

A-Engrossed
House Bill 2162

Ordered by the House April 16
Including House Amendments dated April 16

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

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.

[Directs Department of Public Safety Standards and Training to study changes to police officer training and to provide results of study to Legislative Assembly no later than December 31, 2021.]
[Sunsets January 2, 2022.]

Directs Department of Public Safety Standards and Training to designate one or more accrediting bodies for law enforcement agencies with 35 or more sworn police officers. Phases in requirement for law enforcement agencies to become accredited based on agency size.

Directs department to report to Legislative Assembly on amount of additional instruction hours necessary to expand equity training in basic training course for police officers.

Adds two public members to Board of Public Safety Standards and Training. Adds public member to Police Policy Committee of board.

Directs department to develop statewide equity training program for police officers and require training for basic certification as police officer.

Provides that police officer certification may be denied, suspended or revoked if officer has been discharged for cause for use of excessive force, abuse of lawful authority or discriminatory policing.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the Department of Public Safety Standards and Training; creating new provisions;
3 amending ORS 181A.360, 181A.375 and 181A.640; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 181A.355 to**
6 **181A.670.**

7 **SECTION 2. (1) The Department of Public Safety Standards and Training shall by rule**
8 **designate one or more accrediting bodies for law enforcement agencies in this state with 35**
9 **or more sworn police officers.**

10 **(2)(a) No later than July 1, 2025, each law enforcement agency in this state with 100 or**
11 **more sworn police officers must be accredited by an accrediting body designated by the de-**
12 **partment under subsection (1) of this section.**

13 **(b) No later than July 1, 2026, each law enforcement agency in this state with 35 or more**
14 **sworn police officers must be accredited by an accrediting body designated by the department**
15 **under subsection (1) of this section.**

16 **SECTION 3. Section 2 of this 2021 Act is amended to read:**

17 **Sec. 2.** (1) The Department of Public Safety Standards and Training shall by rule designate one
18 or more accrediting bodies for law enforcement agencies in this state with 35 or more sworn police
19 officers.

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 [(2)(a) *No later than July 1, 2025, each law enforcement agency in this state with 100 or more*
2 *sworn police officers must be accredited by an accrediting body designated by the department under*
3 *subsection (1) of this section.*]

4 [(b)] (2) [No later than July 1, 2026,] Each law enforcement agency in this state with 35 or more
5 sworn police officers must be accredited by an accrediting body designated by the department under
6 subsection (1) of this section.

7 **SECTION 4. The amendments to section 2 of this 2021 Act by section 3 of this 2021 Act**
8 **become operative on January 1, 2027.**

9 **SECTION 5. No later than January 1, 2022, the Department of Public Safety Standards**
10 **and Training shall report to the Legislative Assembly, in the manner provided under ORS**
11 **192.245, on the amount of additional instruction hours necessary to provide expanded equity**
12 **training as part of the basic training course for police officers.**

13 **SECTION 6. Section 5 of this 2021 Act is repealed on July 1, 2022.**

14 **SECTION 7.** ORS 181A.360 is amended to read:

15 181A.360. (1) The Governor shall appoint a Board on Public Safety Standards and Training
16 consisting of [24] **26** members as follows:

17 (a) Two members who are chiefs of police recommended to the Governor by the Oregon Asso-
18 ciation Chiefs of Police;

19 (b) One member who is a sheriff recommended to the Governor by the Oregon State Sheriffs'
20 Association;

21 (c) One member who is a fire chief recommended to the Governor by the Oregon Fire Chiefs
22 Association;

23 (d) One member who is a representative of the fire service recommended to the Governor by the
24 Oregon Fire District Directors Association;

25 (e) One member who is a member of the Oregon State Fire Fighters Council recommended to the
26 Governor by the executive body of the council;

27 (f) One member who is a representative of corrections personnel recommended to the Governor
28 by the Oregon State Sheriffs' Association;

