

House Bill 3098

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

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

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to domestic violence; creating new provisions; amending ORS 181.610; and declaring an
3 emergency.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 181.610 to**
6 **181.712.**

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

9 **(2) The written policy must require:**

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

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

13 **(B) Is being or has previously been investigated for an allegation of child abuse or neg-**
14 **lect; or**

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

17 **(b) That acts or allegations of acts of domestic violence by a police officer receive an**
18 **immediate response by the officer's law enforcement unit;**

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

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

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

27 **(f) Immediate self-reporting by a police officer to the officer's law enforcement unit if the**
28 **officer is being or has previously been investigated for, or is or has previously been subject**
29 **to a court order in any jurisdiction on the basis of an allegation of, domestic violence or child**
30 **abuse or neglect;**

31 **(g) Separate and impartial administrative and criminal investigations of acts or**

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 **allegations of acts of domestic violence by a police officer;**

2 **(h) That appropriate action be taken during an administrative or criminal investigation**
 3 **of acts or allegations of acts of domestic violence committed by a police officer, including**
 4 **an assessment of the degree to which the police officer is reasonably likely to be a danger**
 5 **to self or others and, after considering applicable law and the law enforcement unit's ability**
 6 **to maintain public safety within its jurisdiction, whether to relieve the officer of agency-**
 7 **issued weapons and other property and whether to suspend the officer's power of arrest or**
 8 **other police powers pending resolution of any investigation;**

9 **(i) That any criminal investigation of domestic violence by a police officer be conducted**
 10 **by a law enforcement unit other than the police officer's law enforcement unit;**

11 **(j) That the results of a criminal investigation be turned over to the local district**
 12 **attorney's office, unless the police officer is employed by that office, in which case the re-**
 13 **sults must be turned over to another district attorney's office or the Department of Justice;**

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

18 **(L) Prompt and appropriate discipline or sanctions in response to acts of domestic vi-**
 19 **olence and internal administrative findings related to allegations of domestic violence com-**
 20 **mitted by a police officer;**

21 **(m) That the officer's law enforcement unit immediately make available to the alleged**
 22 **victim, when there has been an allegation of domestic violence by a police officer, the fol-**
 23 **lowing information:**

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

26 **(B) Information about public and private nonprofit domestic violence advocates and ser-**
 27 **vices; and**

28 **(C) Information regarding relevant confidentiality policies related to the victim's infor-**
 29 **mation;**

30 **(n) Procedures for the timely response to an alleged victim's inquiries into the status of**
 31 **the administrative investigation and the procedures the agency will follow in an investigation**
 32 **of domestic violence committed by a police officer;**

33 **(o) Procedures requiring a law enforcement unit to immediately notify a police officer's**
 34 **law enforcement unit when the notifying law enforcement unit learns of acts or allegations**
 35 **of acts of domestic violence by the police officer within the jurisdiction of the notifying law**
 36 **enforcement unit; and**

37 **(p) Procedures for law enforcement units to have access to domestic violence prevention**
 38 **training.**

39 **(3) Police officers shall be trained by the employing law enforcement unit on the written**
 40 **policy within three months of employment.**

41 **SECTION 3. (1)(a) Not later than January 1, 2016, every law enforcement unit shall adopt**
 42 **a written policy as required under section 2 of this 2015 Act and provide a copy of the policy**
 43 **to the Department of Public Safety Standards and Training. The department shall, upon re-**
 44 **quest, provide technical assistance to law enforcement units in developing a written policy.**

45 **(b) The department shall maintain a copy of each law enforcement unit's written policy**

1 **and, as soon as practicable after January 1, 2016, shall provide a list of the law enforcement**
 2 **units that have failed to adopt a written policy to the Governor and the interim committees**
 3 **of the Legislative Assembly related to public safety.**

4 (2) **Notwithstanding section 2 (3) of this 2015 Act, police officers hired on or before March**
 5 **31, 2016, shall be trained by the employing law enforcement unit not later than June 30, 2016,**
 6 **on the written policy adopted under section 2 of this 2015 Act.**

7 **SECTION 4.** ORS 181.610 is amended to read:

8 181.610. As used in ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

12 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
 13 enforcement unit, has received training necessary for certification and has met the minimum stan-
 14 dards and training requirements established under ORS 181.640.

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

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

20 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
 21 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
 22 detention other than a place used exclusively for incarceration or detention of juveniles; or

23 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
 24 has supervisory or management authority for corrections officers described in paragraph (a) of this
 25 subsection.

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

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

28 (8) "Domestic violence" [*means abuse between family or household members*] **has the meaning**
 29 **given that term in ORS 135.230.**

30 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
 31 for medical assistance from the public or to dispatch medical care providers.

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

33 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
 34 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
 35 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
 36 and heavy rescue services, search and rescue services or hazardous materials incident response.
 37 "Fire service professional" does not mean forest fire protection agency personnel.

