

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: HB 2929

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Libby Chamberlin
Reviewed by: Ben Ruef, John Borden, Julie Neburka
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Measure Description:

Modifies police officer's duty to report misconduct.

Government Unit(s) Affected:

Bureau of Labor and Industries (BOLI), Oregon State Police (OSP), Oregon Judicial Department (OJD), Department of Justice (DOJ), Department of Public Safety Standards and Training (DPSST)

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Analysis:

HB 2929 creates a process for officer report of police misconduct. The measure specifies to whom a report of misconduct should be made, and includes the Bureau of Labor and Industries (BOLI) as one of the entities. The measure also specifies the timeframe for reporting and investigating reports of police officer misconduct. The measure directs BOLI to establish and maintain a database for reports of police officer misconduct and requires that reports involving civilians be sent to the Department of Justice.

Currently, the duty to intervene requires that any officer act to prevent or stop misconduct by another officer. As part of this duty to intervene, officers have a duty to report misconduct as soon as practicable, but no later than 72 hours after witnessing the misconduct. HB 2929 specifies the mechanics of that reporting requirement as well as acceptable entities to whom the officer may report incidents of misconduct.

The Bureau of Labor and Industries (BOLI) anticipates a fiscal impact from this measure, but it is indeterminate at this time. Although BOLI is not able to predict the number of reports of police misconduct it will receive, investigate, and adjudicate, but believes it will be significant. BOLI anticipates needing to establish a separate division within the agency to receive and investigate reports of police misconduct, and hire additional staff to serve in investigatory, prosecutorial, and administrative capacities.

BOLI also believes that it will face a significant challenge building and maintaining a database of reports of misconduct by the operative date of January 1, 2022. The agency cannot presently estimate the scope of the costs of building, administering, and maintaining the database, but anticipates it to exceed a cost of \$1 million, and be subject to the EIS Stage Gate Review Process.

Finally, BOLI anticipates additional service and supply costs, as well as an increase in Department of Justice fees associated with the implementation.

Although this measure changes reporting requirements for police misconduct and requires reporting to Department of Justice (DOJ) in certain circumstances, DOJ does not anticipate a fiscal impact from this measure.

The Department of State Police (OSP) anticipates that HB2929 as introduced would have a minimal fiscal impact to the agency in order to update the policies that direct the proper procedures for reporting police officer

misconduct. Should OSP experience an increase in workload that cannot be absorbed within current resources, the agency will seek additional resources at the next available Executive Board Session or Legislative Session.

The Oregon Judicial Department (OJD) anticipates a minimal fiscal impact from this measure as Judicial Marshals are included in the definition of "police officer" in ORS 181A.355 (14)(d). Under this measure, OJD would provide training to judicial marshals on the reporting requirements, and believes that associated training costs will be minimal and can be absorbed with existing resources.

The Department of Public Safety Standards and Training (DPSST) anticipates a minimal, but presently indeterminate fiscal impact from this measure as the agency already has a complaint process and a complaint form. The cost of the database created under this measure would depend upon the amount and type of information it receives, as well as what type of information is expected to be published.

The cities and counties do not anticipate a fiscal impact from this measure.