

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: HB 2932 - 4

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Directs Oregon Criminal Justice Commission to establish statewide database of reports of use of physical force by peace officers and corrections officers.

Government Unit(s) Affected:

Department of Corrections (DOC), Department of Public Safety Standards and Training (DPSST), Criminal Justice Commission (CJC)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Summary of Expenditure Impact:

See analysis

Analysis:

House Bill 2932 directs the Oregon Criminal Justice Commission to establish a statewide database of reports of use of physical force by police officers and corrections officers. This measure requires law enforcement agencies to report on the circumstances and individuals involved when an officer uses any type of force. Affected law enforcement agencies would be required to forward their reports to the Oregon Criminal Justice Commission (CJC).

This measure excludes tribal law enforcement units from the definition of “law enforcement unit.” This does not change the original fiscal determination of the measure.

Criminal Justice Commission

CJC believes that it can use the existing information technology infrastructure that supports the Statistical Transparency of Policing (STOP) project, however the changes called for in HB 2932-4 will require a new “use of force” web interface, estimated to cost around \$200,000. CJC will be able to absorb some of the technical and operational aspects of House Bill 2932-4 but additional staff will be necessary for the ongoing data collection and tracking called for in the bill. The CJC estimates a fiscal impact of \$604,823 (including the one-time \$200,000 database cost) and 2.00 FTE, one Operations and Policy Analyst and one Research Analyst. For the 2023-2025 biennium, CJC estimates a fiscal impact of \$424,634 and 2.00 FTE (one Operations and Policy Analyst and one Research Analyst.)

Department of Corrections

In order to track and report instances of use of force, DOC estimates that it would need to establish one new Correctional Captain position under House Bill 2932 with the -4 amendment. DOC estimates this position will have a fiscal impact of \$260,574 in the 2021-2023 Biennium and \$271,397 in the 2023-2025 Biennium.

Oregon State Police

The Department of State Police (OSP) currently investigates all use of physical force incidents internally through its Professional Standards Section. This use of physical force information is already provided to the CJC and to the Federal Bureau of Investigations (FBI) for inclusion into a national use of force database. OSP has documented eight years of statistics on use of force from 2012-2019. On average OSP has 1 use of force incident for every 1,635 routine contacts. The average number of routine contacts per year for this time period is 214,214. This averages out to 131 use of force incidents per year, or 0.06% of routine contacts result in a use of force incident. This shows that the majority of OSP's routine contacts are resolved without resulting to the use of physical force.

OSP reports an indeterminate fiscal impact from this measure based on two factors: the definition of "threat of physical force" and the method of determining how often the agency's troopers "threaten the use of physical force" to gain voluntary compliance, as that is not a statistic the agency currently tracks. Depending on the definition of "threat of physical force", this could be every instance of an officer informing an individual of the consequences for noncompliance or escalating the situation. The agency assumes that the investigation and reporting of the "threat of physical force" incidents will be less involved than the "use of physical force" incidents, although the same information is being collected and reported on both. This information would be gathered and documented by Lieutenants assigned to the Professional Standards Section. The agency estimates that one Lieutenant could handle 360 "threat of physical force" incidents per year. Absent a means of tracking the number of "threats," the number of Lieutenants required for investigating and reporting on such events is indeterminate.

The Oregon Judicial Department

The Oregon Judicial Department anticipates a minimal fiscal impact from this measure.

Department of Public Safety Standards and Training

DPSST does not anticipate a fiscal impact from the measure. The requirement that DPSST be included in investigations in situations where applicable will not have a fiscal impact on the agency.

Cities and Counties

Cities and Counties have an indeterminate fiscal impact for this measure. Costs associated with the measure will depend on the actual number of use of force incidents occurring and the amount of time it will take staff to enter the relevant information into the database.