

OFFICER/LABOR ISSUES

HB 2501: Base Pay for State Troopers

HB 2501 modifies ORS 243.746 which covers the arbitrator selection process and procedures for arbitration when a strike is prohibited. Among other criteria, this bill would require the arbitrator to take into account the base pay for city police officers in the five most populous cities in the state when a labor dispute concerning the Oregon State Police (OSP) goes to arbitration. This is a change in the definition of “comparable” for purposes relating to the arbitration of wages for the Department of State Police troopers.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter

The Public Employees Collective Bargaining Act (PECBA) established a collective bargaining process for Oregon’s public employers and unions representing public employees. While most bargaining units are able to strike after completing prior steps of the bargaining process in good faith and giving proper notification, some bargaining units are prohibited from striking and must resolve disputes through binding interest arbitration. Oregon State Police troopers are prohibited from striking.



HB 2713: Police Officer Disciplinary Standards

HB 2713 requires employers to adopt written procedures for investigating public safety officers and includes the following provisions:

- Adds parole officers and corrections officers to police officers in the definition of public safety officers for the purpose of the policy.
- Creates a detailed process and safeguards for a public safety officer who is under investigation including specific requirements for the treatment of officers during investigative interviews.
- Establishes the responsibilities of an employer that is proceeding with disciplinary action against an officer.
- Modifies the current procedure for an officer to request and receive a copy of personnel records. Creates procedures for placing, reviewing and challenging an adverse comment in a public safety officer’s personnel file and allows an officer to inspect personnel records upon request.
- Establishes that investigations into officer misconduct must be completed within six months of the allegation and allows for an investigation to be extended to a maximum of 12 months if the employer provides the officer with written notice and an explanation for the delay.
- Clarifies that collective bargaining agreements control if they provide for similar protections and identifies additional situations where the provisions of HB 2713 do not apply.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter 716



SB 309: Electronic Recording of Custodial Interviews

SB 309 includes the following key provisions regarding the requirement to electronically record custodial interrogations in specific situations. The measure:

- Requires the electronic recordation of a custodial interview conducted by a law enforcement agency in a law enforcement facility if the interview is in connection with aggravated murder or crimes listed in ORS 137.700 or 137.707.
- Establishes that the requirement to record does not apply to statements made before a grand jury, in open court, a custodial interrogation conducted in another state in compliance with the laws of that state, a custodial interrogation conducted by federal law enforcement in compliance with the laws of the United States, a spontaneous statement of the defendant, or if good cause is shown for not electronically recording.
- Establishes that “good cause” for not electronically recording includes:
 1. The refusal of the defendant to have the interrogation recorded
 2. The malfunction of equipment
 3. The recording would jeopardize the safety of any person or the confidentiality of an informant.
- SB 309 allows unrecorded statements into evidence but requires that the judge give the jury instructions concerning the fact that the statement was not recorded.
- Requires the state to provide the defendant with an electronic copy of the statement, but not a written transcript of the tape.
- Allows the recordation into evidence in any pre-trial or post-trial proceedings.
- Defines a “law enforcement facility” as a courthouse or a building where a police or sheriff’s office is located.
- Applies to minors, nonnative English speakers and murder cases on January 1, 2010, and to all other personal felonies on July 1, 2011.
- Does not apply to police departments of five or fewer sworn officers.

VITAL STATISTICS

Effective Dates: January 1st, 2010
July 1st, 2011
2009 ORS Site: Chapter 488



“Police agencies with 5 or fewer sworn officers are exempt from the electronic recording requirements in SB 309. The final version of the measure is far narrower than the original bill”

SB 658: OHSU University Police

The bill authorizes the Oregon Health and Science University (OHSU) to commission special campus security officers to be known as university police. University police officers would have all the powers and authority given by statute to peace officers and police officers of this state with the exception of the ability to carry arms. The bill requires university police officers to be trained and certified by the Department of Public Safety Standards and Training at the expense of OHSU. This new classification and training would enable university police officers to respond to emergencies, investigate crimes, submit requests for warrants to judges and prepare cases for prosecutors. The bill also specifies that OHSU is a criminal justice agency and a law enforcement unit.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter