Chapter 181

1959 REPLACEMENT PART

State Police

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181.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Department" means the Department of State Police.

(2) "Deputy superintendent" means the Deputy Superintendent of State Police.

(3) "Superintendent" means the Superintendent of State Police.

181.020 Department of State Police established. There is established a Department of State Police. The Department of State Police shall consist of a headquarters, and central bureau of identification and information composed of such administrative and office force and such captains, lieutenants, sergeants, privates and recruits as the Governor and the superintendent deem necessary and expedient, who shall be known as the Oregon State Police.

181.030 Powers and duties of department and its members. (1) The Department of State Police and each member of the department shall be charged with the enforcement of all criminal laws.

(2) The department and each member of the department is authorized and empowered to:

(a) Prevent crime.

(b) Pursue and apprehend offenders and obtain legal evidence necessary to insure the conviction in the courts of such offenders.

(c) Institute criminal proceedings.

(d) Execute any lawful warrant or order of arrest issued against any person or persons for any violation of the law.

(e) Make arrests without warrant for violations of the law committed in their presence, and for felonies committed, the same as other peace officers.

(f) Give first aid to the injured.

(g) Succor the helpless.

(3) The department and each member of the department shall have in general the same powers and authority as those conferred by law upon sheriffs, police officers, constables and peace officers of the state, counties and municipalities.

(4) The members of the State Police shall be subject to the call of the Governor, and are empowered to cooperate with any other department or authority of the state, with counties and municipalities, or any locality in detecting crime, apprehending criminals and preserving law and order throughout the state; but the State Police shall not be used as a posse in any municipality, except when ordered by the Governor so to do.

181.040 Department to enforce laws relating to highways and operation of vehicles on highways; this chapter not to limit power of arrest possessed by persons not members of department. (1) The Department of State Police shall enforce all laws now or hereafter enacted relating to highways and to the operation of vehicles on state or other highways.

(2) The Department of State Police has the power to arrest violators of any provision of the laws applicable to highways or to the movement of vehicles on highways.

(3) The necessary expenses in carrying out the provisions of this section shall be paid from the State Highway Fund and from the moneys received under ORS 481.950 and 482.330.

(4) This section and this chapter do not prevent an officer or employe of the Secretary of State or of the State Highway Commission from arresting any person for any crime committed in his presence and do not affect other powers of arrest granted by the laws of this state to persons other than peace officers.

181.050 Other departments calling upon State Police. The State Police, with the approval of the Governor, may be called upon by any other department of the state government to enforce criminal laws applicable or pertaining to such department or any regulation of such department.

181.060 Central bureau for criminal identification; custody of fingerprints and sheriff's statements; register and index of prints; inspection. There is established at the headquarters of the Department of State Police in Salem, a central office designated as the central bureau for criminal identification, at which all fingerprints taken as prescribed in ORS 169.520 shall be kept and preserved. The Superintendent of State Police shall be the legal custodian of all the fingerprints and the statements, relative to the identity and criminal records of convicted persons, filed pursuant to ORS 169.520. He shall place and keep on file in a systematic manner in the central bureau for criminal identification all such fingerprints and statements. He shall install, keep and maintain in the central bureau for criminal identification a register and index of all such fingerprints and convicted persons. The reg-

ister and index shall be arranged and kept for ready reference. The register and index and all the files of the central bureau for criminal identification may at all reasonable times be inspected by any peace officer of this state.

181.070 State detective bureau. (1) The superintendent may, with the approval of the Governor, and if in his opinion the detective work of the State Police so demands, create a state detective bureau, under his immediate supervision.

(2) The detective bureau shall:

(a) Maintain facilities for the detection of crime by the State Police.

(b) Cooperate with and afford central information.

(c) Provide for records of fingerprints.

(d) Supply expert information on handwriting and ballistics.

(e) Keep photographs of persons accused of crime and personal history and descriptions of such persons and other records on file for the department and the peace officers of the various counties and municipalities.

(3) To accomplish the purposes of subsection (2) of this section, the superintendent may, with the approval of the Governor, utilize the services of such members of the State Police as assistant state detectives as he deems expedient; but the superintendent shall first give a special examination to determine the qualifications and experience of applicants for detective work.

