

D R A F T

SUMMARY

Requires law enforcement units to adopt written policies relating to domestic violence by police officers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to domestic violence; creating new provisions; amending ORS 181.610; and declaring an emergency.

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

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 181.610 to 181.712.

SECTION 2. (1) Each law enforcement unit in this state shall adopt a written policy that at minimum meets the standards described in this section.

(2) The written policy must require:

(a) Preemployment screening procedures that include determining whether an applicant for a position as a police officer, in any jurisdiction:

(A) Has committed or been accused of committing an act of domestic violence;

(B) Is being or has previously been investigated for an allegation of child abuse or neglect; or

(C) Is or has previously been subject to a court order on the basis of an allegation of domestic violence or child abuse or neglect;

(b) That acts or allegations of acts of domestic violence by a police

1 **officer receive an immediate response by the officer's law enforcement**
2 **unit;**

3 **(c) That acts or allegations of acts of domestic violence by a police**
4 **officer be reported by an employee of a law enforcement unit as soon**
5 **as practicable after the employee learns of them;**

6 **(d) Procedures to address reporting by an employee of a law**
7 **enforcement unit who is the victim of domestic violence committed**
8 **by a police officer;**

9 **(e) Immediate self-reporting by a police officer to the officer's law**
10 **enforcement unit when a law enforcement unit in any jurisdiction has**
11 **responded to a domestic violence call in which the officer committed**
12 **or is alleged to have committed an act of domestic violence;**

13 **(f) Immediate self-reporting by a police officer to the officer's law**
14 **enforcement unit if the officer is being or has previously been inves-**
15 **tigated for, or is or has previously been subject to a court order in any**
16 **jurisdiction on the basis of an allegation of, domestic violence or child**
17 **abuse or neglect;**

18 **(g) Separate and impartial administrative and criminal investi-**
19 **gations of acts or allegations of acts of domestic violence by a police**
20 **officer;**

21 **(h) That appropriate action be taken during an administrative or**
22 **criminal investigation of acts or allegations of acts of domestic vi-**
23 **olence committed by a police officer, including an assessment of the**
24 **degree to which the police officer is reasonably likely to be a danger**
25 **to self or others and, after considering applicable law and the law**
26 **enforcement unit's ability to maintain public safety within its juris-**
27 **isdiction, whether to relieve the officer of agency-issued weapons and**
28 **other property and whether to suspend the officer's power of arrest**
29 **or other police powers pending resolution of any investigation;**

30 **(i) That any criminal investigation of domestic violence by a police**
31 **officer be conducted by a law enforcement unit other than the police**

1 **officer's law enforcement unit;**

2 **(j) That the results of a criminal investigation be turned over to the**
3 **local district attorney's office, unless the police officer is employed by**
4 **that office, in which case the results must be turned over to another**
5 **district attorney's office or the Department of Justice;**

6 **(k) That an allegation of domestic violence against a police officer,**
7 **and any subsequent administrative or criminal findings, be reported**
8 **to any law enforcement unit to which the police officer applies for, or**
9 **from which the police officer has obtained, employment and to the**
10 **Department of Public Safety Standards and Training;**

11 **(L) Prompt and appropriate discipline or sanctions in response to**
12 **acts of domestic violence and internal administrative findings related**
13 **to allegations of domestic violence committed by a police officer;**

14 **(m) That the officer's law enforcement unit immediately make**
15 **available to the alleged victim, when there has been an allegation of**
16 **domestic violence by a police officer, the following information:**

17 **(A) The law enforcement unit's written policy on domestic violence**
18 **committed by police officers;**

19 **(B) Information about public and private nonprofit domestic vi-**
20 **olence advocates and services; and**

21 **(C) Information regarding relevant confidentiality policies related**
22 **to the victim's information;**

23 **(n) Procedures for the timely response to an alleged victim's in-**
24 **quiries into the status of the administrative investigation and the**
25 **procedures the agency will follow in an investigation of domestic vi-**
26 **olence committed by a police officer;**

27 **(o) Procedures requiring a law enforcement unit to immediately**
28 **notify a police officer's law enforcement unit when the notifying law**
29 **enforcement unit learns of acts or allegations of acts of domestic vi-**
30 **olence by the police officer within the jurisdiction of the notifying law**
31 **enforcement unit; and**

1 (p) Procedures for law enforcement units to have access to domestic
2 violence prevention training.

