

SB 495 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/21, 3/11

WHAT THE MEASURE DOES:

Prohibits jails, prisons, and Oregon Youth Authority facilities from using canines to extract a person in custody from their cell. Prohibits use of canines to intimidate or control a person in custody unless used for self-defense, to defend a third person from the use of physical force, or to prevent an individual's escape from custody.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Limits the prohibition to cell extraction. Clarifies that measure does not affect facilities ability to use canines for tracking, contraband apprehension, quelling a disturbance, preventing escape, or addressing immediate health or safety risk. Specifies that measure does not prevent the use of dogs as part of a training program or for purposes related to rehabilitation, treatment, vocational education, and skill-building of inmates.

BACKGROUND:

Six states, including Oregon, allow the use of police canines to forcibly remove individuals in custody from their cells. The Department of Corrections does not use canines to extract individuals in custody from their cells, but news reports indicate that one Oregon county has used canines to extract individuals in the county jail facility as recently as last year. Oregon state law is silent as to whether the use of canines in correctional facilities constitutes "physical force" or "physical punishment."

Canines are currently used in correctional facilities in Oregon for rehabilitation, treatment, and vocational education including the use of specially trained therapy dogs and the Rehabilitation of Canines and Offenders program where inmates help train dogs to pass behavior tests and ready them for adoption by the general public.

Senate Bill 495 prohibits jails, prisons, and Oregon Youth Authority facilities from using canines to extract a person in custody from their cell or to intimidate or control a person in custody unless used for self-defense, to defend a third person from the use of physical force, or to prevent an individual's escape from custody.