38 (12) "Law enforcement unit" means:

39 (a) A police force or organization of the state, a city, university that has established a police
 40 department under ORS 352.383 or 353.125, port, school district, mass transit district, county, county
 41 service district authorized to provide law enforcement services under ORS 451.010, tribal govern-
 42 ment as defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police
 43 officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the
 44 Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the
 45 Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad

1 the primary duty of which, as prescribed by law, ordinance or directive, is one or more of the fol-
 2 lowing:

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

5 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
 6 offense and confined to a place of incarceration or detention other than a place used exclusively for
 7 incarceration or detention of juveniles; or

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

11 (b) A police force or organization of a private entity with a population of more than 1,000 resi-
 12 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

13 (c) A district attorney's office;

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

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

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

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

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

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

23 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
 24 bation; or

25 (b) An officer who:

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

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

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

30 (i) Community protection by controlling, investigating, supervising and providing or making re-
 31 ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-
 32 vision; or

33 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
 34 bation.

35 (15) "Police officer" means:

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

38 (A) Commissioned by a city, port, school district, mass transit district, county, county service
 39 district authorized to provide law enforcement services under ORS 451.010, tribal government as
 40 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-
 41 ment of Justice, the Oregon State Lottery Commission, a university that has established a police
 42 department under ORS 352.383 or 353.125, the Governor or the Department of State Police; and

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

45 (b) An investigator of a district attorney's office if the investigator is or has been certified as

1 a peace officer in this or another state;

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

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

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

5 (16) "Public or private safety agency" means a unit of state or local government, a special pur-
6 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-
7 bulance or emergency medical services.

8 (17) "Public safety personnel" and "public safety officer" include corrections officers, youth
9 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
10 certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service profes-
11 sionals.

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

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

19 (b) Armed with a firearm; and

20 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
21 nances relating to airport security.

22 (19) "Telecommunicator" means a person employed as an emergency telephone worker as de-
23 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
24 and transmitting public safety information received through a 9-1-1 emergency reporting system as
25 defined in ORS 403.105.

26 (20) "Youth correction officer" means an employee of the Oregon Youth Authority who is
27 charged with and primarily performs the duty of custody, control or supervision of youth offenders
28 confined in a youth correction facility.

29 **SECTION 5.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, section
30 23, chapter 54, Oregon Laws 2012, section 14, chapter 67, Oregon Laws 2012, section 5, chapter 88,
31 Oregon Laws 2012, section 18, chapter 1, Oregon Laws 2013, section 7, chapter 154, Oregon Laws
32 2013, and section 32, chapter 180, Oregon Laws 2013, is amended to read:

33 181.610. As used in ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

37 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
38 enforcement unit, has received training necessary for certification and has met the minimum stan-
39 dards and training requirements established under ORS 181.640.

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

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

45 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-

1 individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or
 2 detention other than a place used exclusively for incarceration or detention of juveniles; or

3 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
 4 has supervisory or management authority for corrections officers described in paragraph (a) of this
 5 subsection.

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

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

8 (8) "Domestic violence" [*means abuse between family or household members*] **has the meaning**
 9 **given that term in ORS 135.230.**

10 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
 11 for medical assistance from the public or to dispatch medical care providers.

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

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

18 (12) "Law enforcement unit" means:

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

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

28 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
 29 offense and confined to a place of incarceration or detention other than a place used exclusively for
 30 incarceration or detention of juveniles; or

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

34 (b) A police force or organization of a private entity with a population of more than 1,000 resi-
 35 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

36 (c) A district attorney's office;

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

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

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

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

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

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

1 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
2 bation; or

3 (b) An officer who:

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

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

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

8 (i) Community protection by controlling, investigating, supervising and providing or making re-
9 ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-
10 vision; or

11 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
12 bation.

13 (15) "Police officer" means:

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

16 (A) Commissioned by a city, port, school district, mass transit district, county, county service
17 district authorized to provide law enforcement services under ORS 451.010, tribal government, the
18 Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a
19 university that has established a police department under ORS 352.383 or 353.125, the Governor or
20 the Department of State Police; and

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

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

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

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

27 (16) "Public or private safety agency" means a unit of state or local government, a special pur-
28 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-
29 bulance or emergency medical services.

30 (17) "Public safety personnel" and "public safety officer" include corrections officers, youth
31 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
32 certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service profes-
33 sionals.

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

35 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
36 school district, mass transit district, county, county service district authorized to provide law
37 enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the
38 Department of Justice, the Oregon State Lottery Commission, a university that has established a
39 police department under ORS 352.383 or 353.125, the Governor or the Department of State Police;

40 (b) Armed with a firearm; and

41 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
42 nances relating to airport security.

43 (19) "Telecommunicator" means a person employed as an emergency telephone worker as de-
44 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
45 and transmitting public safety information received through a 9-1-1 emergency reporting system as

1 defined in ORS 403.105.

2 (20) "Youth correction officer" means an employee of the Oregon Youth Authority who is
3 charged with and primarily performs the duty of custody, control or supervision of youth offenders
4 confined in a youth correction facility.

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

6 **SECTION 7. This 2015 Act being necessary for the immediate preservation of the public
7 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
8 on its passage.**

9
