

D R A F T

SUMMARY

Renames Law Enforcement Contacts Policy and Data Review Committee to Commission on Equity in Policing. Changes deadline of annual report by commission to interim legislative committees from December 1 to June 1.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the Law Enforcement Contacts Policy and Data Review Com-
3 mittee; amending ORS 131.906, 131.908, 131.920 and 131.925; and prescrib-
4 ing an effective date.

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

6 **SECTION 1.** ORS 131.906 is amended to read:

7 131.906. (1) There is created the [*Law Enforcement Contacts Policy and*
8 *Data Review Committee*] **Commission on Equity in Policing** consisting of
9 11 members appointed by the Governor.

10 (2) The purpose of the [*committee*] **commission** is to receive and analyze
11 demographic data to ensure that law enforcement agencies perform their
12 missions without inequitable or unlawful discrimination based on race, color
13 or national origin.

14 (3) To achieve its purpose, the [*committee*] **commission** shall collect and
15 analyze demographic data to:

16 (a) Provide information to assist communities and state and local law
17 enforcement agencies in evaluating the policies, training and procedures of
18 law enforcement agencies regarding the treatment of individuals during stops
19 and other contacts with law enforcement;

20 (b) Inform state and local law enforcement agencies and communities

1 about law enforcement practices; and

2 (c) Provide opportunities for communities and state and local law
3 enforcement agencies to work together to increase public trust and confi-
4 dence in law enforcement and to enhance the capacity of communities and
5 law enforcement agencies to provide more effective public safety services.

6 (4) The [*committee*] **commission** shall:

7 (a) Solicit demographic data concerning law enforcement stops and other
8 contacts between state and local law enforcement agencies and individuals;

9 (b) Publicize programs, procedures and policies from communities that
10 have made progress toward eliminating discrimination based on race, color
11 or national origin during law enforcement stops and other contacts with in-
12 dividuals;

13 (c) Provide technical assistance, including refinement of the minimum
14 data elements as necessary for effective analysis, to state and local law
15 enforcement agencies that desire to begin collecting demographic data;

16 (d) Provide technical assistance to communities and state and local law
17 enforcement agencies that desire to engage in local efforts to involve indi-
18 viduals in the establishment and implementation of programs, procedures and
19 policies that will advance the goal of ORS 131.905;

20 (e) Obtain resources for independent analysis and interpretation of de-
21 mographic data collected by state or local law enforcement agencies;

22 (f) Accept and analyze demographic data collected by a state or local law
23 enforcement agency if requested by a state or local law enforcement agency
24 and if resources are available; and

25 (g) Report to the public the results of analyses of demographic data.

26 (5) In carrying out its purpose, the [*committee*] **commission** may request
27 and receive data files from participating law enforcement agencies and may
28 analyze data for each reported contact. These data files should contain as
29 many of the following items of information as are collected by the partic-
30 ipating law enforcement agency:

31 (a) The reason for the law enforcement stop or other contact;

1 (b) The law enforcement officer's perception of the race, color or national
2 origin of the individual involved in the contact;

3 (c) The individual's gender;

4 (d) The individual's age;

5 (e) Whether a search was conducted in connection with the contact, and
6 if so, what resulted from the search;

7 (f) The disposition of the law enforcement action, if any, resulting from
8 the contact; and

9 (g) Additional data as recommended by the [committee] **commission** that
10 state and local law enforcement agencies should collect and submit.

11 (6) Data received by the [committee] **commission** for analysis under this
12 section may not identify a particular law enforcement officer or a particular
13 individual whose demographic data is collected by a state or local law
14 enforcement agency.

15 (7) The [committee] **commission** shall elect one of its members to serve
16 as chairperson.

17 (8) Members of the [committee] **commission** who are not members of the
18 Legislative Assembly are not entitled to compensation, but may be reim-
19 bursed for actual and necessary travel and other expenses incurred by them
20 in the performance of their official duties in the manner and amounts pro-
21 vided for in ORS 292.495. Claims for expenses incurred in performing func-
22 tions of the [committee] **commission** shall be paid out of funds appropriated
23 to Portland State University for purposes of the [committee] **commission**.

24 (9) Portland State University shall provide administrative support staff
25 necessary to the performance of the functions of the [committee]
26 **commission**.

27 (10) All agencies of state government, as defined in ORS 174.111, are re-
28 quested to assist the [committee] **commission** in the performance of its du-
29 ties and, to the extent permitted by laws relating to confidentiality, to
30 furnish such information and advice as the members of the [committee]
31 **commission** consider necessary to perform their duties.

1 (11) The [committee] **commission** shall make findings and issue recom-
2 mendations for action to achieve the purpose of this section. The
3 [committee] **commission** shall submit a report containing its findings and
4 recommendations to the appropriate interim legislative committees annually
5 on or before [December] **June** 1.

