

# Senate Bill 560

Sponsored by Senator SHIELDS, Representative DEMBROW; Senator DINGFELDER (at the request of The Center for Intercultural Organizing)

## 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**.

Prohibits law enforcement agencies and officers from profiling based on specified personal characteristics or circumstances of individuals, except when characteristics or circumstances are tied to specific suspect description or credible information related to criminal incident or activity.

Requires law enforcement agencies to adopt policies and procedures to eliminate profiling based on specified characteristics or circumstances of individuals and procedures for investigation of complaints against law enforcement officers.

Requires Attorney General to establish independent procedures for receiving and recording complaints.

## A BILL FOR AN ACT

1 Relating to profiling in law enforcement investigatory activity.

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

### **SECTION 1. As used in sections 1 to 4 of this 2013 Act:**

3 (1) "Law enforcement agency" means the Department of State Police, the Department  
4 of Justice, a district attorney's office, a political subdivision or an instrumentality of the  
5 State of Oregon, a municipal corporation of the State of Oregon, a tribal government or a  
6 university, that maintains a law enforcement unit as defined in ORS 181.610 (12)(a)(A).

7 (2) "Law enforcement officer" means:

8 (a) A member of the Oregon State Police;

9 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police  
10 officer commissioned by a university under ORS 352.383;

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

13 (d) An investigator of the Criminal Justice Division of the Department of Justice;

14 (e) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012;

15 (f) Judicial security personnel of the Security and Emergency Preparedness Office of the  
16 Judicial Department who are certified under section 3, chapter 88, Oregon Laws 2012;

17 (g) A liquor enforcement inspector exercising authority described in ORS 471.775 (2); or

18 (h) A tribal police officer.

19 (3) "Routine or spontaneous investigatory activity" includes an interview, a detention, a  
20 traffic stop, a pedestrian stop, a frisk or other type of bodily search and a search of personal  
21 or real property.

22 (4) "Sexual orientation" has the meaning given that term in ORS 174.100.

23 **SECTION 2. (1) In conducting a routine or spontaneous investigatory activity or in de-**  
24 **termining the scope, substance or duration of the routine or spontaneous investigatory ac-**  
25 **tivity, a law enforcement agency or a law enforcement officer may not rely on age, race,**  
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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 ethnicity, color, national origin, language, gender, sexual orientation, political affiliation, re-  
2 ligion, income, homelessness, physical or mental disability or serious medical condition, ex-  
3 cept in a specific suspect description related to a criminal incident or suspected criminal  
4 activity, to select an individual for or subject the individual to the routine or spontaneous  
5 investigatory activity.

6 (2) In conducting an investigatory activity in connection with an investigation, a law  
7 enforcement agency or a law enforcement officer may not rely on age, race, ethnicity, color,  
8 national origin, language, gender, sexual orientation, political affiliation, religion, income,  
9 homelessness, physical or mental disability or serious medical condition as an identifying  
10 characteristic or circumstance of an individual, except to the extent that credible informa-  
11 tion relevant to the locality or time frame links the individual to an identified criminal inci-  
12 dent or criminal activity.

13 **SECTION 3.** (1) A law enforcement agency shall:

14 (a) Adopt written policies and procedures designed to eliminate any practice by its law  
15 enforcement officers that violates a provision of section 2 of this 2013 Act; and

16 (b) Provide training to its law enforcement officers, during orientation and at least once  
17 every two years, that the law enforcement agency determines will assist its law enforcement  
18 officers in adhering to the provisions of section 2 of this 2013 Act and to the policies and  
19 procedures adopted under this section.

20 (2) As part of the administrative complaint procedures of a law enforcement agency, the  
21 agency shall, at a minimum:

22 (a) Investigate a complaint alleging that one of its law enforcement officers violated a  
23 provision of section 2 of this 2013 Act;

24 (b) Take appropriate measures to discipline the law enforcement officer, including facili-  
25 tating mediation or other restorative justice measures, when it is determined that the law  
26 enforcement officer violated a provision of section 2 of this 2013 Act;

27 (c) Provide appropriate forms for submitting complaints alleging a violation of a provision  
28 of section 2 of this 2013 Act by one of its law enforcement officers;

29 (d) Publish the policies and procedures adopted under this section; and

30 (e) Submit to the Attorney General a redacted copy of each complaint alleging a violation  
31 of a provision of section 2 of this 2013 Act by one of its law enforcement officers and the  
32 disposition of the complaint, in a manner that does not disclose personal identifying infor-  
33 mation of a law enforcement officer or the complainant.

34 (3) A law enforcement agency shall:

35 (a) Establish a time frame within which a complaint alleging a violation of a provision  
36 of section 2 of this 2013 Act by one of its law enforcement officers may be made. The time  
37 frame may not be less than 90 days or more than 180 days after commission of the alleged  
38 violation.

39 (b) Allow a complaint alleging a violation of a provision of section 2 of this 2013 Act by  
40 one of its law enforcement officers to be made:

41 (A) In person;

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

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

45 **SECTION 4.** (1) The Attorney General shall establish independent procedures for receiv-

1 **ing and maintaining a record of complaints alleging a violation of a provision of section 2 of**  
2 **this 2013 Act by any law enforcement agency or any law enforcement officer.**

3 **(2) The Attorney General may:**

4 **(a) Initiate an investigation of a complaint alleging a violation or a systematic pattern**  
5 **of violations of the provisions of section 2 of this 2013 Act; and**

6 **(b) Take action as the Attorney General deems appropriate.**

7 **(3) The Attorney General may publish a report or summary of findings regarding vio-**  
8 **lations of the provisions of section 2 of this 2013 Act. The report or summary must be**  
9 **redacted to prevent disclosure of personal identifying information of law enforcement offi-**  
10 **cers and complainants.**

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