

House Bill 2002

Sponsored by Representatives FREDERICK, BUCKLEY; Representative KENY-GUYER (Pre-session 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 **as introduced**.

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.

A BILL FOR AN ACT

1
2 Relating to public safety.

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

4 **SECTION 1. (1) The Oregon Criminal Justice Commission shall establish independent**
5 **procedures for receiving and maintaining a record of complaints alleging profiling by any law**
6 **enforcement agency or any law enforcement officer and shall make the complaints available**
7 **to the Attorney General.**

8 (2) The Attorney General may:

9 (a) Initiate an investigation of a complaint alleging profiling or a systematic pattern of
10 profiling.

11 (b) Publish a report or summary of findings regarding profiling or systematic patterns
12 of profiling. The report or summary must be redacted to prevent disclosure of personal
13 identifying information of law enforcement officers and complainants.

14 (c) Take action as the Attorney General deems appropriate, including but not limited to:

15 (A) Sending notice to a law enforcement agency that is the subject of a high volume of
16 profiling complaints;

17 (B) Arranging cultural competency training through the Department of Public Safety
18 Standards and Training for law enforcement officers and law enforcement agencies that are
19 the subject of profiling complaints; or

20 (C) Requesting that a law enforcement agency discipline law enforcement officers who
21 are the subject of repeated profiling complaints.

22 (3) As used in this section:

23 (a) "Law enforcement agency" means the Department of State Police, the Department
24 of Justice, a district attorney's office, a political subdivision or an instrumentality of the
25 State of Oregon, a municipal corporation of the State of Oregon, a tribal government or a
26 university, that maintains a law enforcement unit as defined in ORS 181.610.

27 (b) "Law enforcement officer" means:

28 (A) A member of the Oregon State Police;

29 (B) A sheriff, constable, marshal, municipal police officer or reserve officer or a police
30 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 (c) "Profiling" means that a law enforcement agency or a law enforcement officer:

11 (A) In conducting a routine or spontaneous investigatory activity or in determining the
12 scope, substance or duration of the routine or spontaneous investigatory activity, relies on
13 age, race, ethnicity, color, national origin, language, gender, sexual orientation, political af-
14 filiation, religion, homelessness or mental disability to select an individual for or subject the
15 individual to the routine or spontaneous investigatory activity, except that using a specific
16 suspect description related to a criminal incident or suspected criminal activity is not pro-
17 filing; or

18 (B) In conducting an investigatory activity in connection with an investigation, relies on
19 age, race, ethnicity, color, national origin, language, gender, sexual orientation, political af-
20 filiation, religion, homelessness or mental disability as an identifying characteristic or cir-
21 cumstance of an individual, unless credible information relevant to the locality or time frame
22 links the individual to an identified criminal incident or criminal activity.

23 (d) "Routine or spontaneous investigatory activity" includes an interview, a detention, a
24 traffic stop, a pedestrian stop, a frisk or other type of bodily search and a search of personal
25 or real property.

26 (e) "Sexual orientation" has the meaning given that term in ORS 174.100.
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