

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/11/16

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 02/08, 02/11

Vote:

Yeas: 9 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Sprenger, Vega Pederson

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Allows law enforcement officer or law enforcement unit, on behalf of officer, to file petition with circuit court on behalf of police officer to require withholding of officer personal information from disclosure in cases where, by clear and convincing evidence, officer or unit can demonstrate credible present threat of danger to life of police officer or immediate family of officer. Specifies information to be withheld. Requires in camera review of petition. Requires court to enter order granting or denying petition within five business days of filing petition. Requires withholding be related to specific event. Allows withholding of information for period of 90 days from date on which court enters order. Allows additional extensions of order. Specifies procedure for obtaining officer name in civil suit involving officer. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Threats to officers following occupation of Malheur Wildlife Refuge
- Standard is credible threat of present danger to life
- Limitations on withholding of information do not extend to actions unrelated to threat
- Balance between protecting officer safety and public right to information

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure.

BACKGROUND:

Law enforcement officers may be the target of threats of violence to themselves or their families due to actions taken in their employment. While some protections allow for withholding a law enforcement officer's personal information in certain situations, no Oregon statute specifically addresses withholding an officer's name from disclosure in cases where there is a threat to the officer or the officer's family's safety.

House Bill 4087 A allows the withholding of an officer's personal information for a period of 90 days following a petition to the court and an in camera review of evidence showing a credible present threat of danger to the life of an officer or an officer's family. The petition may be filed by the officer, or the officer's law enforcement unit. Additional extensions of the withholding are allowed if the threat continues. Information to be withheld includes the officer's name, address, e-mail address, telephone number, date of birth, and other identifying information. The measure does not allow a blanket disclosure for any information relating to the officer, so the name of the officer could be disclosed for events unrelated to the specific threat. Additionally, the measure provides an avenue for disclosing or withholding the name of the officer when a civil suit has been filed.