(4) All police officers of the state or any municipality or court thereof shall cooperate with the department in the building up of the files of the detective information bureau. Standardized forms shall be supplied by the department, and all information shall be classified and kept available for the detection of crime and the identification of criminals.

181.080 Crime detection laboratory. (1) There is established in the Department of State Police a crime detection laboratory, to be operated by the department in cooperation with the University of Oregon Medical School.

(2) The University of Oregon Medical School is empowered to cooperate and assist in operating and maintaining the laboratory by furnishing adequate quarters, heat and light for the laboratory in the buildings of the school at Portland and in assisting the director of the laboratory with technical advice and assistance.

(3) The laboratory shall furnish such service as it may have available to all district attorneys, sheriffs and other peace officers in the state. The services of the laboratory shall also be available to any defendant in a criminal case on order of the court before which the criminal case is pending.

(4) The Superintendent of State Police shall adopt a schedule of charges for services furnished by the laboratory. All persons and agencies to which such services are furnished shall remit to the director of the laboratory the charge for the services in accordance with such schedule.

(5) The superintendent shall adopt a schedule of expert witness fees for physicians and surgeons regularly serving on the staff of the laboratory who are subpenaed and appear as expert witnesses. The county in which the action is brought shall remit to the director of the laboratory, in the same manner as other claims against the county are paid, the expert witness fees established by the schedule of fees.

(6) The director of the laboratory shall, upon receipt, deposit all expert witness fees and payments for laboratory services in the General Fund in the State Treasury. [Amended by 1953 c.5 §3]

181.090 Headquarters and patrol stations. The superintendent shall, from time to time, with the approval of the Governor, establish headquarters and patrol stations at such places and in such localities as he may deem most advisable for the patrol and protection of the state and for the enforcement of the laws. For that purpose, he may, with the approval of the Governor, have the right to use lands and buildings for the accommodation of the members of the State Police, their horses, vehicles and equipment.

181.100 Organization of work of department. The superintendent shall, so far as in his judgment it is practicable and expedient so to do, organize the work of his department so that:

(1) The various duties required of the department may be assigned to appropriate departments, to be performed by persons experienced and qualified for such respective kinds of work.

(2) The duties of his various officers and police are coordinated so that when not engaged in a particular duty specified or

directed to be done or not then requiring attention such officers and police shall perform the other duties required of the department and then required to be done.

(3) The cooperation of other officers and police may be secured for the purposes of avoiding duplication of time and effort.

181.110 Distribution of police throughout state. The superintendent shall distribute the State Police throughout the various sections of the state where they will be most efficient in carrying out the purposes of the department to preserve the peace, to enforce the law and to prevent and detect crime.

181.120 Uniform, insignia and badge of members of State Police. (1) The State of Oregon shall provide the members of the State Police with standard uniforms. Subject to regulations that may from time to time be prescribed by the superintendent, the uniform to be worn by members of the Oregon State Police shall be of standard pattern and distinctive design, as prescribed in this section.

(2) Winter uniform: Blue elastique blouse or jacket with cadet blue shoulder straps, breeches or trousers of the same color and material with cadet blue stripe one and one-half inches wide on outseam, eight point cap with navy blue band and cadet blue bell and black leather visor, black boots or shoes and navy blue topcoat, all according to such detailed specifications and regulations as may be adopted by the superintendent.

(3) Summer uniform: Cadet blue woolen serge shirt with navy blue shoulder straps, blue elastique breeches or trousers with cadet blue stripe one and one-half inches wide on outseam, black boots or shoes, eight point cap with navy blue band and cadet blue bell and black leather visor, and navy blue zipper-type woolen jacket, all according to such specifications and regulations as may be adopted by the superintendent.

(4) Insignia: An emblem of the seal of the State of Oregon, embroidered in silk on a separate patch and also embroidered on a separate patch in one-half inch gold silk letters the rank held by the wearer, except in the case of privates and recruits, both to be sewn on the left sleeve of the blouse, jacket and topcoat.

