

# Enrolled House Bill 2002

Sponsored by Representatives FREDERICK, BUCKLEY, WILLIAMSON, Senators BATES, DEMBROW, EDWARDS, THOMSEN; Representatives KENY-GUYER, MCLAIN, VEGA PEDERSON, Senators GELSER, MONNES ANDERSON, SHIELDS (Presession filed.)

CHAPTER .....

AN ACT

Relating to public safety; and declaring an emergency.

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

**SECTION 1. As used in sections 1 to 3 of this 2015 Act:**

- (1) "Law enforcement agency" means:**
  - (a) The Department of State Police;**
  - (b) The Department of Justice;**
  - (c) A district attorney's office; and**
  - (d) Any of the following that maintains a law enforcement unit as defined in ORS 181.610:**
    - (A) A political subdivision or an instrumentality of the State of Oregon.**
    - (B) A municipal corporation of the State of Oregon.**
    - (C) A tribal government.**
    - (D) A university.**
- (2) "Law enforcement officer" means:**
  - (a) A member of the Oregon State Police;**
  - (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer commissioned by a university under ORS 352.383 or 353.125;**
  - (c) An investigator of a district attorney's office if the investigator is or has been certified as a law enforcement officer in this or any other state;**
  - (d) An investigator of the Criminal Justice Division of the Department of Justice;**
  - (e) A humane special agent as defined in ORS 181.435;**
  - (f) A judicial marshal of the Security and Emergency Preparedness Office of the Judicial Department who is appointed under ORS 1.177 and trained pursuant to ORS 181.647;**
  - (g) A liquor enforcement inspector exercising authority described in ORS 471.775 (2); or**
  - (h) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.**
- (3) "Profiling" means that a law enforcement agency or a law enforcement officer targets an individual for suspicion of violating a provision of law based solely on the real or perceived factor of the individual's age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.**
- (4) "Sexual orientation" has the meaning given that term in ORS 174.100.**

**SECTION 2.** (1) No later than January 1, 2016, all law enforcement agencies shall adopt written policies and procedures prohibiting profiling. The policies and procedures shall, at a minimum, include:

- (a) A prohibition on profiling;
  - (b) Procedures allowing a complaint alleging profiling to be made to the agency:
    - (A) In person;
    - (B) In a writing signed by the complainant and delivered by hand, postal mail, facsimile or electronic mail; or
    - (C) By telephone, anonymously or through a third party;
  - (c) The provision of appropriate forms to use for submitting complaints alleging profiling;
  - (d) Procedures for submitting a copy of each profiling complaint to the Law Enforcement Contacts Policy and Data Review Committee and for receiving profiling complaints forwarded from the committee; and
  - (e) Procedures for investigating all complaints alleging profiling.
- (2) A law enforcement agency shall:
- (a) Investigate all complaints alleging profiling that are received by the agency or forwarded from the committee.
  - (b) Establish a time frame within which a complaint alleging profiling may be made to the agency. The time frame may not be fewer than 90 days or more than 180 days after the alleged commission of profiling.

**SECTION 3.** (1)(a) A law enforcement agency shall provide to the Law Enforcement Contacts Policy and Data Review Committee a copy of each complaint the agency receives alleging profiling.

(b) The law enforcement agency shall notify the committee of the disposition of the complaint.

(2)(a) A person may submit to the committee a complaint alleging profiling and the committee shall receive the complaints.

(b) The committee also shall receive complaints alleging profiling that are forwarded from a law enforcement agency.

(c) The committee shall forward a copy of each profiling complaint the committee receives to the law enforcement agency employing the officer that is the subject of the complaint. The forwarded complaint must include the name of the complainant unless the complainant requests to remain anonymous, in which case the complainant's name must be redacted.

(3)(a) The committee shall not release any personal information concerning a complainant or a law enforcement officer who is the subject of a profiling complaint.

(b) The personal information of complainants and of law enforcement officers who are the subject of profiling complaints are exempt from public disclosure under ORS 192.502.

(c) As used in this subsection, "personal information" has the meaning given that term in ORS 807.750.

**SECTION 4.** No later than October 1, 2015, the Law Enforcement Contacts Policy and Data Review Committee shall establish policies for receiving and forwarding complaints alleging profiling. The policies shall be consistent with the provisions of section 3 of this 2015 Act.

**SECTION 5.** (1) The Law Enforcement Profiling Work Group is established, consisting of the following 10 members:

- (a) Three members appointed by the President of the Senate.
  - (b) Three members appointed by the Speaker of the House of Representatives.
  - (c) Three members appointed by the Governor.
  - (d) The Attorney General, or the Attorney General's designee from the Civil Rights Unit of the Department of Justice, who shall chair the work group.
- (2) The work group shall:

(a) Propose a process to identify any patterns or practices of profiling as defined in section 1 of this 2015 Act that impact groups of persons disproportionately on the basis of any of the factors listed in section 1 (3) of this 2015 Act.

(b) Identify methods to address and correct patterns or practices of profiling.

(c) Prepare a report identifying any statutory changes needed, including recommendations for legislation, to the interim committees of the Legislative Assembly related to the judiciary no later than December 1, 2015.

(3) The Department of Justice shall provide administrative and technical support to the work group.

**SECTION 6.** Section 2 of this 2015 Act is amended to read:

**Sec. 2.** (1) [No later than January 1, 2016,] All law enforcement agencies shall [adopt] have written policies and procedures prohibiting profiling. The policies and procedures shall, at a minimum, include:

(a) A prohibition on profiling;

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

(A) In person;

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

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

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

(d) Procedures for submitting a copy of each profiling complaint to the Law Enforcement Contacts Policy and Data Review Committee and for receiving profiling complaints forwarded from the committee; and

(e) Procedures for investigating all complaints alleging profiling.

(2) A law enforcement agency shall:

(a) Investigate all complaints alleging profiling that are received by the agency or forwarded from the committee.

(b) Establish a time frame within which a complaint alleging profiling may be made to the agency. The time frame may not be fewer than 90 days or more than 180 days after the alleged commission of profiling.

**SECTION 7.** Sections 4 and 5 of this 2015 Act are repealed on July 1, 2016.

**SECTION 8.** Section 3 of this 2015 Act and the amendments to section 2 of this 2015 Act by section 6 of this 2015 Act become operative on January 1, 2016.

**SECTION 9.** In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2015, out of the General Fund, the amount of \$250,431, for distribution to the Criminal Justice Policy Research Institute at Portland State University for the purpose of supporting the Law Enforcement Contacts Policy and Data Review Committee.

**SECTION 10.** This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

**Passed by House June 26, 2015**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate July 1, 2015**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2015

**Approved:**

.....M,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State