

HB 4201 -1, -4 STAFF MEASURE SUMMARY

Joint Committee On The First Special Session of 2020

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 6/25

WHAT THE MEASURE DOES:

Requires law enforcement to notify the Attorney General when a police officer uses physical force resulting in death or a qualifying physical injury. Directs the attorney general to adopt by rule the definition of a qualifying physical injury. Directs the Attorney General, upon notification of qualifying incident as described by the measure, to appoint a special investigator to direct the investigation into the officer's use of physical force. Requires the Attorney General's investigation to be completed within six months from date of use of force occurrence. If the Attorney General determines there is no basis to proceed with criminal charges based on their investigation, all records pertaining to the investigation shall be made public. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 Replaces measure. Establishes the Joint Committee on Transparent Policing and Use of Force Reform. Identifies required legislative members appointed by the Speaker of the House of Representatives and the President of the Senate. Authorizes committee to meet, act, and conduct business during Legislative Assembly or any recess thereof. Identifies voting requirements. Requires the Legislative Policy and Research Office Director to provide support of committee functions. Specifies the committee objectives relating to transparent policing and use of force reform.
- 4 Adds whereas clauses proclaiming Black Lives Matter and detailing current and historic experiences of Black and other Persons of Color interactions with law enforcement officers.

BACKGROUND:

Under current Oregon law, a law enforcement agency is required to follow established policies created by the agency in compliance with ORS 181A.780 when responding to a fatality caused by an officer's use of deadly force. This policy must be submitted and approved by the office of the Attorney General of Oregon and publicized on the Oregon Department of Justice's website. Currently, a law enforcement agency must designate a lead investigator employed by an agency other than the agency employing the officer under investigation for the use of force.

4201-A would require the Attorney General to appoint a special investigator to conduct investigations anytime physical force used by a police officer results in death or a qualifying physical injury.