

Senate Bill 685

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**.

Renames Law Enforcement Contacts Policy and Data Review Committee to Commission on Equity in Policing. Changes deadline of annual report by commission to interim legislative committees from December 1 to June 1.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the Law Enforcement Contacts Policy and Data Review Committee; amending ORS
3 131.906, 131.908, 131.920 and 131.925; and prescribing an effective date.

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

5 **SECTION 1.** ORS 131.906 is amended to read:

6 131.906. (1) There is created the [*Law Enforcement Contacts Policy and Data Review Committee*]
7 **Commission on Equity in Policing** consisting of 11 members appointed by the Governor.

8 (2) The purpose of the [*committee*] **commission** is to receive and analyze demographic data to
9 ensure that law enforcement agencies perform their missions without inequitable or unlawful dis-
10 crimination based on race, color or national origin.

11 (3) To achieve its purpose, the [*committee*] **commission** shall collect and analyze demographic
12 data to:

13 (a) Provide information to assist communities and state and local law enforcement agencies in
14 evaluating the policies, training and procedures of law enforcement agencies regarding the treat-
15 ment of individuals during stops and other contacts with law enforcement;

16 (b) Inform state and local law enforcement agencies and communities about law enforcement
17 practices; and

18 (c) Provide opportunities for communities and state and local law enforcement agencies to work
19 together to increase public trust and confidence in law enforcement and to enhance the capacity
20 of communities and law enforcement agencies to provide more effective public safety services.

21 (4) The [*committee*] **commission** shall:

22 (a) Solicit demographic data concerning law enforcement stops and other contacts between state
23 and local law enforcement agencies and individuals;

24 (b) Publicize programs, procedures and policies from communities that have made progress to-
25 ward eliminating discrimination based on race, color or national origin during law enforcement stops
26 and other contacts with individuals;

27 (c) Provide technical assistance, including refinement of the minimum data elements as neces-
28 sary for effective analysis, to state and local law enforcement agencies that desire to begin collect-
29 ing demographic data;

30 (d) Provide technical assistance to communities and state and local law enforcement agencies

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 that desire to engage in local efforts to involve individuals in the establishment and implementation
2 of programs, procedures and policies that will advance the goal of ORS 131.905;

3 (e) Obtain resources for independent analysis and interpretation of demographic data collected
4 by state or local law enforcement agencies;

5 (f) Accept and analyze demographic data collected by a state or local law enforcement agency
6 if requested by a state or local law enforcement agency and if resources are available; and

7 (g) Report to the public the results of analyses of demographic data.

8 (5) In carrying out its purpose, the [committee] **commission** may request and receive data files
9 from participating law enforcement agencies and may analyze data for each reported contact. These
10 data files should contain as many of the following items of information as are collected by the par-
11 ticipating law enforcement agency:

12 (a) The reason for the law enforcement stop or other contact;

13 (b) The law enforcement officer's perception of the race, color or national origin of the individ-
14 ual involved in the contact;

15 (c) The individual's gender;

16 (d) The individual's age;

17 (e) Whether a search was conducted in connection with the contact, and if so, what resulted
18 from the search;

19 (f) The disposition of the law enforcement action, if any, resulting from the contact; and

20 (g) Additional data as recommended by the [committee] **commission** that state and local law
21 enforcement agencies should collect and submit.

22 (6) Data received by the [committee] **commission** for analysis under this section may not identify
23 a particular law enforcement officer or a particular individual whose demographic data is collected
24 by a state or local law enforcement agency.

25 (7) The [committee] **commission** shall elect one of its members to serve as chairperson.

26 (8) Members of the [committee] **commission** who are not members of the Legislative Assembly
27 are not entitled to compensation, but may be reimbursed for actual and necessary travel and other
28 expenses incurred by them in the performance of their official duties in the manner and amounts
29 provided for in ORS 292.495. Claims for expenses incurred in performing functions of the
30 [committee] **commission** shall be paid out of funds appropriated to Portland State University for
31 purposes of the [committee] **commission**.

32 (9) Portland State University shall provide administrative support staff necessary to the per-
33 formance of the functions of the [committee] **commission**.

34 (10) All agencies of state government, as defined in ORS 174.111, are requested to assist the
35 [committee] **commission** in the performance of its duties and, to the extent permitted by laws re-
36 lating to confidentiality, to furnish such information and advice as the members of the [committee]
37 **commission** consider necessary to perform their duties.

38 (11) The [committee] **commission** shall make findings and issue recommendations for action to
39 achieve the purpose of this section. The [committee] **commission** shall submit a report containing
40 its findings and recommendations to the appropriate interim legislative committees annually on or
41 before [December] **June** 1.