3 (3) Police officers shall be trained by the employing law enforce-
4 ment unit on the written policy within three months of employment.

5 SECTION 3. (1)(a) Not later than January 1, 2016, every law
6 enforcement unit shall adopt a written policy as required under sec-
7 tion 2 of this 2015 Act and provide a copy of the policy to the Depart-
8 ment of Public Safety Standards and Training. The department shall,
9 upon request, provide technical assistance to law enforcement units
10 in developing a written policy.

11 (b) The department shall maintain a copy of each law enforcement
12 unit's written policy and, as soon as practicable after January 1, 2016,
13 shall provide a list of the law enforcement units that have failed to
14 adopt a written policy to the Governor and the interim committees of
15 the Legislative Assembly related to public safety.

16 (2) Notwithstanding section 2 (3) of this 2015 Act, police officers
17 hired on or before March 31, 2016, shall be trained by the employing
18 law enforcement unit not later than June 30, 2016, on the written pol-
19 icy adopted under section 2 of this 2015 Act.

20 SECTION 4. ORS 181.610 is amended to read:

21 181.610. As used in ORS 181.610 to 181.712, unless the context requires
22 otherwise:

23 (1) "Abuse" has the meaning given that term in ORS 107.705.

24 (2) "Board" means the Board on Public Safety Standards and Training
25 appointed pursuant to ORS 181.620.

26 (3) "Certified reserve officer" means a reserve officer who has been des-
27 ignated by a local law enforcement unit, has received training necessary for
28 certification and has met the minimum standards and training requirements
29 established under ORS 181.640.

30 (4) "Commissioned" means being authorized to perform various acts or
31 duties of a police officer or certified reserve officer and acting under the

1 supervision and responsibility of a county sheriff or as otherwise provided
2 by law.

3 (5) "Corrections officer" means an officer or member employed full-time
4 by a law enforcement unit who:

5 (a) Is charged with and primarily performs the duty of custody, control
6 or supervision of individuals convicted of or arrested for a criminal offense
7 and confined in a place of incarceration or detention other than a place used
8 exclusively for incarceration or detention of juveniles; or

9 (b) Has been certified as a corrections officer described in paragraph (a)
10 of this subsection and has supervisory or management authority for cor-
11 rections officers described in paragraph (a) of this subsection.

12 (6) "Department" means the Department of Public Safety Standards and
13 Training.

14 (7) "Director" means the Director of the Department of Public Safety
15 Standards and Training.

16 (8) "Domestic violence" [*means abuse between family or household mem-*
17 *bers*] **has the meaning given that term in ORS 135.230.**

18 (9) "Emergency medical dispatcher" means a person who has responsibil-
19 ity to process requests for medical assistance from the public or to dispatch
20 medical care providers.

21 (10) "Family or household members" has the meaning given that term in
22 ORS 107.705.

23 (11) "Fire service professional" means a paid or volunteer firefighter, an
24 officer or a member of a public or private fire protection agency that is en-
25 gaged primarily in fire investigation, fire prevention, fire safety, fire control
26 or fire suppression or providing emergency medical services, light and heavy
27 rescue services, search and rescue services or hazardous materials incident
28 response. "Fire service professional" does not mean forest fire protection
29 agency personnel.

30 (12) "Law enforcement unit" means:

31 (a) A police force or organization of the state, a city, university that has

1 established a police department under ORS 352.383 or 353.125, port, school
2 district, mass transit district, county, county service district authorized to
3 provide law enforcement services under ORS 451.010, tribal government as
4 defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized
5 tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011,
6 the Criminal Justice Division of the Department of Justice, the Department
7 of Corrections, the Oregon State Lottery Commission, the Security and
8 Emergency Preparedness Office of the Judicial Department or common car-
9 rier railroad the primary duty of which, as prescribed by law, ordinance or
10 directive, is one or more of the following:

11 (A) Detecting crime and enforcing the criminal laws of this state or laws
12 or ordinances relating to airport security;

