

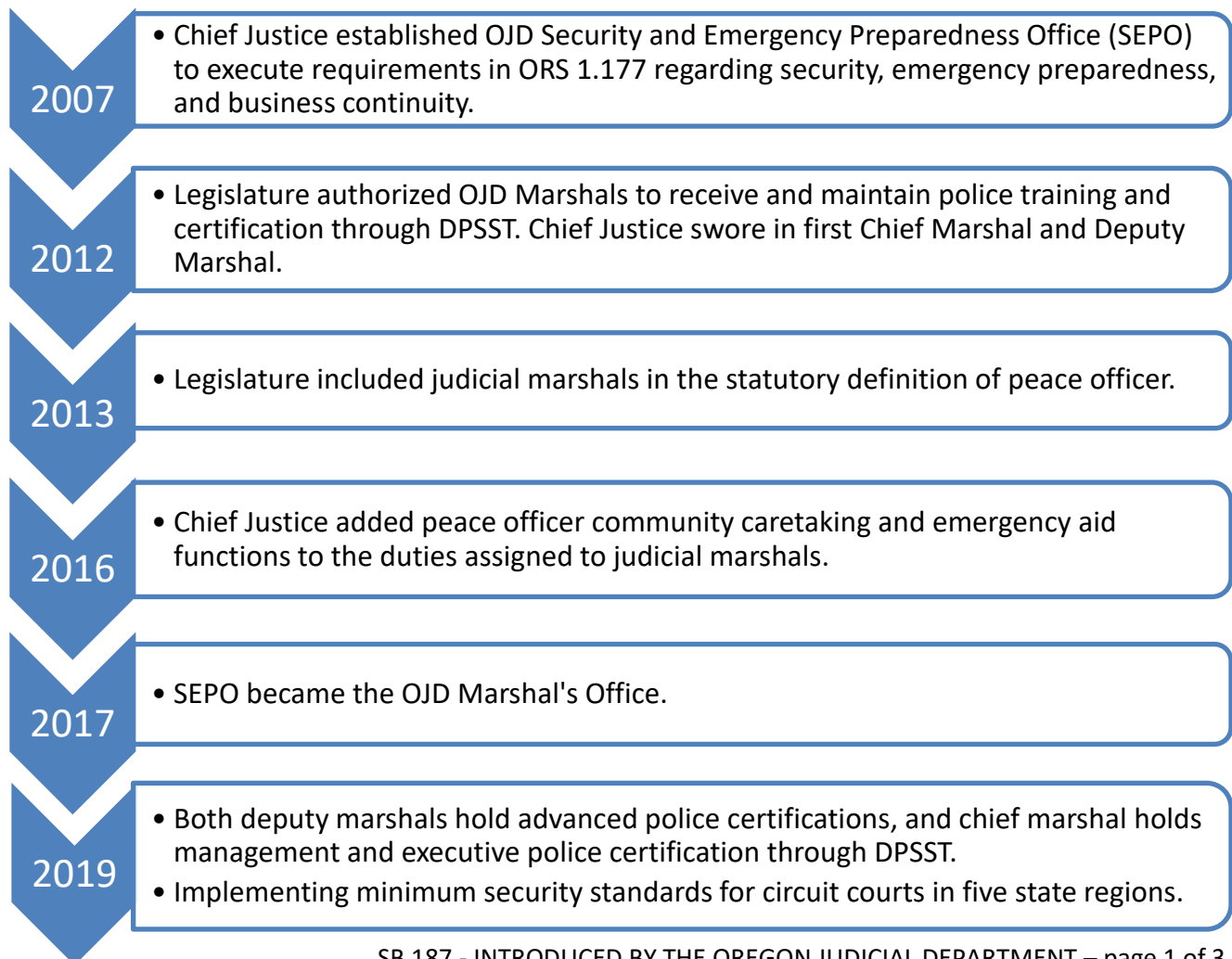
**SB 187 - RELATING TO JUDICIAL MARSHALS  
2019 LEGISLATIVE ASSEMBLY**

SB 187 provides that the Chief Judicial Marshal and two deputy judicial marshals of the Oregon Judicial Department’s Marshal’s Office, who are trained and certified as police officers by the Department of Public Safety Standards and Training (DPSST), are police officers for purposes of the Public Employees Retirement System (PERS).