(5) Badge: The badge shall be a star of five points measuring approximately three inches between opposite points, in the center of which shall be imposed in relief, a facsimile of the seal of the state measuring approximately one inch in diameter; that issued members of the grade of lieutenant, and above, shall be of a composition metal in similitude of gold and that issued members below that grade shall be of a composition metal in similitude of silver.

181.130 Service without wearing uniform. The superintendent may direct that men in the state police force shall serve without wearing uniform, when, in his judgment, law enforcement will thereby be made more efficient.

181.140 Wearing uniforms by other persons prohibited. (1) No person other than a member of the Oregon State Police shall wear, use or order to be worn or used, copy or imitate in any respect or manner the standard uniforms specified in ORS 181.120.

(2) As used in this section, "person" includes agents, officers and officials elected or appointed by any municipality or county.

181.150 Supplies and equipment of members of State Police. (1) The state shall provide the members of the State Police with emergency and first aid outfits, weapons, horses where necessary, and horse equipment, vehicles, whether horse-drawn or motor, and all other supplies and equipment necessary to carry out the objects of the department. All such property shall remain the property of the state.

(2) When any of the property, supplies or equipment becomes surplus, obsolete or unused it shall be disposed of by the Department of Finance and Administration as provided in ORS 291.656. [Amended by 1955 c.148 §1]

181.160 [Repealed by 1955 c.260 §3]

181.170 Damage or loss of property by neglect of member; deduction from pay. The superintendent shall make charges against any member of the State Police for property of the department damaged, lost or destroyed through carelessness or neglect of such member. If it is determined that such damage, loss or destruction was due to carelessness or neglect, there shall be deducted from the pay of such member the amount of money necessary to repair or replace the article or articles damaged, lost or destroyed.

181.180 Petty cash account. The superintendent shall establish a petty cash account from the appropriation for carrying out the functions of the department in the amount of $10,000 and shall authorize designated commissioned officers to make disbursements from such account in all cases where it may be necessary to make an immediate cash payment for transportation expenses, accessories and repairs to motor vehicles, board and lodging, immediate medical and veterinary supplies, telephone and imperative supplementary supplies. Upon presentation to the Secretary of State of duly approved vouchers for moneys so expended from the petty cash account or fund, the account or fund shall be reimbursed to the amount of vouchers submitted. Disbursing officers shall give a surety bond to the State of Oregon to be approved by the Attorney General in the amount of $10,000 for faithful performance of duty and proper administration of funds, the premium on which shall be paid by the department.

181.190 Commanding assistance of citizens. The department and all members of the department may direct and command the assistance of any able-bodied citizen of the United States to aid, when necessary, in accomplishing the purposes of his office. When so called, any officer or person shall, during the time his assistance is required, be considered a member of the State Police and subject to the provisions of this chapter.

181.200 Superintendent of State Police; appointment and removal. The Superintendent of State Police shall be the executive and administrative head of the Department of State Police. The Governor shall appoint the superintendent for a term of four years. The Governor may remove the superintendent for inefficiency or malfeasance in office after charges have been preferred and a hearing granted, or when in the judgment of the Governor the good of the service requires it.

181.210 Oath and bond of superintendent. The Superintendent of State Police, before assuming the duties of his office, shall take and subscribe an oath of office as prescribed by ORS 181.390 and give a surety bond to be approved by the Attorney General to the State of Oregon in the sum of $20,000 for the faithful performance of his duties. The premium on the bond shall be paid in the same manner as other expenses of the Department of State Police. The oath of office and bond of the superintendent shall be filed in the office of the Secretary of State.

181.220 Deputy Superintendent of State Police; qualifications, appointment and removal. The Superintendent of State Police may, with the approval of the Governor as to person and salary, appoint a Deputy Superintendent of State Police. The deputy superintendent shall have served as a captain in the department not less than one year prior to his appointment. The deputy superintendent shall be removable for the causes and in the manner provided in ORS 181.290 to 181.350 for the removal of officers and privates of the department.