29 (g) One member who is a representative of the fire service recommended to the Governor by the
30 Oregon Volunteer Firefighters Association;

31 (h) One member who is a representative of public safety telecommunicators;

32 (i) One member who is a district attorney recommended to the Governor by the Oregon District
33 Attorneys Association;

34 (j) One member who is the Superintendent of State Police;

35 (k) One member who is the Chief of the Portland Police Bureau;

36 (L) One member who is the State Fire Marshal;

37 (m) One member who is the Chief of the Portland Fire Bureau;

38 (n) One member who is the Director of the Department of Corrections;

39 (o) One nonvoting member who is the Special Agent in Charge of the Federal Bureau of Inves-
40 tigation for Oregon;

41 (p) One member who is an administrator of a municipality recommended to the Governor by the
42 executive body of the League of Oregon Cities;

43 (q) Two members who are nonmanagement representatives of law enforcement;

44 (r) [One member who is a public member. A person appointed as a public member] **Three mem-**
45 **bers who are public members. Of the three public members appointed** under this section:

1 (A) [*May have no*] **None may have** personal interest or occupational responsibilities in the area
2 of responsibility given to the board; [*and*]

3 (B) **All** must represent the interests of the public in general;

4 (C) **At least one member must be part of a marginalized or historically underrepresented**
5 **community;**

6 (D) **One member must be recommended to the Governor by the President of the Senate;**
7 **and**

8 (E) **One member must be recommended to the Governor by the Speaker of the House of**
9 **Representatives;**

10 (s) Two members recommended by and representing the private security industry;

11 (t) One member who is a representative of the collective bargaining unit that represents the
12 largest number of individual workers in the Department of Corrections; and

13 (u) One member who is a nonmanagement parole and probation officer employed by a community
14 corrections program.

15 (2) The term of office of a member is three years, and no member may be removed from office
16 except for cause. Before the expiration of the term of a member, the Governor shall appoint the
17 member's successor to assume the member's duties on July 1 next following. In case of a vacancy
18 for any cause, the Governor shall make an appointment, effective immediately, for the unexpired
19 term.

20 (3) Except for members who serve by virtue of office, no member shall serve more than two
21 terms. For purposes of this subsection, a person appointed to fill a vacancy consisting of an unex-
22 pired term of at least one and one-half years has served a full term.

23 (4) Appointments of members of the board by the Governor, except for those members who serve
24 by virtue of office, are subject to confirmation by the Senate in the manner provided in ORS 171.562
25 and 171.565.

26 (5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

27 **SECTION 8.** ORS 181A.375 is amended to read:

28 181A.375. (1) The Board on Public Safety Standards and Training shall establish the following
29 policy committees:

30 (a) Corrections Policy Committee;

31 (b) Fire Policy Committee;

32 (c) Police Policy Committee;

33 (d) Telecommunications Policy Committee; and

34 (e) Private Security Policy Committee.

35 (2) The members of each policy committee shall select a chairperson and vice chairperson for
36 the policy committee. Only members of the policy committee who are also members of the board are
37 eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson
38 in the absence of the chairperson.

39 (3) The Corrections Policy Committee consists of:

40 (a) All of the board members who represent the corrections discipline;

41 (b) The chief administrative officer of the training division of the Department of Corrections;

42 (c) A security manager from the Department of Corrections recommended by the Director of the
43 Department of Corrections; and

44 (d) The following, who may not be current board members, appointed by the chairperson of the
45 board:

- 1 (A) One person recommended by and representing the Oregon State Sheriffs' Association;
- 2 (B) Two persons recommended by and representing the Oregon Sheriff's Jail Command Council;
- 3 (C) One person recommended by and representing a statewide association of community cor-
- 4 rections directors;
- 5 (D) One nonmanagement corrections officer employed by the Department of Corrections;
- 6 (E) One corrections officer who is employed by the Department of Corrections at a women's
- 7 correctional facility and who is a member of a bargaining unit;
- 8 (F) Two nonmanagement corrections officers; and
- 9 (G) One person representing the public who:
- 10 (i) Has never been employed or utilized as a corrections officer or as a parole and probation
- 11 officer; and
- 12 (ii) Is not related within the second degree by affinity or consanguinity to a person who is em-
- 13 ployed or utilized as a corrections officer or parole and probation officer.
- 14 (4) The Fire Policy Committee consists of:
- 15 (a) All of the board members who represent the fire service discipline; and
- 16 (b) The following, who may not be current board members, appointed by the chairperson of the
- 17 board:
- 18 (A) One person recommended by and representing a statewide association of fire instructors;
- 19 (B) One person recommended by and representing a statewide association of fire marshals;
- 20 (C) One person recommended by and representing community college fire programs;
- 21 (D) One nonmanagement firefighter recommended by a statewide organization of firefighters;
- 22 (E) One person representing the forest protection agencies and recommended by the State
- 23 Forestry Department; and
- 24 (F) One person representing the public who:
- 25 (i) Has never been employed or utilized as a fire service professional; and
- 26 (ii) Is not related within the second degree by affinity or consanguinity to a person who is em-
- 27 ployed or utilized as a fire service professional.
- 28 (5) The Police Policy Committee consists of:
- 29 (a) All of the board members who represent the law enforcement discipline; and
- 30 (b) The following, who may not be current board members, appointed by the chairperson of the
- 31 board:
- 32 (A) One person recommended by and representing the Oregon Association Chiefs of Police;
- 33 (B) Two persons recommended by and representing the Oregon State Sheriffs' Association;
- 34 (C) One command officer recommended by and representing the Oregon State Police;
- 35 (D) Three nonmanagement law enforcement officers; and
- 36 (E) [*One person*] **Two persons** representing the public [*who*]:
- 37 (i) [*Has*] **Who have** never been employed or utilized as a police officer, certified reserve officer,
- 38 reserve officer or regulatory specialist; [*and*]
- 39 (ii) [*Is*] **Who are** not related within the second degree by affinity or consanguinity to a person
- 40 who is employed or utilized as a police officer, certified reserve officer, reserve officer or regulatory
- 41 specialist[.]; **and**
- 42 **(iii) One of whom is a member of a marginalized or historically underrepresented com-**
- 43 **munity.**
- 44 (6) The Telecommunications Policy Committee consists of:
- 45 (a) All of the board members who represent the telecommunications discipline; and

1 (b) The following, who may not be current board members, appointed by the chairperson of the
2 board:

3 (A) Two persons recommended by and representing a statewide association of public safety
4 communications officers;

5 (B) One person recommended by and representing the Oregon Association Chiefs of Police;

6 (C) One person recommended by and representing the Oregon State Police;

7 (D) Two persons representing telecommunicators;

8 (E) One person recommended by and representing the Oregon State Sheriffs' Association;

9 (F) One person recommended by and representing the Oregon Fire Chiefs Association;

10 (G) One person recommended by and representing the Emergency Medical Services and Trauma
11 Systems Program of the Oregon Health Authority;

12 (H) One person representing emergency medical services providers and recommended by a
13 statewide association dealing with fire medical issues; and

14 (I) One person representing the public who:

15 (i) Has never been employed or utilized as a telecommunicator or an emergency medical dis-
16 patcher; and

17 (ii) Is not related within the second degree by affinity or consanguinity to a person who is em-
18 ployed or utilized as a telecommunicator or an emergency medical dispatcher.

