

D R A F T

SUMMARY

Modifies requirements for database of disciplinary and certification actions relating to police officers and reserve officers established by Department of Public Safety Standards and Training.

Requires law enforcement agencies to report to department when agency imposes disciplinary action with economic consequences on police officer or reserve officer.

A BILL FOR AN ACT

Relating to records of discipline of police officers; creating new provisions; and amending section 3, chapter 7, Oregon Laws 2020 (first special session) (Enrolled House Bill 4207).

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

SECTION 1. Section 3, chapter 7, Oregon Laws 2020 (first special session) (Enrolled House Bill 4207), is amended to read:

Sec. 3. (1) The Department of Public Safety Standards and Training shall establish a statewide online database of [*suspensions and revocations of the certifications of police officers that is accessible by the public*] **disciplinary and certification actions relating to police officers and reserve officers.**

(2) The department shall publish information on the database when the department suspends or revokes the certification of a police officer under ORS 181A.630, 181A.640 and 181A.650, **or when a police officer resigns in lieu of termination**, including but not limited to:

(a) The name of the officer;

(b) The law enforcement unit at which the officer was employed; and

1 (c) A description of the facts underlying the suspension [*or*], revocation
2 **or resignation.**

3 (3) The department shall publish the information required under sub-
4 section (2) of this section **by prominently posting the information on the**
5 **department's website for ease of public access** within 10 days after:

6 (a) **The resignation; or**

7 (b) **In the case of a suspension or revocation of certification:**

8 [(a)] (A) The time for filing an appeal of the department's decision under
9 ORS 181A.650 has passed and no appeal has been filed; or

10 [(b)] (B) The decision of the department is appealed under ORS 181A.650
11 and the department's decision has been sustained by the Court of Appeals
12 or the appeal has been dropped.

13 (4)(a) **Within 10 days after receiving a report of disciplinary action**
14 **with economic consequences under section 3 of this 2021 Act, the de-**
15 **partment shall enter the information contained in the report in the**
16 **database.**

17 (b) **If the disciplinary action with economic consequences is subject**
18 **to arbitration before becoming final, the department shall make the**
19 **report accessible only to law enforcement agencies until the arbi-**
20 **tration process is complete and the disciplinary action becomes final.**

21 (c) **Notwithstanding paragraph (b) of this subsection, the depart-**
22 **ment shall make a report available to the public before the arbitration**
23 **process is complete and the disciplinary action becomes final when the**
24 **public interest requires disclosure of the report.**

25 (d) **Within 10 days after the department receives notice under sec-**
26 **tion 3 of this 2021 Act that the arbitration process is complete and the**
27 **disciplinary action is final, the department shall publish the report by**
28 **prominently posting the information on the department's website for**
29 **ease of public access.**

30 [(4)] (5) **No later than September 1 of each year, the department shall**
31 **submit [*an annual*] a report to an appropriate committee of the Legislative**

1 Assembly summarizing and analyzing the data in the database. **The report**
2 **must include, for the previous 12 months:**

3 (a) **The number of reports of disciplinary action with economic**
4 **consequences received by the department under section 3 of this 2021**
5 **Act.**

6 (b) **Analysis of the types of misconduct that resulted in disciplinary**
7 **action with economic consequences.**

8 (c) **Analysis of the types of discipline that were reversed in arbi-**
9 **tration.**

10 **SECTION 2. Section 3 of this 2021 Act is added to and made a part**
11 **of ORS 181A.355 to 181A.670.**

12 **SECTION 3. (1) As used in this section:**

13 (a) **“Disciplinary action with economic consequences” means a cor-**
14 **rective or punitive action imposed by a law enforcement agency fol-**
15 **lowing an investigation into an officer’s alleged misconduct that**
16 **deprives the officer of pay, rank, accrued time or other pecuniary**
17 **benefits.**

18 (b) **“Law enforcement agency” has the meaning given that term in**
19 **ORS 181A.775.**

20 (c) **“Officer” means a police officer or reserve officer.**

21 (2) **Within 72 hours after a law enforcement agency imposes disci-**
22 **plinary action with economic consequences on an officer, the law**
23 **enforcement agency shall send a report of the disciplinary action to**
24 **the Department of Public Safety Standards and Training. The report**
25 **must include:**

26 (a) **The name and rank of the officer;**

27 (b) **A description of the economic consequences resulting from the**
28 **disciplinary action;**

29 (c) **A description of the reason for the disciplinary action; and**

30 (d) **The current status of the disciplinary action and any related**
31 **arbitration proceedings.**

1 **(3) If a disciplinary action with economic consequences is subject**
2 **to arbitration, the law enforcement agency shall promptly notify the**
3 **department of the outcome when the arbitration process is complete.**

4 **SECTION 4.** **Section 3 of this 2021 Act does not affect a collective**
5 **bargaining agreement entered into before the effective date of this 2021**
6 **Act, to the extent compliance with the provisions of section 3 of this**
7 **2021 Act would conflict with or impair the execution of the terms of**
8 **the collective bargaining agreement.**

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