

House Bill 4207

Sponsored by Representative KOTEK (at the request of Joint Committee on the First Special Session of 2020)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Public Safety Standards and Training to establish statewide database of police officer discipline records. Directs department to publish online information about disciplinary proceedings against police officers.

Directs department to submit annual report to appropriate committee of Legislative Assembly on complaints against police officers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to records of discipline of police officers; creating new provisions; amending ORS 181A.830;
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2020 special session Act is added to and made a part of ORS**
6 **181A.355 to 181A.670.**

7 **SECTION 2. (1) The Department of Public Safety Standards and Training shall establish**
8 **a statewide database of police officer discipline records.**

9 **(2) The department shall regularly publish online information about all disciplinary pro-**
10 **ceedings undertaken by the department to suspend or revoke the certification of a police**
11 **officer under ORS 181A.630, 181A.640 and 181A.650 during the preceding 12 months, including**
12 **but not limited to:**

13 **(a) The name of the officer;**

14 **(b) The law enforcement unit at which the officer was employed;**

15 **(c) A description of the facts underlying the disciplinary proceeding; and**

16 **(d) The outcome of the disciplinary proceeding.**

17 **(3) If the decision of the department in a disciplinary proceeding is appealed under ORS**
18 **181A.650, the department may not publish the name of the police officer online under sub-**
19 **section (2) of this section unless and until the department's decision has been sustained by**
20 **the Court of Appeals or the appeal has been dropped.**

21 **(4) The department shall submit an annual report to an appropriate committee of the**
22 **Legislative Assembly including the number of founded and unfounded complaints against**
23 **police officers received by the department, categorized by law enforcement unit.**

24 **SECTION 3. ORS 181A.830 is amended to read:**

25 181A.830. (1) As used in this section:

26 (a) "Public body" has the meaning given that term in ORS 192.311.

27 (b) "Public safety employee" means a certified reserve officer, corrections officer, parole and
28 probation officer, police officer or youth correction officer as those terms are defined in ORS
29 181A.355.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) A public body may not disclose a photograph of a public safety employee of the public body
2 without the written consent of the employee. This subsection does not apply to the use by the public
3 body of a photograph of a public safety employee.

4 (3) A public body may not disclose information about a personnel investigation of a public safety
5 employee of the public body if the investigation does not result in discipline of the employee.

6 (4) Subsection (3) of this section does not apply:

7 (a) When the public interest requires disclosure of the information.

8 (b) When the employee consents to disclosure in writing.

9 (c) When disclosure is necessary for an investigation by the public body, the Department of
10 Public Safety Standards and Training or a citizen review body designated by the public body.

11 **(d) To disclosures required under section 2 of this 2020 special session Act.**

12 [(d)] (e) When the public body determines that nondisclosure of the information would adversely
13 affect the confidence of the public in the public body.

14 (5) If an investigation of a public safety employee of a public body results from a complaint, the
15 public body may disclose to the complainant the disposition of the complaint and, to the extent the
16 public body considers necessary to explain the action of the public body on the complaint, a written
17 summary of information obtained in the investigation.

18 (6) A public body must notify a public safety employee of the public body if the public body re-
19 ceives a request for:

20 (a) A photograph of the employee.

21 (b) Information about the employee that is exempt from disclosure under ORS 192.345 or 192.355
22 (2) or (3).

23 (c) Information about the employee that is prohibited from disclosure by subsection (3) of this
24 section.

25 **SECTION 4. (1) Section 2 of this 2020 special session Act becomes operative on January**
26 **1, 2021.**

27 **(2) The Department of Public Safety Standards and Training may take any action before**
28 **the operative date specified in subsection (1) of this section to enable the department, on and**
29 **after the operative date specified in subsection (1) of this section, to exercise the duties,**
30 **functions and powers conferred on the department by section 2 of this 2020 special session**
31 **Act.**

32 **SECTION 5. Section 2 of this 2020 special session Act does not affect a collective bar-**
33 **gaining agreement entered into before the effective date of this 2020 special session Act to**
34 **the extent compliance with the provisions of section 2 of this 2020 special session Act would**
35 **conflict with or impair the execution of the terms of the collective bargaining agreement.**

36 **SECTION 6. This 2020 special session Act being necessary for the immediate preservation**
37 **of the public peace, health and safety, an emergency is declared to exist, and this 2020 special**
38 **session Act takes effect on its passage.**

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