathway east. This was a kettle or killbox technique. I saw protesters head down side streets that are residential and police fire tear gas and flash bangs. I saw tear gas grenades land at the Shell gas station. I saw people in their apartments who were looking out, quickly close their windows and doors. I saw a lawn start to go on fire due to a grenade. I saw a flash bang roll under a parked car. I saw protesters run over and put out the fire and kick the flash bang out from under the car. The police could have started massive fires and explosions.

On August 5, 2020, I saw police declare a riot after protesters being outside the East Precinct for about an hour. Protesters headed north and east and I saw police fire tear gas into their backs, at their feet, and then run up and strike protesters from behind with batons. I saw police charge at protesters which caused chaos and made people disperse down some side streets. I saw police fire flash bangs down residential side streets.

There are so many more examples I could give but the pattern is the same from the police: 1) declare a riot and 2) fire chemical weapons at protesters while they are standing still, walking away, or sitting down. I urge you to end the use of tear gas. More militaristic weaponry does not make us safer. It makes us sicker as many are experiencing long term illnesses, brain damage, and physical impairments. It creates more trauma. It does not make us safer.

Thank you,

Kat Mahoney