**REASONS TO INCLUDE  
CERTIFIED OJD  
MARSHALS IN  
“POLICE AND FIRE”  
(P & F) PERS  
DESIGNATION**

- Trained and certified as police officers (the only certified police officers in Oregon not included in PERS definition of “police officer”)
- Identified by legislature as peace officers
- Authorized to make arrests
- Ensure security of judges, staff, and public in court facilities
- Satisfy PERS-recommended criteria for P & F inclusion
- Necessary to recruit and retain qualified judicial marshals

**OJD EXPANDED & PROFESSIONALIZED ITS MARSHAL’S OFFICE OPERATIONS.**



## **OJD MARSHALS' DUTIES MIRROR POLICE DUTIES.**

The duties of the judicial marshals are determined by the Chief Justice. They have the authority given to peace officers of this state for purposes of carrying out their duties, which include:

- Ensure the physical security of judges, staff, and the public in and around court facilities; emergency preparedness; and business continuity;
- Ensure the security of real and personal property owned, controlled, occupied, or used by the OJD;
- Provide security for members of the Supreme Court, Court of Appeals, and Tax Court in a variety of circumstances, including in courtrooms and when they are conducting oral arguments and participating in educational events in schools and other venues across the state;
- Conduct threat assessments in situations involving potential harm to judges and staff in court facilities and their homes, and work closely with other law enforcement agencies to minimize related risks;
- Provide peace officer community caretaking and emergency aid functions;
- Arrest and detain any person in accordance with these duties until a law enforcement agency with general jurisdiction in the location can arrive and assume responsibility;
- Manage security posts in the Supreme Court and Justice Buildings staffed by uniformed retired Oregon State Police (OSP) troopers;
- Train, in conjunction with Oregon State Sheriffs' Association and DPSST, deputy sheriffs and city police officers assigned to court security duties.

## **OJD MARSHALS WORK COOPERATIVELY WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT.**

The Marshal's Office works closely with the Oregon State Police (OSP) and the sheriffs throughout the state who provide security for the circuit courts in every county. In conjunction with the Oregon State Sheriffs' Association (OSSA) and DPSST, the Marshal's Office established and provides a Court Security Officer training course for deputy sheriffs and city police officers assigned to perform court security duties. The class covers topics ranging from mental health and trauma to conflict simulations and emergency vehicle operations course. The Marshal's Office has also worked collaboratively with the United States Secret Service, which reflects its reputation as an integral member of Oregon's law enforcement community. The Oregon Association Chiefs of Police and Oregon State Sheriffs' Association both formally support the passage of SB 187.

## **OJD MARSHALS MEET CRITERIA RECOMMENDED BY PERS POLICY PAPER FOR INCLUSION IN “POLICE AND FIRE” DESIGNATION.**

The PERS Policy Paper on the “Police and Fire” Classification evaluates how the legislature should determine whether to define a position as a “police officer” for purposes of PERS benefits. PERS concludes that proposals to expand the PERS definition of “Police Officer” should use the same criteria for that classification as federal tax law.

Federal tax law provides special benefits to “public safety officers.” The IRS recognizes that “public safety officers” includes law enforcement officers, and that judicial officers (including the U.S. Supreme Court Police) are law enforcement officers for purposes of those tax benefits. 34 U.S.C. §10284(6). OJD Marshals’ job duties are consistent with those of the U.S. Supreme Court Police to police the Supreme Court Building and protect the Justices, employees of the Court, and visitors to the Court.

## **POLICE AND FIRE PERS BENEFITS ARE ESSENTIAL TO RECRUIT AND RETAIN QUALIFIED OJD MARSHALS.**

OJD has determined that staffing the Marshal’s Office with certified police officers is essential. Risks of relying on non-sworn staff include an increased liability to the State and individuals, inability to make arrests in emergency situations, and lesser standards and training and oversight from DPSST. Passage of SB 187 will permit OJD to retain and recruit judicial marshals on a similar footing with executive branch law enforcement agencies.

## **PROFESSIONALIZATION OF OJD MARSHALS OFFERS COST SAVINGS.**

This bill would apply to the three incumbent judicial marshal employees. There will be a one-time cost to credit past service performed as a judicial marshal with DPSST certification. OJD will pay a higher rate for marshals’ PERS obligations than is currently paid, but having certified police officers that can provide in-house security has enabled savings on other costs of the Marshal’s Office.

*OJD marshals are recognized as peace officers by the Oregon Legislative Assembly and are the only certified police officers in the state not included in the PERS definition of “police officer.”*