13 (B) The custody, control or supervision of individuals convicted of or ar-
14 rested for a criminal offense and confined to a place of incarceration or de-
15 tention other than a place used exclusively for incarceration or detention
16 of juveniles; or

17 (C) The control, supervision and reformation of adult offenders placed on
18 parole or sentenced to probation and investigation of adult offenders on
19 parole or probation or being considered for parole or probation;

20 (b) A police force or organization of a private entity with a population
21 of more than 1,000 residents in an unincorporated area the employees of
22 which are commissioned by a county sheriff;

23 (c) A district attorney's office;

24 (d) The Oregon Liquor Control Commission with regard to liquor
25 enforcement inspectors; or

26 (e) A humane investigation agency as defined in ORS 181.433.

27 (13) "Liquor enforcement inspector" has the meaning given that term in
28 ORS 471.001.

29 (14) "Parole and probation officer" means:

30 (a) An officer who is employed full-time by the Department of Corrections,
31 a county or a court and who is charged with and performs the duty of:

1 (A) Community protection by controlling, investigating, supervising and
2 providing or making referrals to reformative services for adult parolees or
3 probationers or offenders on post-prison supervision; or

4 (B) Investigating adult offenders on parole or probation or being consid-
5 ered for parole or probation; or

6 (b) An officer who:

7 (A) Is certified and has been employed as a full-time parole and probation
8 officer for more than one year;

9 (B) Is employed part-time by the Department of Corrections, a county or
10 a court; and

11 (C) Is charged with and performs the duty of:

12 (i) Community protection by controlling, investigating, supervising and
13 providing or making referrals to reformative services for adult parolees or
14 probationers or offenders on post-prison supervision; or

15 (ii) Investigating adult offenders on parole or probation or being consid-
16 ered for parole or probation.

17 (15) "Police officer" means:

18 (a) An officer, member or employee of a law enforcement unit employed
19 full-time as a peace officer who is:

20 (A) Commissioned by a city, port, school district, mass transit district,
21 county, county service district authorized to provide law enforcement ser-
22 vices under ORS 451.010, tribal government as defined in section 1, chapter
23 644, Oregon Laws 2011, the Criminal Justice Division of the Department of
24 Justice, the Oregon State Lottery Commission, a university that has estab-
25 lished a police department under ORS 352.383 or 353.125, the Governor or the
26 Department of State Police; and

27 (B) Responsible for enforcing the criminal laws of this state or laws or
28 ordinances relating to airport security;

29 (b) An investigator of a district attorney's office if the investigator is or
30 has been certified as a peace officer in this or another state;

31 (c) A humane special agent commissioned under ORS 181.433;

1 (d) A judicial marshal appointed under ORS 1.177 who is trained pursuant
2 to ORS 181.647; or

3 (e) An authorized tribal police officer as defined in section 1, chapter 644,
4 Oregon Laws 2011.

5 (16) “Public or private safety agency” means a unit of state or local gov-
6 ernment, a special purpose district or a private firm that provides, or has
7 authority to provide, fire fighting, police, ambulance or emergency medical
8 services.

9 (17) “Public safety personnel” and “public safety officer” include cor-
10 rections officers, youth correction officers, emergency medical dispatchers,
11 parole and probation officers, police officers, certified reserve officers, tele-
12 communicators, liquor enforcement inspectors and fire service professionals.

13 (18) “Reserve officer” means an officer or member of a law enforcement
14 unit who is:

15 (a) A volunteer or employed less than full-time as a peace officer com-
16 missioned by a city, port, school district, mass transit district, county,
17 county service district authorized to provide law enforcement services under
18 ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon
19 Laws 2011, the Criminal Justice Division of the Department of Justice, the
20 Oregon State Lottery Commission, a university that has established a police
21 department under ORS 352.383 or 353.125, the Governor or the Department
22 of State Police;

23 (b) Armed with a firearm; and

24 (c) Responsible for enforcing the criminal laws and traffic laws of this
25 state or laws or ordinances relating to airport security.

26 (19) “Telecommunicator” means a person employed as an emergency tele-
27 phone worker as defined in ORS 243.736 or a public safety dispatcher whose
28 primary duties are receiving, processing and transmitting public safety in-
29 formation received through a 9-1-1 emergency reporting system as defined in
30 ORS 403.105.

