

HB 4207 A STAFF MEASURE SUMMARY
Joint Committee On The First Special Session of 2020

Carrier: Rep. Lawrence Spence

Action Date: 06/25/20

Action: Do pass with amendments. (Printed A-Eng.)

House Vote

Yeas: 7 - Bynum, Drazan, Holvey, Lewis, Salinas, Speaker Kotek, Stark

Senate Vote

Yeas: 7 - Burdick, Frederick, Girod, Knopp, President Courtney, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, LPRO Analyst

Meeting Dates: 6/25

WHAT THE MEASURE DOES:

Proclaims that Black Lives Matter and details current and historic experiences of Black and other Persons of Color interactions with law enforcement officers. 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Training (DPSST) to establish statewide online public database of records relating to officer whose certification has been revoked or suspended.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. 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.

ISSUES DISCUSSED:

- Desire for greater oversight of police misconduct through examination of discipline records and certification actions
- Need for information sharing between law enforcement agencies
- Next steps for accessing discipline records
- Importance of whereas clauses

EFFECT OF AMENDMENT:

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. 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Training (DPSST) to establish statewide online public database of records relating to officer whose certification has been revoked or suspended.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. 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. 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.

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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 (DPSST) 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.

House Bill 4207-A proclaims that Black Lives Matter and details the current and historic experiences of Black and other Persons of Color and their interactions with law enforcement. The measure also proclaims that trust and transparency in the hiring of law enforcement officers is in the public interest. To that end, the measure requires DPSST to publish information on the reasons for suspension or revocation of an officer's certification in a publicly accessible online database. The measure also requires a law enforcement agency to request the personnel file of any officer it may hire before extending an offer of employment. Agencies are provided liability protection for both requesting and fulfilling the request.