

# DRAFT

## SUMMARY

Directs Oregon Criminal Justice Commission to establish statewide database of reports of use of physical force by peace officers and corrections officers and deaths of persons in custody. Requires commission to report annually to appropriate committee or interim committee of Legislative Assembly on reports.

Requires law enforcement units to report on use or threat of physical force, and deaths of persons in custody, to commission.

Becomes operative July 1, 2021.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to data gathering by the Oregon Criminal Justice Commission; and declaring an emergency.

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

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

(a) “Corrections officer” has the meaning given that term in ORS 181A.355.

(b) “Law enforcement unit” has the meaning given that term in ORS 181A.355.

(c) “Peace officer” has the meaning given that term in ORS 161.015.

(d) “Serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member or organ or a mental faculty.

(e) “Use of physical force” means any use of force that results in the death or serious bodily injury of a person or the discharge of a

1 **firearm by a peace officer or corrections officer at or in the direction**  
2 **of a person.**

3 **(2) The Oregon Criminal Justice Commission shall establish a**  
4 **statewide database of reports of the use of physical force by peace of-**  
5 **ficers and corrections officers and deaths of persons in custody. The**  
6 **database must be searchable and available to the public. The com-**  
7 **mission shall substitute an individual randomized number for an**  
8 **officer's certification number, unless the report has resulted in civil**  
9 **litigation against a law enforcement unit.**

10 **(3) No later than 30 calendar days after a peace officer or cor-**  
11 **rections officer uses physical force against an individual, or threatens**  
12 **to use physical force against an individual, the law enforcement unit**  
13 **that employs the officer shall report to the commission:**

14 **(a) The following information about each officer who used or**  
15 **threatened to use physical force:**

16 **(A) Certification number.**

17 **(B) Race.**

18 **(C) Gender.**

19 **(D) Age.**

20 **(E) Height and weight.**

21 **(F) Years of experience.**

22 **(G) Whether the officer is a full-time or part-time employee.**

23 **(H) Whether the officer was readily identifiable.**

24 **(b) The certification numbers of all officers present at the incident**  
25 **who did not use or threaten physical force.**

26 **(c) The date, time and location of the use or threat of physical**  
27 **force.**

28 **(d) The perceived race, gender, age, height and weight of the person**  
29 **against whom physical force was used or threatened.**

30 **(e) A description of the physical force used or threatened.**

31 **(f) A description of the severity of the physical force used or**

1 **threatened.**

2 **(g) A description of any injuries, including death, sustained by of-**  
3 **icers and persons against whom physical force was used.**

4 **(h) Whether the officer who used or threatened physical force was**  
5 **on duty.**

6 **(i) Whether the officer who used or threatened physical force used**  
7 **a weapon or discharged a firearm.**

8 **(j) Whether the law enforcement unit initiated the contact that**  
9 **ended in the use or threat of physical force.**

10 **(k) Whether officers were ambushed.**

11 **(L) Whether a supervisor was present during the use or threat of**  
12 **physical force.**

13 **(m) The reason for the presence of officers at the incident that**  
14 **ended in the use or threat of physical force.**

15 **(n) Whether the person against whom physical force was used or**  
16 **threatened resisted.**

17 **(o) A description of any threats against officers or others made by**  
18 **the person against whom physical force was used or threatened.**

19 **(p) Whether the person against whom physical force was used or**  
20 **threatened appeared to be impaired.**

21 **(4) No later than 30 calendar days after a person dies while in the**  
22 **custody of a law enforcement unit in an incident that does not involve**  
23 **the use or threat of physical force by a peace officer or corrections**  
24 **officer, the law enforcement unit shall report to the commission:**

25 **(a) The certification numbers of all officers present at the time of**  
26 **the death.**

27 **(b) The date, time and location of the death.**

28 **(c) The perceived race, gender, age, height and weight of the de-**  
29 **ceased person.**

30 **(d) The date the person was placed in custody of the law enforce-**  
31 **ment unit.**

1 (e) A description of the circumstances surrounding the death.

2 (5) A law enforcement unit may not report to the commission the  
3 name, address, Social Security number or other unique personally  
4 identifiable information of a person against whom physical force was  
5 used or threatened or of a person who dies in custody of a law  
6 enforcement unit.

7 (6) Notwithstanding the reporting periods described in subsections  
8 (3) and (4) of this section, a law enforcement unit shall submit all re-  
9 ports under subsections (3) and (4) of this section pertaining to a riot  
10 within five business days after the riot.

11 (7) The commission shall report annually to an appropriate com-  
12 mittee or interim committee of the Legislative Assembly on the re-  
13 ports received under this section, aggregated and broken down by law  
14 enforcement unit.

15 SECTION 2. (1) Section 1 of this 2020 second special session Act  
16 becomes operative on July 1, 2021.

17 (2) The Oregon Criminal Justice Commission may take any action  
18 before the operative date specified in subsection (1) of this section to  
19 enable the commission to exercise, on and after the operative date  
20 specified in subsection (1) of this section, all of the duties, functions  
21 and powers conferred on the commission by section 1 of this 2020 sec-  
22 ond special session Act.

23 SECTION 3. This 2020 second special session Act being necessary for  
24 the immediate preservation of the public peace, health and safety, an  
25 emergency is declared to exist, and this 2020 second special session Act  
26 takes effect on its passage.