31 (20) “Youth correction officer” means an employee of the Oregon Youth

1 Authority who is charged with and primarily performs the duty of custody,
2 control or supervision of youth offenders confined in a youth correction fa-
3 cility.

4 **SECTION 5.** ORS 181.610, as amended by section 50, chapter 644, Oregon
5 Laws 2011, section 23, chapter 54, Oregon Laws 2012, section 14, chapter 67,
6 Oregon Laws 2012, section 5, chapter 88, Oregon Laws 2012, section 18,
7 chapter 1, Oregon Laws 2013, section 7, chapter 154, Oregon Laws 2013, and
8 section 32, chapter 180, Oregon Laws 2013, is amended to read:

9 181.610. As used in ORS 181.610 to 181.712, unless the context requires
10 otherwise:

11 (1) "Abuse" has the meaning given that term in ORS 107.705.

12 (2) "Board" means the Board on Public Safety Standards and Training
13 appointed pursuant to ORS 181.620.

14 (3) "Certified reserve officer" means a reserve officer who has been des-
15 ignated by a local law enforcement unit, has received training necessary for
16 certification and has met the minimum standards and training requirements
17 established under ORS 181.640.

18 (4) "Commissioned" means being authorized to perform various acts or
19 duties of a police officer or certified reserve officer and acting under the
20 supervision and responsibility of a county sheriff or as otherwise provided
21 by law.

22 (5) "Corrections officer" means an officer or member employed full-time
23 by a law enforcement unit who:

24 (a) Is charged with and primarily performs the duty of custody, control
25 or supervision of individuals convicted of or arrested for a criminal offense
26 and confined in a place of incarceration or detention other than a place used
27 exclusively for incarceration or detention of juveniles; or

28 (b) Has been certified as a corrections officer described in paragraph (a)
29 of this subsection and has supervisory or management authority for cor-
30 rections officers described in paragraph (a) of this subsection.

31 (6) "Department" means the Department of Public Safety Standards and

1 Training.

2 (7) "Director" means the Director of the Department of Public Safety
3 Standards and Training.

4 (8) "Domestic violence" [*means abuse between family or household mem-*
5 *bers*] **has the meaning given that term in ORS 135.230.**

6 (9) "Emergency medical dispatcher" means a person who has responsibil-
7 ity to process requests for medical assistance from the public or to dispatch
8 medical care providers.

9 (10) "Family or household members" has the meaning given that term in
10 ORS 107.705.

11 (11) "Fire service professional" means a paid or volunteer firefighter, an
12 officer or a member of a public or private fire protection agency that is en-
13 gaged primarily in fire investigation, fire prevention, fire safety, fire control
14 or fire suppression or providing emergency medical services, light and heavy
15 rescue services, search and rescue services or hazardous materials incident
16 response. "Fire service professional" does not mean forest fire protection
17 agency personnel.

18 (12) "Law enforcement unit" means:

19 (a) A police force or organization of the state, a city, university that has
20 established a police department under ORS 352.383 or 353.125, port, school
21 district, mass transit district, county, county service district authorized to
22 provide law enforcement services under ORS 451.010, tribal government, the
23 Criminal Justice Division of the Department of Justice, the Department of
24 Corrections, the Oregon State Lottery Commission, the Security and Emer-
25 gency Preparedness Office of the Judicial Department or common carrier
26 railroad the primary duty of which, as prescribed by law, ordinance or di-
27 rective, is one or more of the following:

28 (A) Detecting crime and enforcing the criminal laws of this state or laws
29 or ordinances relating to airport security;

30 (B) The custody, control or supervision of individuals convicted of or ar-
31 rested for a criminal offense and confined to a place of incarceration or de-

1 tention other than a place used exclusively for incarceration or detention
2 of juveniles; or

3 (C) The control, supervision and reformation of adult offenders placed on
4 parole or sentenced to probation and investigation of adult offenders on
5 parole or probation or being considered for parole or probation;

6 (b) A police force or organization of a private entity with a population
7 of more than 1,000 residents in an unincorporated area the employees of
8 which are commissioned by a county sheriff;

9 (c) A district attorney's office;

10 (d) The Oregon Liquor Control Commission with regard to liquor
11 enforcement inspectors; or

12 (e) A humane investigation agency as defined in ORS 181.433.

