

A-Engrossed
House Bill 2002

Ordered by the House April 24
Including House Amendments dated April 24

Sponsored by Representatives FREDERICK, BUCKLEY, WILLIAMSON; Representatives KENY-GUYER, MCLAIN, VEGA PEDERSON (Presession filed.)

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.

[Requires Oregon Criminal Justice Commission to establish independent procedures for receiving and recording profiling complaints.]

[Authorizes Attorney General to investigate profiling complaints, publish report on findings and take other actions Attorney General deems appropriate.]

Directs law enforcement agencies to adopt written policies and procedures prohibiting profiling by October 1, 2015. Requires certain elements for policies and procedures, including receiving and investigating profiling complaints. Directs law enforcement agencies to provide copies of received profiling complaints to Law Enforcement Contacts Policy and Data Review Committee.

Authorizes Law Enforcement Contacts Policy and Data Review Committee to receive profiling complaints from public and copies of profiling complaints from law enforcement agency. Directs committee to forward copies of profiling complaints received from public to appropriate law enforcement agency. Directs committee to establish policies for receiving and forwarding profiling complaints by October 1, 2015.

Establishes Law Enforcement Profiling Work Group and directs group to prepare report concerning profiling, including recommendations for legislation, for interim committees of Legislative Assembly related to judiciary.

Sunsets work group July 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to public safety; and declaring an emergency.

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

SECTION 1. As used in sections 1 to 3 of this 2015 Act:

(1) "Law enforcement agency" means:

(a) The Department of State Police;

(b) The Department of Justice;

(c) A district attorney's office; and

(d) Any of the following that maintains a law enforcement unit as defined in ORS 181.610:

(A) A political subdivision or an instrumentality of the State of Oregon.

(B) A municipal corporation of the State of Oregon.

(C) A tribal government.

(D) A university.

(2) "Law enforcement officer" means:

(a) A member of the Oregon State Police;

(b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer commissioned by a university under ORS 352.383 or 353.125;

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 (c) An investigator of a district attorney's office if the investigator is or has been certi-
2 fied as a law enforcement officer in this or any other state;

3 (d) An investigator of the Criminal Justice Division of the Department of Justice;

4 (e) A humane special agent as defined in ORS 181.435;

5 (f) A judicial marshal of the Security and Emergency Preparedness Office of the Judicial
6 Department who is appointed under ORS 1.177 and trained pursuant to ORS 181.647;

7 (g) A liquor enforcement inspector exercising authority described in ORS 471.775 (2); or

8 (h) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws
9 2011.

10 (3) "Profiling" means that a law enforcement agency or a law enforcement officer targets
11 an individual for suspicion of violating a provision of law based solely on the real or perceived
12 factor of the individual's age, race, ethnicity, color, national origin, language, gender, gender
13 identity, sexual orientation, political affiliation, religion, homelessness or disability, unless
14 the agency or officer is acting on a suspect description or information related to an identified
15 or suspected violation of a provision of law.

16 (4) "Sexual orientation" has the meaning given that term in ORS 174.100.

17 **SECTION 2.** (1) No later than October 1, 2015, all law enforcement agencies shall adopt
18 written policies and procedures prohibiting profiling. The policies and procedures shall, at a
19 minimum, include:

20 (a) A prohibition on profiling;

21 (b) Procedures allowing a complaint alleging profiling to be made to the agency:

22 (A) In person;

23 (B) In a writing signed by the complainant and delivered by hand, postal mail, facsimile
24 or electronic mail; or

25 (C) By telephone, anonymously or through a third party;

26 (c) The provision of appropriate forms to use for submitting complaints alleging profiling;

27 (d) Procedures for submitting a copy of each profiling complaint to the Law Enforcement
28 Contacts Policy and Data Review Committee and for receiving profiling complaints forwarded
29 from the committee; and

30 (e) Procedures for investigating all complaints alleging profiling.

31 (2) A law enforcement agency shall:

32 (a) Investigate all complaints alleging profiling that are received by the agency or for-
33 warded from the committee.

34 (b) Establish a time frame within which a complaint alleging profiling may be made to
35 the agency. The time frame may not be fewer than 90 days or more than 180 days after the
36 alleged commission of profiling.

