

Senate Bill 237

Sponsored by Senator GORSEK (Presession filed.)

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**.

Provides that Department of State Police has exclusive jurisdiction to investigate certain incidents involving police officers and corrections officers.

Directs Superintendent of State Police to establish division within department for investigations of incidents.

Establishes requirements for investigations of incidents. Requires department to report annually on investigations.

Provides that Governor may appoint committee to advise department on implementation of provisions of Act.

A BILL FOR AN ACT

1
2 Relating to investigations of incidents involving law enforcement.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Corrections officer” has the meaning given that term in ORS 181A.355.**

6 (b) **“Law enforcement unit” has the meaning given that term in ORS 181A.355.**

7 (c) **“Police officer” has the meaning given that term in ORS 181A.355.**

8 (2) **The Department of State Police has sole jurisdiction to investigate the following cases**
9 **occurring in this state:**

10 (a) **Use of lethal force by a police officer or corrections officer.**

11 (b) **Death or serious injury of a person in custody of a law enforcement unit.**

12 (c) **Conduct constituting a crime listed in ORS 137.700 (2) by a police officer or cor-**
13 **rections officer.**

14 (3) **The Superintendent of State Police shall establish a division within the department**
15 **to investigate cases under this section.**

16 (4) **In an investigation under this section, the department shall:**

17 (a) **Investigate the entire period of interaction between law enforcement and an involved**
18 **civilian.**

19 (b) **Separate an officer investigated under this section from witnesses until after the of-**
20 **ficer has been interviewed.**

21 (c) **Take the initial statement of an officer investigated under this section while the of-**
22 **ficer is on shift.**

23 (d) **Conduct a formal interview of an officer investigated under this section no more than**
24 **48 hours from the time of the incident.**

25 (e) **Record the audio and video of all interviews.**

26 (f) **Follow a standard operating procedure that is not less stringent, does not require**
27 **longer wait times and does not provide an officer investigated under this section greater**
28 **access to representatives or physical freedom than what would be afforded to or provided to**

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 a civilian under investigation for a similar crime.

2 (5) The employer of an officer investigated under this section shall:

3 (a) Grant the officer at least seven days' paid leave during the investigation.

4 (b) Provide and require the officer to attend at least three sessions of mental health
5 counseling.

6 (6) The department shall publish and make available to the public an annual report de-
7 scribing and evaluating cases investigated under this section in the previous year.

8 (7)(a) The Governor may appoint a committee to advise the department on implementa-
9 tion of this section.

10 (b) If the Governor appoints a committee under this subsection, the department must
11 consider the recommendations of the committee in implementing this section.

12 (c) At least half of the members of a committee appointed under this subsection must
13 not be employed in the field of law enforcement.

14 (d) At least two members of a committee appointed under this subsection must represent
15 the families of civilians affected by cases described in subsection (2) of this section.

16 (e) At least two members of a committee appointed under this subsection must represent
17 persons with mental illness.

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