

February 23, 2022

Honorable Rep. Smith Warner  
House Committee on Rules  
900 Court St. NE,  
Salem, Oregon 97301

RE: Written Testimony in Support of HB 4131-3

Dear Chair Smith Warner,

Below, please find my written comment in support of HB 4131-3 in the 2022 Legislative Session. I provided these comments in some part to the House Judiciary Committee already. Here is the text I intend to read at the hearing on February 23, 2022:

Honorable Chair Smith Warner, Vice-Chairs Breese-Iverson and Fahey, and Committee Members, my name is Juan Chavez and I'm the Director of the Civil Rights Project at the Oregon Justice Resource Center. I'm here to talk about why protest violence happens, and what we can do about it. In our experience, the police violate Federal and Oregon law at protests for two big reasons: 1) we keep allowing our officers to set the Constitution aside to shut down dissent, and 2) we've armed our officers with indiscriminate weapons that most countries have agreed are banned on the battlefield.

The -3 amendment to HB 4131 addresses both problems. First, -3 makes this point clear: there is no crowd control exception to the Constitution. If an officer is going to use force, they must follow the Fourth Amendment and Oregon law standards of individualized probable cause and the force must be only used against that individual against whom they have probable cause.

Second, -3 bans the use of indiscriminate weapons like tear gas for the purpose of mass punishment at demonstrations. That's because tear gas cannot be used in a manner that is consistent with Federal and Oregon law without enabling severe abuses.

Third, -3 creates a cause of action for people harmed by police violence. If we're to believe that bad acts should be punished in courts of law, the same needs to be true for the police. Currently, there are too many excuses for police to get out of lawsuits, and -3 closes those loopholes.

Lastly, -3 brings Oregon's deadly force statute in line with most modern democracies. By making it a "last resort" standard, we can ensure that officers use every tool in their box before resorting to their gun.

Presently, an officer can shoot to kill anyone they believe has committed a violent felony. Officers are not judges, they're not juries, and they're not executioners. We need to end exceptions like this. If we're a society that professes to value life, then we need to value life.



My colleagues have already spoken extensively why it is that the League of Cities and City of Portland's proposal will hurt Oregonians. And I would add that if we're going to be changing anything about use of force law in Oregon, it needs to be to better protect Oregonians—not to help Portland's risk management portfolio.

Before I go, I would like to note that -3 represents the collective voice and labor of Oregon civil rights advocates. We put in a lot of thought and hard work into this amendment, as have legislative staff. This represents Oregon civil rights as envisioned by the Constitution and the ideals we profess to have.

The Civil Rights Project has taken a lot of time out of our busy schedules to work on these legislative concepts and attend hearings like this. HB 2928 was worked on for over a year and stakeholders had an opportunity to weigh in then. Now, we are being asked to participate in writing whole new bill. Frankly, I find it shameful that we have to continue to be dragged into hearings like this to prevent the City of Portland from pulling a fast one during a short session.

As the community has voiced in the numerous submissions of written testimony, there can be no compromise on the Constitution.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'JC Chavez', is written over the typed name and title.

Juan C. Chavez  
Director, Civil Rights Project  
Oregon Justice Resource Center