181.230 Oath and bond of deputy superintendent. The deputy superintendent, before assuming the duties of his office, shall take and subscribe an oath of office as prescribed by ORS 181.390 and give a surety bond to the State of Oregon in the sum of $20,000, to be approved by the Attorney General, for the faithful performance of his duties. The premium on the bond shall be paid in the same manner as other expenses of the department. The oath of office and bond of the deputy superintendent shall be filed in the office of the Secretary of State.

181.240 Powers and duties of deputy superintendent. The deputy superintendent, when appointed and qualified, shall possess during his term of office all the powers of the superintendent and shall act as the head of the department in the absence or incapacity of the superintendent, and shall perform such duties as the superintendent may prescribe.

181.250 State police force; appointment; examination and enlistment of applicants. The superintendent, with the approval of the Governor, shall appoint a state police force, consisting of the number of officers and privates that are, in the judgment of the Governor and the superintendent, necessary in the performance of the duties of the department. The superintendent shall, subject to the laws of the state and with the approval of the Governor, arrange for the examination and enlistment of applicants.

181.260 Qualifications for appointment and reappointment as member of State Police. (1) No person, other than an expert in

crime detection, shall be appointed a member of the State Police unless he is:

(a) A citizen of the United States.

(b) A resident of the State of Oregon.

(c) Of good health and of good moral character.

(d) Over the age of 21 years.

(2) No person shall be appointed a member of the State Police who has not established satisfactory evidence of his qualifications by passing a physical and mental examination based upon the standard provided by the rules and regulations of the United States Army; but the superintendent, with the approval of the Governor, may, for such positions and where, in his judgment, the good of the service requires it, waive the physical standard provided by such rules and regulations.

(3) Any member who voluntarily withdraws from the state police force without the consent of the superintendent, and all persons removed from the State Police for cause after hearing, shall be ineligible for reappointment.

181.270 Annual salaries of officers, privates and recruits. (1) The personnel provided for in this section shall receive pay in the amount to be determined by the superintendent pursuant to this section. All salaries shall be payable in equal monthly instalments.

(2) A recruit shall receive an annual salary not exceeding $3,900 while in training until the end of his probation period when he has been accepted as a private.

(3) The following shall receive an annual salary not exceeding the amounts indicated:

(a) Private, $4.800.

(b) Private First Class, $5,640.

(c) Corporal, $5,880.

(d) Sergeant, $6,300.

(e) Lieutenant, $6,900.

(f) Captain, $7,500.

[Amended by 1953 c.50 §4; 1955 c.704 §1; 1957 c.674 §1; 1959 c.677 §1]

181.280 Instruction of privates; rules and regulations for discipline and control. The superintendent shall:

(1) Provide the necessary preliminary and subsequent instruction to the privates as to their duties as police officers of the state.

(2) Make rules and regulations for the discipline and control of the State Police.

181.290 Grounds for removal of officers and privates. The superintendent may remove officers and privates of the state force in the manner prescribed in ORS 181.300 to 181.350 for inefficiency, misfeasance, malfeasance, nonfeasance in office, violation of the criminal laws of the state or of the United States, wilful violation of any rule or regulation promulgated by the superintendent, insubordination, forfeiture of license to operate a motor vehicle, or physical or mental disability not incurred in line of duty.

181.300 Proceeding for removal of officers and privates. (1) Officers and privates may be removed only after written charges have been preferred and a hearing granted as prescribed in ORS 181.310 to 181.350.

(2) This section does not require a hearing for:

(a) Disciplinary measures taken by the superintendent or any commanding officer of a detachment for the punishment of minor infractions of the rules or regulations of the department.

(b) Demotion of officers.

(c) Removal of recruits.

181.310 Superintendent to make rules and regulations governing proceedings for removal. The superintendent shall make rules and regulations providing for:

(1) The filing of written charges against an accused officer or private.

(2) A hearing by the trial board on the charges upon not less than 10 days' notice.

(3) An opportunity to the accused officer or private to produce proof in his defense.

181.320 Trial board; members; presiding officer. A trial board to hear charges against officers and privates of the department shall consist of the superintendent and two officers of the department, senior in service, appointed by the superintendent. The superintendent shall be the presiding officer of the trial board. Upon written order of the superintendent, any officer appointed or designated to act in his absence as acting superintendent may sit in his place and stead as presiding officer of the trial board.

