

# Senate Bill 486

Sponsored by Senators EDWARDS, THOMSEN (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**.

Prohibits law enforcement agencies and officers from profiling based on specified personal characteristics or circumstances of individuals, except when characteristics or circumstances are tied to specific suspect description or credible information related to criminal incident or activity.

Requires law enforcement agencies to adopt policies and procedures to eliminate profiling based on specified characteristics or circumstances of individuals and procedures for investigation of complaints against law enforcement officers.

Requires Oregon Criminal Justice Commission to establish independent procedures for receiving and recording 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 profiling in law enforcement investigatory activity.

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

4 **SECTION 1. As used in sections 1 to 4 of this 2015 Act:**

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

9 (2) **"Law enforcement officer" means:**

10 (a) **A member of the Oregon State Police;**

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

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

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

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

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

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

20 (h) **An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws**  
21 **2011.**

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

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

26 **SECTION 2. (1) In conducting a routine or spontaneous investigatory activity or in de-**  
27 **termining the scope, substance or duration of the routine or spontaneous investigatory ac-**

**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 tivity, a law enforcement agency or a law enforcement officer may not rely on age, race,  
 2 ethnicity, color, national origin, language, gender, sexual orientation, political affiliation, re-  
 3 ligion, homelessness or mental disability, except in a specific suspect description related to  
 4 a criminal incident or suspected criminal activity, to select an individual for or subject the  
 5 individual to the routine or spontaneous investigatory activity.

6 (2) In conducting an investigatory activity in connection with an investigation, a law  
 7 enforcement agency or a law enforcement officer may not rely on age, race, ethnicity, color,  
 8 national origin, language, gender, sexual orientation, political affiliation, religion,  
 9 homelessness or mental disability as an identifying characteristic or circumstance of an in-  
 10 dividual, except to the extent that credible information relevant to the locality or time frame  
 11 links the individual to an identified criminal incident or criminal activity.

12 **SECTION 3.** (1) A law enforcement agency shall adopt written policies and procedures  
 13 designed to eliminate any practice by its law enforcement officers that violates a provision  
 14 of section 2 of this 2015 Act.

15 (2) As part of the administrative complaint procedures of a law enforcement agency, the  
 16 agency shall, at a minimum:

17 (a) Investigate a complaint alleging that one of its law enforcement officers violated a  
 18 provision of section 2 of this 2015 Act;

19 (b) Take appropriate measures to discipline the law enforcement officer, including facili-  
 20 tating mediation or other restorative justice measures, when it is determined that the law  
 21 enforcement officer violated a provision of section 2 of this 2015 Act;

22 (c) Provide appropriate forms for submitting complaints alleging a violation of a provision  
 23 of section 2 of this 2015 Act by one of its law enforcement officers; and

24 (d) Submit to the Oregon Criminal Justice Commission a redacted copy of each complaint  
 25 alleging a violation of a provision of section 2 of this 2015 Act by one of its law enforcement  
 26 officers and the disposition of the complaint, in a manner that does not disclose personal  
 27 identifying information of a law enforcement officer or the complainant.

28 (3) A law enforcement agency shall:

29 (a) Establish a time frame within which a complaint alleging a violation of a provision  
 30 of section 2 of this 2015 Act by one of its law enforcement officers may be made. The time  
 31 frame may not be less than 90 days or more than 180 days after commission of the alleged  
 32 violation.

33 (b) Allow a complaint alleging a violation of a provision of section 2 of this 2015 Act by  
 34 one of its law enforcement officers to be made:

35 (A) In person;

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

38 (C) By telephone, anonymously or through a third party.

39 **SECTION 4.** (1) The Oregon Criminal Justice Commission shall establish independent  
 40 procedures for receiving and maintaining a record of complaints alleging a violation of a  
 41 provision of section 2 of this 2015 Act by any law enforcement agency or any law enforcement  
 42 officer and shall make the complaints available to the Attorney General.

43 (2) The Attorney General may:

44 (a) Initiate an investigation of a complaint alleging a violation or a systematic pattern  
 45 of violations of the provisions of section 2 of this 2015 Act; and

1       **(b) Take action as the Attorney General deems appropriate.**

2       **(3) The Attorney General may publish a report or summary of findings regarding vio-**  
3 **lations of the provisions of section 2 of this 2015 Act. The report or summary must be**  
4 **redacted to prevent disclosure of personal identifying information of law enforcement offi-**  
5 **cers and complainants.**

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