

LC 79 (6/19/20) STAFF MEASURE SUMMARY

Joint Interim Committee on the First Special Session of 2020

Prepared By: Gillian Fischer, LPRO Analyst

WHAT THE MEASURE DOES:

Requires law enforcement to notify the Attorney General when a police officers used physical force resulting in death or a qualifying physical injury. Directs the attorney general to adopt by rule the definition of a qualifying physical injury. Directs the Attorney General, upon notification of qualifying incident as described by the measure, to appoint a special investigator to direct the investigation into the officer’s use of physical force. Requires the Attorney General’s investigation to be completed within six months from date of use of force occurrence. If the Attorney General determines there is no basis to proceed with criminal charges based on their investigation, all records pertaining to the investigation shall be made public. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

Under current Oregon law, a law enforcement agency is required to follow established policies created by the agency in compliance with ORS 181A.780 when responding to a fatality caused by an officer’s use of deadly force. This policy must be submitted and approved by the office of the Attorney General of Oregon and publicized on the Oregon Department of Justice’s website. Currently, a law enforcement agency must designate a lead investigator employed by an agency other than the agency employing the officer under investigation for the use of force.

LC 79 would require the Attorney General to appoint a special investigator to conduct investigations anytime physical force used by a police officer results in death or a qualifying physical injury.