181.330 Hearing on charges; compelling attendance of witnesses; witness fees and mileage. The presiding officer of the trial board shall make all necessary rulings during the course of the hearing which may be

held at any place designated by the superintendent. The superintendent or the officer acting in his stead as presiding officer of the trial board is empowered to issue subpenas to compel the attendance of witnesses and the production of evidence and to administer all necessary oaths. Persons summoned as witnesses before the trial board shall be entitled to witness fees and mileage for traveling, as provided by law for witnesses in courts of record in the county in which the hearing is held. Failure or refusal to obey any subpena shall be brought to the attention of such circuit court and shall be punished by that court as a contempt.

181.340 Finding of trial board; action by superintendent. If the charges are proved the trial board shall make a written finding of guilty and recommend either removal of the officer or private or such disciplinary punishment as, in their opinion, the offense merits. Thereupon the superintendent shall direct the removal or punishment. If any officer or private refuses to attend the hearing or abide by any such disciplinary order, the superintendent may by order remove him forthwith.

181.350 Procedure for review of decision of trial board. The decisions of the trial board shall be subject to review by the circuit court of the county in which the hearing was held. The procedure for review shall be as provided in ORS 34.010 to 34.100.

181.360 Director of crime detection laboratory. The superintendent shall appoint:

(1) The director of the crime detection laboratory, who shall have charge and supervision over the laboratory under the general supervision of the superintendent.

(2) The assistants necessary for the operation of the laboratory.

181.370 Medical attendant. The superintendent may appoint annually, for a term of one year, a medical attendant at a compensation not exceeding $1,000 per annum for his services. The medical attendant shall, during his term of office, be a member of the staff of the Department of State Police and shall be subject to the orders of the superintendent and may be removed by him for cause after charges have been preferred and a hearing granted or when, in his judgment, the good of the service demands it.

181.380 Statistician, chief clerk and other assistants. Subject to any applicable provisions of the State Civil Service Law, the superintendent may appoint and fix the compensation of a statistician, a chief clerk, and such expert and other assistants and stenographers as the work of the department requires.

181.390 Oath of members of department. Each member of the department shall take and subscribe to an oath of office to support the Constitution and laws of the United States and of the State of Oregon, and to honestly and faithfully perform the duties imposed upon him under the provisions of the laws of Oregon as a member of the department. The oath of the superintendent and deputy superintendent shall be filed with the Secretary of State, and the oaths of all other members with the superintendent.

181.400 Restrictions on members of department; personal and property rights of others; political contests. All members of the department are subject to the following restrictions:

(1) No member of the department shall in any way interfere with the rights or property of any person, except for the prevention of crime, or the capture or arrest of persons committing crimes.

(2) No member of the department shall in any way be active or participate in any political contest of any general or special election, except to cast his ballot. No member of the department shall be detailed or ordered to duty at or near any voting precinct where any election is being held, nor shall any member of the department remain in or about such voting precinct, except for the time necessary to cast his vote.

181.410 Records and reports of time spent in performance of duties; approval of claims. (1) Under rules and regulations to be promulgated by the Superintendent of State Police, with the approval of the Governor, all State Police shall be required to keep a record of the time spent in the performance of their various duties and report same to the superintendent at such times as he shall direct.

(2) The superintendent shall approve all claims. [Amended by 1957 c.521 §4; 1959 c.480 §3]

181.420 Removing, destroying or mutilating records of department. No person shall remove, destroy or mutilate any of the records of the Department of State Police except as provided by law. [Amended by 1957 c.7 §1]

181.990 Penalties. (1) Violation of ORS 181.140 is punishable upon conviction by a fine not exceeding $250, or by imprisonment in the county jail for a term not exceeding one year, or both.

(2) Violation of ORS 181.420 is punishable upon conviction by a fine not exceeding $500 or by imprisonment in the county jail for a term not exceeding one year, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1959.

Sam R. Haley
Legislative Counsel