

## **HB 4207 -5, -6 STAFF MEASURE SUMMARY**

### **Joint Committee On The First Special Session of 2020**

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**Meeting Dates:** 6/25

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#### **WHAT THE MEASURE DOES:**

Directs the Department of Public Safety Standards and Training (DPSST) to establish a statewide database of police officer discipline records. Requires DPSST to regularly publish information related to the suspension or revocation of an officer's certification, including the officer's name, place of employment, the facts underlying the disciplinary proceeding, and the outcome of the proceeding. Prohibits disclosure of the officer's name if the discipline is currently under appeal. Directs DPSST to annually report the number of founded and unfounded complaints against police officer to the Legislative Assembly, categorized by law enforcement agency. Provides that database requirements would not apply to the extent they would conflict with or impair a collective bargaining agreement entered into before the 2020 special session.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-5 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.

-6 Proclaims trust and transparency in the hiring of law enforcement officers is in the public interest. Requires Department of Public Safety Standards and Training (DPSST) to establish statewide online public database of records relating to officer whose certification has been revoked or suspended. Brings current grounds for revocation or suspension of certification by DPSST from rules into statute. Specifies information to be provided and timeline for posting information. Requires law enforcement agencies to request and review officer or reserve officer applicant's personnel files from current or prior employing law enforcement agencies. Provides liability protection for requesting and supplying agencies. Clarifies that both violation and criminal conviction for marijuana possession are not grounds for mandatory suspension or revocation of certification. Clarifies that DPSST database reflects actions for certification revocation or suspension. Specifies that provisions relating to database or provisions relating to personnel record transfers do not affect collective bargaining agreements entered into on or before effective date of Act to the extent Act would conflict with or impair execution of terms of agreement. Makes provisions relating to database of revoked or suspended certifications operative January 1, 2021. Declares emergency; effective on passage

##### **BACKGROUND:**

There is currently no comprehensive, centralized database of law enforcement officer discipline records. Furthermore, under ORS 181A.830, agencies are prohibited from disclosing information related to an investigation of a public safety employee resulting in no discipline unless the public interest requires disclosure, the employee consents to the disclosure, the disclosure is necessary for an investigation by DPSST or other body, or when nondisclosure would adversely affect the public's confidence in the agency. The Department of Public Safety Standards and Training does maintain the online Oregon Criminal Justice Information Records Inquiry System (CJ IRIS) which contains a database of Oregon law enforcement employees. The database is publicly accessible and includes information on the employee's work history, education, training, and certifications, including whether a certification has been suspended or revoked.

**HB 4207 -5, -6 STAFF MEASURE SUMMARY**

House Bill 4207 requires DPSST to establish and regularly publish a statewide database of officer disciplinary records as well as make an annual report to the Legislative Assembly on the number of complaints against officers, categorized by agency.