37 **SECTION 3.** (1)(a) A law enforcement agency shall provide to the Law Enforcement
38 Contacts Policy and Data Review Committee a copy of each complaint the agency receives
39 alleging profiling.

40 (b) The law enforcement agency shall notify the committee of the disposition of the
41 complaint.

42 (2)(a) A person may submit to the committee a complaint alleging profiling and the
43 committee shall receive the complaints.

44 (b) The committee also shall receive complaints alleging profiling that are forwarded
45 from a law enforcement agency.

1 (c) The committee shall forward a copy of each profiling complaint the committee re-
2 ceives to the law enforcement agency employing the officer that is the subject of the com-
3 plaint. The forwarded complaint must include the name of the complainant unless the
4 complainant requests to remain anonymous, in which case the complainant's name must be
5 redacted.

6 (3)(a) The committee shall not release any personal information concerning a
7 complainant or a law enforcement officer who is the subject of a profiling complaint.

8 (b) The personal information of complainants and of law enforcement officers who are
9 the subject of profiling complaints are exempt from public disclosure under ORS 192.502.

10 (c) As used in this subsection, "personal information" has the meaning given that term
11 in ORS 807.750.

12 **SECTION 4.** No later than October 1, 2015, the Law Enforcement Contacts Policy and
13 Data Review Committee shall establish policies for receiving and forwarding complaints al-
14 leging profiling. The policies shall be consistent with the provisions of section 3 of this 2015
15 Act.

16 **SECTION 5.** (1) The Law Enforcement Profiling Work Group is established, consisting
17 of the following 10 members:

18 (a) Three members appointed by the President of the Senate.

19 (b) Three members appointed by the Speaker of the House of Representatives.

20 (c) Three members appointed by the Governor.

21 (d) The Attorney General, or the Attorney General's designee from the Civil Rights Unit
22 of the Department of Justice, who shall chair the work group.

23 (2) The work group shall:

24 (a) Propose a process to identify any patterns or practices of profiling as defined in sec-
25 tion 1 of this 2015 Act that impact groups of persons disproportionately on the basis of any
26 of the factors listed in section 1 (3) of this 2015 Act.

27 (b) Identify methods to address and correct patterns or practices of profiling.

28 (c) Prepare a report identifying any statutory changes needed, including recommen-
29 dations for legislation, to the interim committees of the Legislative Assembly related to the
30 judiciary no later than December 1, 2015.

31 (3) The staff of the Committee Services Office of Legislative Administration shall provide
32 administrative and technical support to the work group.

33 **SECTION 6.** Section 2 of this 2015 Act is amended to read:

34 **Sec. 2.** (1) [No later than October 1, 2015,] All law enforcement agencies shall [adopt] have
35 written policies and procedures prohibiting profiling. The policies and procedures shall, at a mini-
36 mum, include:

37 (a) A prohibition on profiling;

38 (b) Procedures allowing a complaint alleging profiling to be made to the agency:

39 (A) In person;

40 (B) In a writing signed by the complainant and delivered by hand, postal mail, facsimile or
41 electronic mail; or

42 (C) By telephone, anonymously or through a third party;

43 (c) The provision of appropriate forms to use for submitting complaints alleging profiling;

44 (d) Procedures for submitting a copy of each profiling complaint to the Law Enforcement Con-
45 tacts Policy and Data Review Committee and for receiving profiling complaints forwarded from the

1 committee; and

2 (e) Procedures for investigating all complaints alleging profiling.

3 (2) A law enforcement agency shall:

4 (a) Investigate all complaints alleging profiling that are received by the agency or forwarded
5 from the committee.

6 (b) Establish a time frame within which a complaint alleging profiling may be made to the
7 agency. The time frame may not be fewer than 90 days or more than 180 days after the alleged
8 commission of profiling.

9 **SECTION 7. Sections 4 and 5 of this 2015 Act are repealed on July 1, 2016.**

10 **SECTION 8. Section 3 of this 2015 Act and the amendments to section 2 of this 2015 Act
11 by section 6 of this 2015 Act become operative on October 1, 2015.**

12 **SECTION 9. This 2015 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
14 on its passage.**

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