

SB 495 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Addie Smith, Counsel

Meeting Dates: 2/21

WHAT THE MEASURE DOES:

Prohibits jails, prisons, and Oregon Youth Authority facilities from using canines to extract a person in custody from their cell. Prohibits use of canines to intimidate or control a person in custody unless used for self-defense, to defend a third person from the use of physical force, or to prevent an individual's escape from custody.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Limits the prohibition to cell extraction.

Clarifies that measure does not affect facilities ability to use canines for tracking and contraband apprehension.

BACKGROUND:

Six states, including Oregon, allow the use of police canines to forcibly remove individuals in custody from their cells. The Department of Corrections does not use canines to extract individuals in custody from their cells, but news reports indicate that one Oregon county does use canines to extract individuals in the county jail facility.

Oregon state law is silent as to whether the use of canines in correctional facilities constitutes “physical force” or “physical punishment.”

Senate Bill 495 prohibits jails, prisons, and Oregon Youth Authority facilities from using canines to extract a person in custody from their cell or to intimidate or control a person in custody unless used for self-defense, to defend a third person from the use of physical force, or to prevent an individual's escape from custody.