42 (12) After completion of the analysis of the data from at least two state or local law enforcement
43 agencies, the [committee] **commission** may recommend the collection of additional data elements.

44 (13) This section does not prohibit a state or local law enforcement agency from collecting data
45 in addition to the information listed in subsection (5) of this section.

1 **SECTION 2.** ORS 131.908 is amended to read:

2 131.908. Portland State University may accept contributions of funds from the United States, its
 3 agencies, or from any other source, public or private, and agree to conditions thereon not incon-
 4 sistent with the purposes of the [*Law Enforcement Contacts Policy and Data Review Committee*]
 5 **Commission on Equity in Policing.**

6 **SECTION 3.** ORS 131.920 is amended to read:

7 131.920. (1) All law enforcement agencies shall have written policies and procedures prohibiting
 8 profiling. The policies and procedures shall, at a minimum, include:

9 (a) A prohibition on profiling;

10 (b) Procedures allowing a complaint alleging profiling to be made to the agency:

11 (A) In person;

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

14 (C) By telephone, anonymously or through a third party;

15 (c) The provision of appropriate forms to use for submitting complaints alleging profiling;

16 (d) Procedures for submitting a copy of each profiling complaint to the [*Law Enforcement Con-*
 17 *tacts Policy and Data Review Committee*] **Commission on Equity in Policing** and for receiving
 18 profiling complaints forwarded from the [*committee*] **commission**; and

19 (e) Procedures for investigating all complaints alleging profiling.

20 (2) A law enforcement agency shall:

21 (a) Investigate all complaints alleging profiling that are received by the agency or forwarded
 22 from the [*committee*] **commission**.

23 (b) Accept for investigation a complaint alleging profiling that is made to the agency within 180
 24 days of the alleged profiling incident.

25 (c) Respond to every complaint alleging profiling within a reasonable time after the conclusion
 26 of the investigation. The response must contain a statement of the final disposition of the complaint.

27 **SECTION 4.** ORS 131.925 is amended to read:

28 131.925. (1)(a) A law enforcement agency shall provide to the [*Law Enforcement Contacts Policy*
 29 *and Data Review Committee*] **Commission on Equity in Policing** information concerning each
 30 complaint the agency receives alleging profiling, and shall notify the [*committee*] **commission** of the
 31 disposition of the complaint, in the manner described in this subsection.

32 (b) The law enforcement agency shall submit to the [*committee*] **commission** a profiling com-
 33 plaint report form summarizing each profiling complaint and the disposition of the complaint, and
 34 a copy of each profiling complaint, once each year no later than January 31.

35 (c) The law enforcement agency shall submit the form described in paragraph (b) of this sub-
 36 section even if the agency has not received any profiling complaints.

37 (d) The profiling complaint report form and copies of profiling complaints submitted to the
 38 [*committee*] **commission** may not include personal information concerning the complainant or a law
 39 enforcement officer except as to any personal information recorded on the form as described in
 40 subsection (4)(c) of this section.

41 (2)(a) A person may submit to the [*committee*] **commission** a complaint alleging profiling and the
 42 [*committee*] **commission** shall receive the complaints.

43 (b) The [*committee*] **commission** also shall receive complaints alleging profiling that are for-
 44 warding from a law enforcement agency.

45 (c) The [*committee*] **commission** shall forward a copy of each profiling complaint the

1 [committee] **commission** receives to the law enforcement agency employing the officer that is the
2 subject of the complaint. The forwarded complaint must include the name of the complainant unless
3 the complainant requests to remain anonymous, in which case the complainant's name must be
4 redacted.

5 (3)(a) The [committee] **commission** may not release any personal information concerning a
6 complainant or a law enforcement officer who is the subject of a profiling complaint.

7 (b) The personal information of complainants and of law enforcement officers who are the sub-
8 ject of profiling complaints are exempt from public disclosure under ORS 192.355.

9 (4) The Department of State Police shall develop a standardized profiling complaint report form.
10 The form must provide for recording the following information:

11 (a) A summary of total complaints and a certification that a law enforcement agency's profiling
12 policy conforms to ORS 131.920;

13 (b) A summary of each complaint received by the law enforcement agency, including the date,
14 time and location of the incident and the disposition of the complaint; and

15 (c) To the extent known, the complainant's gender, gender identity, age, race, ethnicity, sexual
16 orientation, primary language, national origin, religion, political affiliation, homeless status and
17 disability status, recorded in a manner that does not identify the complainant.

18 (5) As used in this section, "personal information" has the meaning given that term in ORS
19 807.750.

20 **SECTION 5. This 2019 Act takes effect on the 91st day after the date on which the 2019**
21 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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