

House Bill 2934

Sponsored by Representative SHIELDS (at the request of Joe Smith)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires all counties and certain cities to create civilian police review boards.

A BILL FOR AN ACT

1
2 Relating to law enforcement.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 2 and 3 of this 2007 Act:**

5 (1) **"Civilian police review board"** means a board established under section 2 of this 2007
6 **Act.**

7 (2) **"Police officer"** means an employee of a city or county who is required to be certified
8 **under ORS 181.665.**

9 **SECTION 2.** (1) **The governing body of each city with a population of more than 15,000**
10 **and of each county shall establish a civilian police review board consisting of at least seven**
11 **members appointed by the governing body. In addition to the duties and authority imposed**
12 **by section 3 of this 2007 Act, a civilian police review board has such duties and authority as**
13 **the governing body establishing the board imposes on the board.**

14 (2) **None of the members may be employed by the city or county.**

15 (3) **The governing body shall determine the length of the term of office of a member, but**
16 **the term may not be less than two years. A member may be reappointed to the board.**

17 (4) **The governing body shall establish and approve policies and procedures for the oper-**
18 **ation of the civilian police review board.**

19 **SECTION 3.** (1) **Upon receiving a written complaint under subsection (2) of this section**
20 **or on its own action, a civilian police review board may conduct a review of an action taken**
21 **by a police officer of the city or county.**

22 (2)(a) **The chief of police or the sheriff shall provide a copy of every written complaint**
23 **about a police officer of the city or county to the civilian police review board of the city or**
24 **county no later than seven working days after receiving the complaint.**

25 (b) **A person may submit a written complaint about a police officer directly to the civilian**
26 **police review board of the city or county that employs the police officer.**

27 (3) **Notwithstanding any other law relating to the confidentiality of records, a civilian**
28 **police review board may request, and the agency shall disclose, any records of the agency**
29 **that employs the police officer that are relevant to the review being conducted.**

30 (4)(a) **An agency shall submit all records requested under subsection (3) of this section**
31 **to the civilian police review board within five working days after receipt of the request. An**
32 **agency may submit copies in lieu of original records.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b) Except as otherwise provided in this paragraph, the civilian police review board must**
2 **return all records and copies received under paragraph (a) of this subsection within seven**
3 **working days after completion of the review. The civilian police review board may retain a**
4 **reference copy of materials used by the board to make its recommendation if the following**
5 **apply:**

6 **(A) The material is necessary for the ongoing work of the board with regard to the par-**
7 **ticular review or to the general work of the board; and**

8 **(B) The confidentiality of the material is continued and protected in the same manner**
9 **as other materials received from the agency. Materials retained by a board under this para-**
10 **graph are exempt from disclosure under ORS 192.410 to 192.505.**

11 **(5) A civilian police review board may administer oaths, take testimony, subpoena wit-**
12 **nesses and require their attendance and require the production of books, papers and docu-**
13 **ments. Any member of the board may issue a subpoena. Failure to obey a subpoena of the**
14 **board may be punished by any court of record in the same manner as if the subpoena had**
15 **been issued by the court.**

16 **(6) Upon completion of a review, the civilian police review board shall submit a report**
17 **containing the board's findings and recommendations to the governing body of the city or**
18 **county, the chief of police or sheriff, the Department of Public Safety Standards and Training**
19 **and the district attorney for the county. The recommendations may include recommen-**
20 **dations for the training and supervising of police officers.**

21 **SECTION 4. The governing body of each city and county required to establish a civilian**
22 **police review board under section 2 of this 2007 Act shall establish the board no later than**
23 **July 1, 2008.**