

House Bill 2701

Sponsored by Representative FREDERICK (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 **as introduced**.

Increases number of sessions with mental health professional that law enforcement agency must pay for and requires involved officer to attend all sessions. Requires testing of involved officer for controlled substances, including anabolic steroids, immediately following incident in which use of deadly physical force caused death or serious physical injury.

Requires Board on Public Safety Standards and Training to ensure that police officers and certified reserve officers receive periodic psychological evaluations as condition of certification. Requires Department of Public Safety Standards and Training and board to determine by rule when results of, or failure to submit to, psychological evaluation requires suspension or revocation of certification.

A BILL FOR AN ACT

1
2 Relating to police officers; creating new provisions; and amending ORS 181.789.

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

4 **SECTION 1.** ORS 181.789 is amended to read:

5 181.789. (1) As used in this section, "involved officer" means:

6 (a) A police officer whose official conduct, or official order to use deadly physical force, was a
7 cause in fact of the death **or serious physical injury** of a person. As used in this paragraph, "order
8 to use deadly physical force" means an order issued to another officer to use deadly physical force
9 in a specific incident or an order or directive establishing rules of engagement for the use of deadly
10 physical force for a specific incident.

11 (b) A police officer whose official conduct was not a cause in fact of the death **or serious**
12 **physical injury** of a person but whose official involvement in an incident in which the use of deadly
13 physical force by a police officer resulted in the death **or serious physical injury** of a person:

14 (A) Began before or during the use of the deadly physical force; and

15 (B) Was reasonably likely to have exposed the police officer to greater stresses or trauma than
16 other police officers experienced as a result of their involvement in the incident before or during
17 the use of the deadly physical force.

18 (2) A law enforcement agency shall adopt a policy dealing with the use of deadly physical force
19 by its police officers. At a minimum, the policy must include guidelines for the use of deadly physical
20 force.

21 (3)(a) For each involved officer employed by a law enforcement agency, the law enforcement
22 agency shall pay the costs of at least [*two*] **six** sessions with a mental health professional that are
23 attended by the officer. The sessions must be held within six months after the incident in which the
24 officer was involved.

25 (b) An involved officer shall attend [*at least one*] **all** of the sessions described in paragraph (a)
26 of this subsection.

27 (c) Sessions with a mental health professional under this subsection may not be substituted for

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 a fitness for duty examination required or requested as a condition of employment by the law
 2 enforcement agency that employs the involved officer.

3 (4) *[For at least 72 hours immediately]* Following an incident in which the use of deadly physical
 4 force by a police officer resulted in the death **or serious physical injury** of a person[.]:

5 (a) **An involved officer must be tested immediately for controlled substances, as defined**
 6 **in ORS 475.005, and for anabolic steroids, as defined in ORS 342.721.**

7 (b) **For at least 72 hours**, a law enforcement agency may not return an involved officer to
 8 duties that might place the officer in a situation in which the officer *[has]* **might be required** to
 9 use deadly physical force. A law enforcement agency may not reduce an involved officer's pay or
 10 benefits as a result of the law enforcement agency's compliance with this *[subsection]* **paragraph**.
 11 Notwithstanding ORS 181.796 (1), a personnel cost incurred in complying with this *[subsection]*
 12 **paragraph** by a law enforcement agency employing 40 or fewer police officers is an expense for
 13 purposes of ORS 181.796.

14 (5)(a) A law enforcement agency employing an involved officer shall include at least one police
 15 officer from a different law enforcement agency in the investigation of the incident in which the
 16 involved officer was involved.

17 (b) The failure of a law enforcement agency to comply with paragraph (a) of this subsection is
 18 not grounds for suppressing evidence obtained in the investigation.

19 (6)(a) A law enforcement agency shall collect at least the following information relating to in-
 20 cidents in which a police officer's use of deadly physical force resulted in the death **or serious**
 21 **physical injury** of a person:

22 (A) The name, gender, race, ethnicity and age of the decedent.

23 (B) The date, time and location of the incident.

24 (C) A brief description of the circumstances surrounding the incident.

25 (b) *[A]* **The** law enforcement agency shall promptly submit the information collected under par-
 26 agraph (a) of this subsection to the Department of Justice.

27 (7) The department shall compile and periodically publish information submitted under sub-
 28 section (6) of this section. The department, by rule, may specify a form to be used by law enforce-
 29 ment agencies in submitting information under subsection (6) of this section.

30 **SECTION 2. Section 3 of this 2013 Act is added to and made a part of ORS 181.610 to**
 31 **181.712.**

32 **SECTION 3. (1) The Board on Public Safety Standards and Training shall ensure that all**
 33 **police officers and certified reserve officers receive periodic psychological evaluations as a**
 34 **condition of certification under ORS 181.640.**

35 **(2) The Department of Public Safety Standards and Training shall recommend and the**
 36 **board shall establish by rule the circumstances under which the results of, or failure to**
 37 **submit to, the psychological evaluation required under subsection (1) of this section requires**
 38 **suspension or revocation of the certification of a police officer or certified reserve officer**
 39 **under ORS 181.662.**

40