6 (12) After completion of the analysis of the data from at least two state
7 or local law enforcement agencies, the [committee] **commission** may recom-
8 mend the collection of additional data elements.

9 (13) This section does not prohibit a state or local law enforcement
10 agency from collecting data in addition to the information listed in sub-
11 section (5) of this section.

12 **SECTION 2.** ORS 131.908 is amended to read:

13 131.908. Portland State University may accept contributions of funds from
14 the United States, its agencies, or from any other source, public or private,
15 and agree to conditions thereon not inconsistent with the purposes of the
16 [Law Enforcement Contacts Policy and Data Review Committee] **Commission**
17 **on Equity in Policing.**

18 **SECTION 3.** ORS 131.920 is amended to read:

19 131.920. (1) All law enforcement agencies shall have written policies and
20 procedures prohibiting profiling. The policies and procedures shall, at a
21 minimum, include:

22 (a) A prohibition on profiling;

23 (b) Procedures allowing a complaint alleging profiling to be made to the
24 agency:

25 (A) In person;

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

28 (C) By telephone, anonymously or through a third party;

29 (c) The provision of appropriate forms to use for submitting complaints
30 alleging profiling;

31 (d) Procedures for submitting a copy of each profiling complaint to the

1 [Law Enforcement Contacts Policy and Data Review Committee] **Commission**
2 **on Equity in Policing** and for receiving profiling complaints forwarded from
3 the [committee] **commission**; and

4 (e) Procedures for investigating all complaints alleging profiling.

5 (2) A law enforcement agency shall:

6 (a) Investigate all complaints alleging profiling that are received by the
7 agency or forwarded from the [committee] **commission**.

8 (b) Accept for investigation a complaint alleging profiling that is made
9 to the agency within 180 days of the alleged profiling incident.

10 (c) Respond to every complaint alleging profiling within a reasonable time
11 after the conclusion of the investigation. The response must contain a
12 statement of the final disposition of the complaint.

13 **SECTION 4.** ORS 131.925 is amended to read:

14 131.925. (1)(a) A law enforcement agency shall provide to the [Law
15 Enforcement Contacts Policy and Data Review Committee] **Commission on**
16 **Equity in Policing** information concerning each complaint the agency re-
17 ceives alleging profiling, and shall notify the [committee] **commission** of the
18 disposition of the complaint, in the manner described in this subsection.

19 (b) The law enforcement agency shall submit to the [committee] **com-**
20 **mission** a profiling complaint report form summarizing each profiling com-
21 plaint and the disposition of the complaint, and a copy of each profiling
22 complaint, once each year no later than January 31.

23 (c) The law enforcement agency shall submit the form described in para-
24 graph (b) of this subsection even if the agency has not received any profiling
25 complaints.

26 (d) The profiling complaint report form and copies of profiling complaints
27 submitted to the [committee] **commission** may not include personal infor-
28 mation concerning the complainant or a law enforcement officer except as
29 to any personal information recorded on the form as described in subsection
30 (4)(c) of this section.

31 (2)(a) A person may submit to the [committee] **commission** a complaint

1 alleging profiling and the [committee] **commission** shall receive the com-
2 plaints.

3 (b) The [committee] **commission** also shall receive complaints alleging
4 profiling that are forwarded from a law enforcement agency.

5 (c) The [committee] **commission** shall forward a copy of each profiling
6 complaint the [committee] **commission** receives to the law enforcement
7 agency employing the officer that is the subject of the complaint. The for-
8 warded complaint must include the name of the complainant unless the
9 complainant requests to remain anonymous, in which case the complainant's
10 name must be redacted.

11 (3)(a) The [committee] **commission** may not release any personal infor-
12 mation concerning a complainant or a law enforcement officer who is the
13 subject of a profiling complaint.

14 (b) The personal information of complainants and of law enforcement of-
15 ficers who are the subject of profiling complaints are exempt from public
16 disclosure under ORS 192.355.

17 (4) The Department of State Police shall develop a standardized profiling
18 complaint report form. The form must provide for recording the following
19 information:

20 (a) A summary of total complaints and a certification that a law
21 enforcement agency's profiling policy conforms to ORS 131.920;

22 (b) A summary of each complaint received by the law enforcement agency,
23 including the date, time and location of the incident and the disposition of
24 the complaint; and

25 (c) To the extent known, the complainant's gender, gender identity, age,
26 race, ethnicity, sexual orientation, primary language, national origin, reli-
27 gion, political affiliation, homeless status and disability status, recorded in
28 a manner that does not identify the complainant.

29 (5) As used in this section, "personal information" has the meaning given
30 that term in ORS 807.750.

31 **SECTION 5. This 2019 Act takes effect on the 91st day after the date**

1 **on which the 2019 regular session of the Eightieth Legislative Assem-**
2 **bly adjourns sine die.**

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