Chapter 181

1987 REPLACEMENT PART

State Police; Crime Reporting and Records; Police and Parole and Probation Standards and Training

STATE POLICE

181.010 Definitions for ORS 181.010 to 181.560
181.020 Department of State Police established
181.030 Powers and duties of department and its members
181.040 Department to enforce laws relating to highways and operation of vehicles on highways; power of arrest possessed by persons not members of department
181.050 State police to enforce laws and regulations of agencies
181.066 Bureau of criminal identification
181.070 State detective bureau
181.080 Crime detection laboratories
181.090 Headquarters and patrol stations
181.100 Organization of work of department
181.110 Distribution of police throughout state
181.120 Standard uniform for state police
181.130 Service without wearing uniform
181.140 Wearing uniforms by other persons prohibited
181.150 Supplies and equipment of state police as state property; exceptions
181.170 Damage or loss of property by neglect of member; deduction from pay
181.175 State Police Account
181.180 Petty cash account
181.190 Commanding assistance of citizens
181.200 Superintendent of State Police; appointment; confirmation; removal
181.210 Oath and bond of superintendent and deputy
181.220 Deputy Superintendent of State Police; qualifications, appointment and removal
181.240 Powers and duties of deputy superintendent
181.250 State police force; appointment; examination and enlistment of applicants
181.260 Qualifications for appointment and reappointment as member of state police; special officers
181.265 Qualification for cadets and legislative and executive security personnel
181.271 Salaries of state police
181.280 Instruction; rules and regulations for discipline and control
181.290 Grounds for removal of state police
181.300 Proceeding for removal
181.310 Superintendent to make rules and regulations governing proceedings for removal
181.320 Trial board; members; presiding officer
181.330 Hearing on charges; compelling attendance of witnesses; witness fees and mileage
181.340 Finding of trial board; action by superintendent
181.350 Procedure for review of decision of trial board
181.360 Directors of crime detection laboratories
181.390 Oath of members of state police
181.400 Restrictions on members of state police; personal and property rights of others; political contests
181.410 Records and reports of time spent in performance of duties; approval of claims
181.440 Eligibility of towing business to be placed on department list

POLICE MEMORIAL

(Temporary provisions relating to establishing a Memorial Plaque at the Police Academy honoring law enforcement officers who died in the line of duty are compiled as notes following ORS 181.440.)

CRIME REPORTING

181.511 Fingerprints, identifying data, disposition report required upon arrest
181.515 Crimes for which criminal offender information is required
181.521 Transmittal of disposition report
181.525 Copy of certain disposition reports to Teacher Standards and Practices Commission
181.530 Report of release or escape from state institution of certain inmates
181.535 Criminal identification information available to Executive Secretary of Oregon Racing Commission
181.537 Criminal identification information available to Department of Human Resources
181.540 Confidentiality of some records
181.550 Reporting of crime statistics
181.555 Establishment of procedures for access to criminal record information
181.560 Procedure when information requested by other than criminal justice agency
181.575 Specific information not to be collected or maintained
181.580 Report of suspected criminal homicide; form and time of report; compilation; comparison

POLICE AND PAROLE AND PROBATION STANDARDS AND TRAINING

181.610 Definitions for ORS 181.610 to 181.690

181.620 Board on Police Standards and Training; confirmation

181.630 Organization of board; approval of claims; meetings

181.635 Appointment of executive director and secretary of board

181.640 Minimum standards and training for certification; annual report; duties in improving law enforcement units; grants; rules

181.645 Police, corrections, parole and probation officers required to be at least 21 years of age

181.650 Certification of training programs and instructors

181.651 Certification of full-time board employes

181.652 Certification of corrections officers required; extension; when training to commence

181.653 Certification of Department of Corrections parole and probation officers required; extension

181.654 Certification of certain Law Enforcement Data System employes

181.655 Reimbursement for training to local law enforcement units

181.660 Application of minimum standards and training to certain officers; certification based on experience

181.661 Procedure prior to revocation of certification

181.662 Grounds for denying or revoking certification of officer

181.664 Judicial review of board's final order; reapplication for certification

181.665 Uncertified person not to be employed as police officer for period exceeding one year without extension; training requirements

181.667 Lapse of certification; reapplication for certification

181.670 Effect of minimum requirements under authority other than ORS 181.640

181.690 Police Standards and Training Account

181.700 Legislative intent; use of funds

181.705 Minimum standards and training requirements not applicable to certain police officers

LAW ENFORCEMENT DATA SYSTEMS ACCOUNT

181.710 Law Enforcement Data System Account

POLICE GENERALLY

181.850 Enforcement of federal immigration laws

PENALTIES

181.990 Penalties

CROSS REFERENCES

Disciplinary actions against officers, 236.350 to 236.370

181.010 to 181.705

Oregon State Lottery, criminal justice agency, 461 110

181.030

Abandoned vehicles, disposition, 819 110 to 819.270

Arrest, duties under warrant, 133.110 to 133.140

Attorney General to defend department and its members and to conduct prosecutions, 180.120

