

Senate Bill 808

Sponsored by COMMITTEE ON JUDICIARY

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**.

Modifies membership and other provisions relating to the Commission on Statewide Law Enforcement Standards of Conduct and Discipline.

A BILL FOR AN ACT

1
2 Relating to the Commission on Statewide Law Enforcement Standards of Conduct and Discipline;
3 amending ORS 243.812.

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

5 **SECTION 1.** ORS 243.812, as amended by section 1, chapter 40, Oregon Laws 2022, is amended
6 to read:

7 243.812. (1) The Commission on Statewide Law Enforcement Standards of Conduct and Discipline
8 is established for the purpose of adopting rules that prescribe uniform:

9 (a) Standards of conduct, including guidelines and procedures, to which law enforcement officers
10 shall adhere; and

11 (b) Disciplinary standards and procedures, including a range of disciplinary actions that may
12 include consideration of aggravating or mitigating circumstances, by which a law enforcement
13 agency, a civilian or community oversight board, agency or review body, and an arbitrator who
14 serves in an arbitration proceeding described under ORS 243.706 (3) shall make determinations re-
15 garding alleged misconduct by a law enforcement officer, and shall make recommendations for and
16 impose disciplinary action in response to such determinations.

17 (2) The commission consists of 15 members as follows:

18 (a) The Director of the Department of Public Safety Standards and Training or a designee from
19 the department.

20 (b) The Attorney General or a designee from the Attorney General's office.

21 (c) The President of the Senate shall appoint one nonvoting member, acting in an advisory ca-
22 pacity only, from among members of the Senate.

23 (d) The Speaker of the House of Representatives shall appoint one nonvoting member, acting in
24 an advisory capacity only, from among members of the House of Representatives.

25 (e) The [*Director of the Department of Public Safety Standards and Training and the*] Attorney
26 General shall [*jointly*] appoint 11 members of the commission consistent with the following:

27 (A) [*Two members who are chief law enforcement officers*] **One member who is a chief law**
28 **enforcement officer.**

29 (B) [*Two members who represent*] **One member who represents** labor organizations who rep-
30 resent law enforcement officers.

31 (C) Two members who represent historically marginalized groups or community-based organiza-

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 tions that represent communities impacted by policing.

2 (D) One member who represents a federally recognized Indian tribe or association of tribes
3 within this state.

4 (E) Two members who are representatives of local government to represent the interests of
5 cities and counties.

6 (F) One member who represents public defender organizations established under ORS chapter
7 151 or the Oregon Criminal Defense Lawyers Association.

8 (G) One member who represents the interests of prosecutors in this state.

9 **(H) Two members who represent community-based organizations to represent the inter-**
10 **ests of the public.**

11 (3) At a minimum, the uniform standards described under subsection (1) of this section must
12 address standards of conduct and discipline regarding:

13 (a) Unjustified or excessive use of physical or deadly force;

14 (b) Sexual harassment;

15 (c) Sexual assault;

16 (d) Assault;

17 (e) Conduct that is motivated by or based on a real or perceived factor of an individual's race,
18 ethnicity, national origin, sex, gender identity, sexual orientation, religion or homelessness;

19 (f) Moral character; and

20 (g) The use of drugs or alcohol while on duty.

21 [(4) *On or before October 1, 2022, the commission shall adopt and publish rules pursuant to ORS*
22 *chapter 183 to establish the uniform standards described under subsection (1) of this section.*]

23 [(5)] (4) The commission shall review the standards described under subsection (1) of this section
24 at least once every two years.

25 [(6)] (5) The meetings of the commission shall be open to the public in accordance with state
26 law. Records of the commission shall be open and available to the public in accordance with state
27 law.

28 [(7)] (6) The commission shall establish and implement an open hearing process for public input
29 and deliberation before the commission adopts rules that establish the standards described under
30 subsection (1) of this section, including:

31 (a) Public notice **pursuant to ORS chapter 183**;

32 (b) Public outreach to solicit broad public participation; and

33 (c) Public hearings to receive public comment.

34 [(8)] (7) A majority of the **voting** members of the commission constitutes a quorum for the
35 transaction of business.

36 [(9)] (8) Official action by the commission requires the approval of a majority of [*the*
37 *commission*] **voting members present**.

38 [(10)] (9) The term of a member appointed under subsection (2)(e) of this section shall be two
39 years. If there is a vacancy on the commission for any reason, [*the Director of the Department of*
40 *Public Safety Standards and Training and*] the Attorney General shall appoint a person to the un-
41 expired term.

42 [(11) *The members of the commission shall elect one person from the Department of Public Safety*
43 *Standards and Training and one person from the Department of Justice from among the members of*
44 *the commission to serve as cochairpersons of the commission who shall preside over meetings and ex-*
45 *ecute the duties determined by the commission to be necessary.*]

1 **(10) The Attorney General or a designee from the Attorney General’s office shall serve**
 2 **as the chairperson of the commission who shall preside over meetings and execute the duties**
 3 **determined by the commission to be necessary.**

4 [(12)] **(11)** The commission may hire an executive director and support staff, and may enter into
 5 an interagency or intergovernmental agreement to have another state agency or governmental
 6 agency provide support staff.

7 [(13)] **(12)** The commission may adopt rules necessary for the operation of the commission.

8 [(14)] **(13)** A member of the commission who is not a member of the Legislative Assembly is
 9 entitled to compensation and expenses as provided in ORS 292.495.

10 [(15)(a)] **(14)** The commission shall prepare and submit [a] **an annual** report in the manner pro-
 11 vided by ORS 192.245 to the House Committee on Judiciary or an interim committee of the Legis-
 12 lative Assembly related to the judiciary no later than September 1[, 2022, and September 1 every year

13 *thereafter*] **of each year.**
 14 [(b) *The initial report must describe the development and adoption of the uniform standards de-*
 15 *scribed under subsection (1) of this section, including the methodology used to apprise each law*
 16 *enforcement agency in this state and each civilian or community oversight board, agency or review*
 17 *body, of the standards.*] The commission shall include in [reports submitted after September 1, 2022,]
 18 **its annual report** information regarding the progress of each law enforcement agency and civilian
 19 or community oversight board, agency or review body, towards implementing and applying the uni-
 20 form standards and the commission’s recommendations on updates to the standards, as are consid-
 21 ered necessary.

22 [(16)] **(15)** As used in this section:

23 (a) “Assault” has the meaning given that term in ORS 163.115.

24 (b) “Civilian or community oversight board, agency or review body” means a board, an agency
 25 or a body:

26 (A) Designated by a municipality or a law enforcement agency in performing duties related to
 27 investigating allegations of officer misconduct or reviewing police policies and practices; or

28 (B) Created to oversee disciplinary matters concerning law enforcement officers pursuant to a
 29 city charter or ordinance for which a measure that included the question of whether to establish the
 30 board, agency or body was referred to and approved by the people of the city at an election held
 31 on or after July 1, 2020.

32 (c) “Law enforcement agency” [and “law enforcement officer” have the meanings given those terms
 33 in ORS 131.930] **means an entity that employs law enforcement officers.**

34 (d) **“Law enforcement officer” means corrections officers, parole and probation officers,**
 35 **police officers, certified reserve officers and reserve officers, as those terms are defined in**
 36 **ORS 181A.355.**

37 [(d)] (e) “Sexual assault” has the meaning given that term in ORS 243.317.