19 (7) The Private Security Policy Committee consists of:

20 (a) All of the board members who represent the private security industry; and

21 (b) The following, who may not be current board members, appointed by the chairperson of the
22 board:

23 (A) One person representing unarmed private security professionals;

24 (B) One person representing armed private security professionals;

25 (C) One person representing the health care industry;

26 (D) One person representing the manufacturing industry;

27 (E) One person representing the retail industry;

28 (F) One person representing the hospitality industry;

29 (G) One person representing private business or a governmental entity that utilizes private se-
30 curity services;

31 (H) One person representing persons who monitor alarm systems;

32 (I) Two persons who are investigators licensed under ORS 703.430, one of whom is recommended
33 by the Oregon State Bar and one of whom is in private practice; and

34 (J) One person representing the public who:

35 (i) Has never been employed or utilized as a private security provider, as defined in ORS
36 181A.840, or an investigator, as defined in ORS 703.401; and

37 (ii) Is not related within the second degree by affinity or consanguinity to a person who is em-
38 ployed or utilized as a private security provider, as defined in ORS 181A.840, or an investigator, as
39 defined in ORS 703.401.

40 (8) In making appointments to the policy committees under this section, the chairperson of the
41 board shall seek to reflect the diversity of the state's population. An appointment made by the
42 chairperson of the board must be ratified by the board before the appointment is effective. The
43 chairperson of the board may remove an appointed member for just cause. An appointment to a
44 policy committee that is based on the member's employment is automatically revoked if the member
45 changes employment. The chairperson of the board shall fill a vacancy in the same manner as

1 making an initial appointment. The term of an appointed member is two years. An appointed member
2 may be appointed to a second term.

3 (9) A policy committee may meet at such times and places as determined by the policy commit-
4 tee in consultation with the Department of Public Safety Standards and Training. A majority of a
5 policy committee constitutes a quorum to conduct business. A policy committee may create sub-
6 committees if needed.

7 (10)(a) Each policy committee shall develop policies, requirements, standards and rules relating
8 to its specific discipline. A policy committee shall submit its policies, requirements, standards and
9 rules to the board for the board's consideration. When a policy committee submits a policy, re-
10 quirement, standard or rule to the board for the board's consideration, the board shall:

11 (A) Approve the policy, requirement, standard or rule;

12 (B) Disapprove the policy, requirement, standard or rule; or

13 (C) Defer a decision and return the matter to the policy committee for revision or reconsider-
14 ation.

15 (b) The board may defer a decision and return a matter submitted by a policy committee under
16 paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was re-
17 turned to a policy committee is resubmitted to the board, the board shall take all actions necessary
18 to implement the policy, requirement, standard or rule unless the board disapproves the policy, re-
19 quirement, standard or rule.

20 (c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this
21 subsection requires a two-thirds vote by the members of the board.

22 (11) At any time after submitting a matter to the board, the chairperson of the policy committee
23 may withdraw the matter from the board's consideration.

24 **SECTION 9. Section 10 of this 2021 Act is added to and made a part of ORS 181A.355 to**
25 **181A.670.**

26 **SECTION 10. (1) The Department of Public Safety Standards and Training shall develop,**
27 **and the Board on Public Safety Standards and Training shall establish by rule, a statewide**
28 **equity training program for police officers.**

29 **(2) The department shall include the equity training described in subsection (1) of this**
30 **section in the minimum training required to obtain and maintain basic certification as a**
31 **police officer under ORS 181A.490.**

32 **SECTION 11.** ORS 181A.640, as amended by section 6, chapter 7, Oregon Laws 2020 (first spe-
33 cial session), is amended to read:

34 181A.640. (1) The Department of Public Safety Standards and Training may deny the application
35 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,
36 except a youth correction officer or fire service professional, after written notice and hearing con-
37 sistent with the provisions of ORS 181A.630, based upon a finding that:

38 (a) The public safety officer or instructor falsified any information submitted on the application
39 for certification or on any documents submitted to the Board on Public Safety Standards and
40 Training or the department.

41 (b) The public safety officer or instructor has been convicted of a crime or violation in this state
42 or any other jurisdiction.

43 (c) The public safety officer or instructor does not meet the applicable minimum standards,
44 minimum training or the terms and conditions established under ORS 181A.410 (1)(a) to (d).

45 (d) The public safety officer failed to comply with ORS 181A.790 (3)(b).