Authority of peace officer to arrest without warrant, 133.310

Boating laws, cooperation with State Marine Board to enforce, 488.830

Dead and missing persons, identification, duties of police, 146 505 to 146.545

Duties related to precursor substances, 475.945

Elderly abuse, duty to report, 410.610 to 410.700

Emergency services, coordination by Administrator of Emergency Management Division, 401.270

Enforcement of·

- Commercial fishing laws, criminal provisions, 506.511
- Environmental Quality Commission rules regulating motor vehicle operation and traffic for control of air pollution, 468 420
- Fish and game, criminal laws relating to, 496 610
- Laws and ordinances relating to arson and fraudulent claims and practices in connection with fire laws, 476.110
- Lottery, Ch. 461
- Motor carrier regulation, 767 475
- Oregon Liquor Control Act, 471.605
- Safety code for vehicles used to transport workers, 821.040
- Wildlife laws, 496.610

Exclusion of persons from public property during emergency period proclaimed by Governor, 131.705 to 131.735

Handicapped child, duty to report, 343.193

Notice of release or escape of arsonist from state institution, 476 730

Notification to OLCC when certain motor vehicle accidents investigated, 471 703

Removal of vehicles illegally parked in disabled parking spaces, 811 620

State property, investigating loss, 278.052

181.040

Payment of expenses of enforcement of motor carrier regulation from Motor Carrier Account, 767.630

When allotment required, 291.238

181.200

Superintendent as member of State Speed Control Board, 802.380

181.210

Bond not invalidated by omission of statutory provision, 743.759

181.250

Group life insurance for members of state police, 243.005 to 243 055

Scholarships, children of peace officers killed or disabled in line of duty, 348.270

181.260

Public Employes' Retirement System, participation of employe beyond compulsory retirement age, 237 145

181.310

Filing and publication of rules, 183.310 to 183.550

181.410

Approval of disbursements by designated subordinate, 293 330

181.530

Arsonist, notice prior to release or after escape from state institution, 476.730

181.620

Sheriffs, determination of qualifications by board, 206.015

181.640

Polygraph examiners, licensing by board, 703 030 to 703.320

181.650

Chemical analyses for alcoholic content, methods and equipment, 813 160

181.690

Assessment collected in addition to fines and bail forfeitures for certain violations to be deposited in account, 137.015

Polygraph Examiners Act, disposition of fees received, 703.240

STATE POLICE

181.010 Definitions for ORS 181.010 to 181.560. As used in ORS 181.010 to 181.560, unless the context requires otherwise:

(1) "Bureau" means the Department of State Police Bureau of Criminal Identification.

(2) "Criminal offender information" includes records and related data as to physical description and vital statistics, fingerprints received and compiled by the bureau for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release.

(3) "Department" means the Department of State Police established under ORS 181.020.

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

(5) "Law enforcement agency" means county sheriffs, municipal police departments, State Police, other police officers of this and other states and law enforcement agencies of the Federal Government.

(6) "State Police" means the members of the state police force appointed under ORS 181.250.

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

(8) "Criminal Justice Agency" means:

(a) The Governor;

(b) Courts of criminal jurisdiction;

(c) The Attorney General;

(d) District attorneys, city attorneys with criminal prosecutive functions and public defender organizations established under ORS chapter 151;

(e) Law enforcement agencies;

(f) The Department of Corrections;

(g) The State Board of Parole; and

(h) Any other state or local agency designated by order of the Governor.

(9) "Disposition report" means a form or process prescribed or furnished by the bureau, containing a description of the ultimate action taken subsequent to an arrest. [Amended by 1963 c.547 §1; 1971 c.467 §1; 1975 c.548 §1; 1977 c.745 §46; 1981 c.905 §1; 1987 c.320 §136; 1987 c.475 §5]

181.020 Department of State Police established. There is established a Department of State Police. The department shall consist of office personnel and the Oregon State Police. The Oregon State Police shall consist of members of the state police force appointed under ORS 181.250, state police cadets and legislative security personnel appointed under ORS 181.265. [Amended by 1963 c.547 §8, 1971 c 467 §2]

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

(2) Each member of the state police 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 law in the manner provided in ORS 133.310.

(f) Give first aid to the injured.

(g) Succor the helpless.

(3) Each member of the state police shall have in general the same powers and authority as those conferred by law upon sheriffs, police officers, constables, peace officers and may be appointed as deputy medical examiners.