13 (13) "Liquor enforcement inspector" has the meaning given that term in
14 ORS 471.001.

15 (14) "Parole and probation officer" means:

16 (a) An officer who is employed full-time by the Department of Corrections,
17 a county or a court and who is charged with and performs the duty of:

18 (A) Community protection by controlling, investigating, supervising and
19 providing or making referrals to reformatory services for adult parolees or
20 probationers or offenders on post-prison supervision; or

21 (B) Investigating adult offenders on parole or probation or being consid-
22 ered for parole or probation; or

23 (b) An officer who:

24 (A) Is certified and has been employed as a full-time parole and probation
25 officer for more than one year;

26 (B) Is employed part-time by the Department of Corrections, a county or
27 a court; and

28 (C) Is charged with and performs the duty of:

29 (i) Community protection by controlling, investigating, supervising and
30 providing or making referrals to reformatory services for adult parolees or
31 probationers or offenders on post-prison supervision; or

1 (ii) Investigating adult offenders on parole or probation or being consid-
2 ered for parole or probation.

3 (15) "Police officer" means:

4 (a) An officer, member or employee of a law enforcement unit employed
5 full-time as a peace officer who is:

6 (A) Commissioned by a city, port, school district, mass transit district,
7 county, county service district authorized to provide law enforcement ser-
8 vices under ORS 451.010, tribal government, the Criminal Justice Division
9 of the Department of Justice, the Oregon State Lottery Commission, a uni-
10 versity that has established a police department under ORS 352.383 or
11 353.125, the Governor or the Department of State Police; and

12 (B) Responsible for enforcing the criminal laws of this state or laws or
13 ordinances relating to airport security;

14 (b) An investigator of a district attorney's office if the investigator is or
15 has been certified as a peace officer in this or another state;

16 (c) A humane special agent commissioned under ORS 181.433; or

17 (d) A judicial marshal appointed under ORS 1.177 who is trained pursuant
18 to ORS 181.647.

19 (16) "Public or private safety agency" means a unit of state or local gov-
20 ernment, a special purpose district or a private firm that provides, or has
21 authority to provide, fire fighting, police, ambulance or emergency medical
22 services.

23 (17) "Public safety personnel" and "public safety officer" include cor-
24 rections officers, youth correction officers, emergency medical dispatchers,
25 parole and probation officers, police officers, certified reserve officers, tele-
26 communicators, liquor enforcement inspectors and fire service professionals.

27 (18) "Reserve officer" means an officer or member of a law enforcement
28 unit who is:

29 (a) A volunteer or employed less than full-time as a peace officer com-
30 missioned by a city, port, school district, mass transit district, county,
31 county service district authorized to provide law enforcement services under

1 ORS 451.010, tribal government, the Criminal Justice Division of the De-
2 partment of Justice, the Oregon State Lottery Commission, a university that
3 has established a police department under ORS 352.383 or 353.125, the Gov-
4 ernor or the Department of State Police;

5 (b) Armed with a firearm; and

6 (c) Responsible for enforcing the criminal laws and traffic laws of this
7 state or laws or ordinances relating to airport security.

8 (19) “Telecommunicator” means a person employed as an emergency tele-
9 phone worker as defined in ORS 243.736 or a public safety dispatcher whose
10 primary duties are receiving, processing and transmitting public safety in-
11 formation received through a 9-1-1 emergency reporting system as defined in
12 ORS 403.105.

13 (20) “Youth correction officer” means an employee of the Oregon Youth
14 Authority who is charged with and primarily performs the duty of custody,
15 control or supervision of youth offenders confined in a youth correction fa-
16 cility.

17 **SECTION 6. Section 3 of this 2015 Act is repealed on January 2, 2021.**

18 **SECTION 7. This 2015 Act being necessary for the immediate pres-
19 ervation of the public peace, health and safety, an emergency is de-
20 clared to exist, and this 2015 Act takes effect on its passage.**

21