1 (2) The department shall deny the application for training or deny, suspend or revoke the cer-
2 tification of a police officer, after written notice and hearing consistent with the provisions of ORS
3 181A.630, based upon a finding that:

4 (a) The officer has a conviction for any offense designated under the law of the jurisdiction
5 where the conviction occurred as being punishable as a felony or as a crime for which a maximum
6 term of imprisonment of more than one year may be imposed;

7 (b) The officer has a conviction in any jurisdiction for any offense involving the unlawful use,
8 possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except
9 for offenses involving the use or possession of marijuana;

10 (c) The officer has a conviction in any jurisdiction for any offense involving domestic violence,
11 as defined in ORS 135.230;

12 (d) The officer has a conviction in any jurisdiction for any offense involving abuse, as defined
13 in ORS 107.705, of a child who is under 18 years of age and is a natural child, adopted child,
14 stepchild, a child under the guardianship of, or a child who regularly resides or formerly resided in
15 the same household as, the officer;

16 (e) The officer is a sex offender as defined in ORS 163A.005; or

17 (f) The officer has been discharged for cause from employment as a police officer as a result of
18 intentional conduct performed under the color of office to:

19 (A) Obtain false confessions;

20 (B) Make false arrests;

21 (C) Create or use falsified evidence, including false testimony, or to destroy evidence to create
22 a false impression;

23 (D) Compel a person to abstain from doing, or to do, any act that the person has a legal right
24 to do or abstain from doing;

25 (E) Deprive, or attempt to deprive, another person or persons of their legal rights; [or]

26 (F) Gain advantage for a public or private safety agency or for personal gain[.];

27 (G) **Use force that was determined to be excessive or without justification;**

28 (H) **Engage in the abuse of lawful authority; or**

29 (I) **Engage in policing indicative of bias or discriminatory intent against an individual**
30 **based on the individual's real or perceived age, race, ethnicity, color, national origin, lan-**
31 **guage, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or**
32 **disability.**

33 (3) The department shall deny, suspend or revoke the certification of a fire service professional,
34 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
35 finding that the fire service professional has been convicted in this state of a crime listed in ORS
36 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a
37 crime listed in ORS 137.700.

38 (4) The department may deny, suspend or revoke the certification of any fire service professional
39 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
40 finding:

41 (a) That the fire service professional falsified any information submitted on the application for
42 certification or on any documents submitted to the board or the department; or

43 (b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold
44 the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other
45 than a crime described in subsection (3) of this section.

1 (5) The department shall deny, suspend or revoke the certification of any public safety officer
2 or instructor, except a youth correction officer, after written notice and hearing consistent with the
3 provisions of ORS 181A.630, based upon a finding that the public safety officer or instructor has
4 been discharged for cause from employment as a public safety officer.

5 (6) The department, in consultation with the board, shall adopt rules specifying those crimes and
6 violations for which a conviction requires the denial, suspension or revocation of the certification
7 of a public safety officer or instructor.

8 (7) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-
9 lic safety officer or instructor, the department may:

10 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the
11 public safety officer or instructor; or

12 (b) Revise or render void an order suspending or revoking the certification.

13 (8) The department shall deny, suspend or revoke the accreditation of a training or educational
14 program or any course, subject, facility or instruction thereof if the program, course, subject, facility
15 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181A.410
16 (1)(g) or 181A.590 (3).

17 (9) When the department completes an investigation relating to a person's qualifications for
18 employment, training or certification under this section, the department shall issue a report.

19 (10) In cases involving a proposed denial of training or certification of a public safety officer
20 or instructor by the department, the department has jurisdiction to proceed with any action against
21 the public safety officer or instructor notwithstanding a subsequent change in the employment status
22 of the officer or instructor, if:

23 (a) The department has issued a notice of intent to deny training or certification; and

24 (b) The officer or instructor has requested a hearing.

25 **SECTION 12. This 2021 Act takes effect on the 91st day after the date on which the 2021**
26 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

27