(4) The members of the state police shall be subject to the call of the Governor, and are empowered to cooperate with any other instrumentality or authority of the state, or any political subdivision in detecting crime, apprehending criminals and preserving law and order throughout the state; but the state police shall not be used as a posse except when ordered by the Governor. [Amended by 1961 c 434 §7, 1971 c 467 §3; 1973 c.408 §30; 1977 c.595 §1]

181.040 Department to enforce laws relating to highways and operation of vehicles on highways; 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) Members of the state police have 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 this section shall be paid from the State Highway

Fund and from the moneys received under ORS 802.110.

(4) ORS 181.010 to 181.560 does not prevent an officer or employe of the Department of Transportation from arresting any person for any crime committed in the officer's or employe's presence and does not affect other powers of arrest granted by the laws of this state to persons other than peace officers. [Amended by 1967 c 175 §5, 1971 c.467 §4; 1983 c.338 §899]

181.050 State police to enforce laws and regulations of agencies. The state police, with the approval of the Governor, may be called upon by any other branch or department of the state government to enforce criminal laws or any regulation of such branch or department. [Amended by 1971 c.58 §1]

181.060 [Repealed by 1963 c 547 §11]

181.065 [1963 c 547 §6; repealed by 1975 c 548 §2 (181 066 enacted in lieu of 181 065)]

181.066 Bureau of criminal identification. (1) There is established in the department a bureau of criminal identification which shall be operated by the department.

(2) The bureau shall:

(a) Install and maintain systems for filing and retrieving fingerprint data and supplemental information submitted by criminal justice agencies for the identification of criminal offenders as the superintendent deems necessary;

(b) Employ its fingerprint record file as a basis for identifying individuals and provide criminal offender information to criminal justice agencies while acting in the performance of their official duties;

(c) Provide information to persons and agencies as provided in ORS 181.555 and 181.560; and

(d) Undertake such other projects as are necessary or appropriate to the speedy collection and dissemination of information relating to crimes and criminals. [1975 c 548 §3 (enacted in lieu of 181 065); 1975 c 605 §11a; 1981 c 905 §2]

181.070 State detective bureau. (1) The superintendent may, with the approval of the Governor, maintain a state detective bureau under the immediate supervision of the superintendent.

(2) The detective bureau shall:

(a) Maintain facilities for the detection of crime by the state police.

(b) Supply expert information on handwriting and ballistics.

(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 the superintendent deems expedient. [Amended by 1963 c 547 §9; 1971 c.467 §22]

181.080 Crime detection laboratories. (1) The Department of State Police may establish crime detection laboratories, to be operated by the department in cooperation with the Oregon Health Sciences University.

(2) The Oregon Health Sciences University may furnish adequate quarters, heat and light for the laboratory in the buildings of the school at Portland and may assist the personnel of all laboratories with technical advice and assistance.

(3) The laboratories shall furnish service as available to all district attorneys, sheriffs and other peace officers in the state. The services of the laboratories shall also be available to any defendant in a criminal case on order of the court before which the criminal case is pending. [Amended by 1953 c.5 §3, 1963 c.218 §1, 1971 c 467 §23]

181.090 Headquarters and patrol stations. The superintendent, with the approval of the Governor, may establish headquarters and patrol stations at such places as the superintendent may deem most advisable for the patrol and protection of the state and for the enforcement of the laws. For that purpose, with the approval of the Governor, the superintendent may use lands and buildings for the accommodation of members of the state police and their vehicles and equipment. [Amended by 1971 c.467 §21]

181.100 Organization of work of department. The superintendent shall, so far as in the judgment of the superintendent it is practicable and expedient so to do, organize the work of the 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 the various officers and police of the superintendent 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 Standard uniform for state police. The State of Oregon shall provide the members of the state police with standard uniforms. Subject to detailed regulations and specifications prescribed by the superintendent, the uniform to be worn by members of the state police shall be of standard pattern and distinctive design. [Amended by 1971 c 467 §7; 1979 c 30 §1]

181.130 Service without wearing uniform. The superintendent may direct that members of the state police shall serve without wearing uniform, when, in the judgment of the superintendent, law enforcement will thereby be made more efficient. [Amended by 1971 c.467 §8]

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 state police as state property; exceptions. (1) The state shall provide the members of the state police with emergency and first aid outfits, weapons, motor vehicles, 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 with the exception of a retiring or deceased officer's department-issued service revolver, which may be sold by the department to the officer or, in the case of a deceased officer, to a member of the officer's family, upon the officer's retirement or death, and the officer's badge, which may be given to the officer or, in the case of a deceased officer, to a member of the deceased officer's family, upon the officer's retirement or death. When a service revolver is sold pursuant to this section, it shall be sold for its fair market value. The badge shall be marked to indicate the officer's retirement status and under no circumstance shall it be used for official police identification other than as a memento of service to the department.

(2) When any of the property, supplies or equipment becomes surplus, obsolete or unused it shall be disposed of by the Department of General Services as provided in ORS 283.230.

