

HB 2487 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/18

WHAT THE MEASURE DOES:

Removes restriction on public body to not disclose information about a personnel investigation of a public safety employee of the public body if the investigation does not result in discipline of the employee. Clarifies that the public records exemption from disclosure for a personnel discipline action does not apply to a personnel discipline action against a certified reserve officer, corrections officer, parole and probation officer, police officer, or youth correction officer. Repeals statute prohibiting a public body from disclosing audio or video records of internal investigation interviews of public safety officers except in certain circumstances. Applies to requests for public records made on or after January 1, 2022.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon's Public Records Law is primarily a disclosure law and every public record of a public body is subject to inspection, except as expressly provided by the exemptions contained in ORS 192.345. A personnel discipline action or the materials or documents supporting that action are currently exempt under ORS 192.345 (12).

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 the Department of Public Safety Standards and Training (DPSST) or other body, the disclosure is necessary for a law enforcement agency to obtain the personnel file of any officer it may hire, or when nondisclosure would adversely affect the public's confidence in the agency. A public body may also not publicly disclose audio or video records of internal investigation interviews of public safety officers, except as allowed in certain circumstances (ORS 192.385).

House Bill 2487 clarifies that a personnel discipline action against a certified reserve officer, corrections officer, parole and probation officer, police officer, or youth correction officer is not an exemption under ORS 192.345 (12), and removes or repeals the other two prohibitions relating to public records about public safety officers.