

# House Bill 2001

Sponsored by Representative FREDERICK; Representative KENY-GUYER (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**.

Requires law enforcement agencies to adopt procedures for accepting complaints that law enforcement officers engaged in profiling. Requires law enforcement agencies to investigate profiling complaints and submit copies of complaints to Oregon Criminal Justice Commission.

## A BILL FOR AN ACT

1  
2 Relating to public safety.

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

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

5 (a) **"Law enforcement agency" means the Department of State Police, the Department**  
6 **of Justice or a district attorney's office, or any political subdivision or instrumentality of the**  
7 **State of Oregon, municipal corporation of the State of Oregon, tribal government or uni-**  
8 **versity that maintains a law enforcement unit as defined in ORS 181.610.**

9 (b) **"Law enforcement officer" means:**

10 (A) **A member of the Oregon State Police;**

11 (B) **A sheriff, constable, marshal, municipal police officer or reserve officer or a police**  
12 **officer commissioned by a university under ORS 352.383 or 353.125;**

13 (C) **An investigator of a district attorney's office if the investigator is or has been certi-**  
14 **fied as a law enforcement officer in this or any other state;**

15 (D) **An investigator of the Criminal Justice Division of the Department of Justice;**

16 (E) **A humane special agent as defined in ORS 181.435;**

17 (F) **A judicial marshal of the Security and Emergency Preparedness Office of the Judicial**  
18 **Department who is appointed under ORS 1.177 and trained pursuant to ORS 181.647;**

19 (G) **A liquor enforcement inspector exercising authority described in ORS 471.775 (2); or**

20 (H) **An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws**  
21 **2011.**

22 (c) **"Profiling" means that a law enforcement agency or a law enforcement officer:**

23 (A) **In conducting a routine or spontaneous investigatory activity or in determining the**  
24 **scope, substance or duration of the routine or spontaneous investigatory activity, relies on**  
25 **age, race, ethnicity, color, national origin, language, gender, sexual orientation, political af-**  
26 **iliation, religion, homelessness or mental disability to select an individual for or subject an**  
27 **individual to the routine or spontaneous investigatory activity, except that using a specific**  
28 **suspect description related to an identified criminal incident or suspected criminal activity**  
29 **is not profiling; or**

30 (B) **In conducting an investigatory activity in connection with an investigation, relies on**  
31 **age, race, ethnicity, color, national origin, language, gender, sexual orientation, political af-**

**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 **filiation, religion, homelessness or mental disability as an identifying characteristic or cir-**  
2 **cumstance of an individual, unless credible information relevant to the locality or time frame**  
3 **links the individual to an identified criminal incident or criminal activity.**

4 **(d) "Routine or spontaneous investigatory activity" includes an interview, a detention, a**  
5 **traffic stop, a pedestrian stop, a frisk or other type of bodily search and a search of personal**  
6 **or real property.**

7 **(e) "Sexual orientation" has the meaning given that term in ORS 174.100.**

8 **(2) A law enforcement agency shall:**

9 **(a) Establish a time frame within which a complaint alleging profiling by one of its law**  
10 **enforcement officers may be made. The time frame may not be fewer than 30 days or more**  
11 **than 90 days after commission of the alleged profiling.**

12 **(b) Allow a complaint alleging profiling by one of its law enforcement officers to be made:**

13 **(A) In person;**

14 **(B) In a writing signed by the complainant and delivered by hand, postal mail, facsimile**  
15 **or electronic mail; or**

16 **(C) By telephone, anonymously or through a third party.**

17 **(c) Provide appropriate forms for submitting complaints alleging profiling by one of its**  
18 **law enforcement officers.**

19 **(3) As part of its administrative complaint procedures, a law enforcement agency shall,**  
20 **at a minimum:**

21 **(a) Investigate a complaint alleging that one of its law enforcement officers engaged in**  
22 **profiling; and**

23 **(b) Take appropriate measures to discipline the law enforcement officer, including facili-**  
24 **tating mediation or other restorative justice measures, when it is determined that the law**  
25 **enforcement officer engaged in profiling.**

26 **(4) A law enforcement agency shall submit to the Oregon Criminal Justice Commission**  
27 **a redacted copy of each complaint alleging profiling by one of its law enforcement officers**  
28 **and the disposition of the complaint, in a manner that does not disclose personal identifying**  
29 **information of a law enforcement officer or the complainant.**

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