(3) For purposes of ORS 279.011 to 279.061, the sale of a service revolver to a retiring officer by the department is not a public contract and shall not be subject to the competitive bidding requirements of ORS 279.011 to 279.063. The provisions of ORS 166.420 to 166.440 do not apply to transfers of firearms pursuant to this section. [Amended by 1955 c.148 §1, 1971 c.467 §9, 1985 c.281 §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.

181.175 State Police Account. There is established in the General Fund of the State Treasury an account to be known as the State Police Account. All moneys received by the Department of State Police shall be paid to the credit of the State Police Account, and such moneys are continuously appropriated for the payment of expenses of the Department of State Police. [1971 c.277 §2; 1979 c.541 §4; 1981 c.881 §3]

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 $25,000 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 Executive Department 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. [Amended by 1985 c.478 §5]

181.190 Commanding assistance of citizens. All members of the state police may direct and command the assistance of any able-bodied citizen of the United States to aid, when necessary, to maintain law and order. When so called, any person shall, during the time the assistance of the person is required, be considered a member of the state police and subject to ORS 181.010 to 181.560. [Amended by 1971 c.467 §10]

181.200 Superintendent of State Police; appointment; confirmation;

removal. The Superintendent of State Police shall be the executive and administrative head of the Department of State Police. Subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, 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. [Amended by 1971 c.467 §11; 1973 c.792 §1]

181.210 Oath and bond of superintendent and deputy. The Superintendent of State Police and the Deputy Superintendent of State Police, before assuming their duties, each shall take and subscribe an oath of office as prescribed by ORS 181.390 and shall be covered by a fidelity or blanket bond as provided in ORS 291.011. [Amended by 1971 c.467 §13]

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 or in higher rank in the Oregon State Police not less than one year prior to the appointment of the deputy superintendent. 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 members of the state police. [Amended by 1971 c.467 §12]

181.230 [Repealed by 1971 c 467 §26]

181.240 Powers and duties of deputy superintendent. The deputy superintendent, when appointed and qualified, shall possess during the term of office of deputy superintendent 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 commissioned officers, noncommissioned officers and troopers who 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 and establish ranks or grades. [Amended by 1971 c.467 §6]

181.260 Qualifications for appointment and reappointment as member of state police; special officers. (1) No person, other than an expert in crime detection, shall be appointed a member of the state police unless the person is:

(a) A citizen of the United States.

(b) Except as provided in subsection (4) of this section, 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 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 the judgment of the superintendent, 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.

(4) The superintendent may appoint special state police officers who are not residents of Oregon upon the following conditions:

(a) The officers are appointed for the limited purpose of providing assistance to the state police in law enforcement emergencies and major operations in Oregon in areas near the Oregon border and the neighboring state.

(b) The officers are police officers certified by the state bordering Oregon.

(c) The officers receive no separate compensation from the State of Oregon for their services.

(d) There is a reciprocal agreement wherein the Superintendent of State Police authorizes a member of the Oregon State Police to assist the bordering state's police officers under identically prescribed criteria in the neighboring state in areas near the Oregon border with the neighboring state.

(5) The Superintendent of State Police is authorized to enter into reciprocal agreements with bordering state law enforcement agencies for the purpose of providing assistance to the Oregon State Police and the bordering state law enforcement agency in carrying out major operations and responding to emergencies in areas near the Oregon border and the border of the adjacent state. [Amended by 1985 c.411 §1]

181.265 Qualification for cadets and legislative and executive security personnel. Notwithstanding ORS 181.260 (1)(d), the superintendent may appoint, as state police cadets or legislative and executive security personnel, individuals who are 18 years of age or older and satisfy other requirements of ORS 181.260 (1) and (2). [1971 c.467 §25b; 1977 c 258 §1]

181.270 [Amended by 1953 c.50 §4, 1955 c.704 §1; 1957 c.674 §1, 1959 c.677 §1; 1961 c 493 §2; 1963 c.572 §54; repealed by 1965 c.14 §2 (181.271 enacted in lieu of 181.270)]

181.271 Salaries of state police. The salaries of members of the Oregon State Police shall be fixed in the same manner as the salaries of other officers and employes in the unclassified service pursuant to ORS 240.240. [1965 c.14 §3 (enacted in lieu of 181 270); 1971 c 467 §14]

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

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

(2) Make rules and regulations for the discipline and control of the state police. [Amended by 1971 c.467 §15]

181.290 Grounds for removal of state police. The superintendent may remove members of the Oregon State Police in the manner prescribed in ORS 181.290 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 of the department, insubordination, forfeiture of license to operate a motor vehicle, or physical or mental disability not incurred in line of duty. [Amended by 1971 c.467 §16]

181.300 Proceeding for removal. (1) Members of the Oregon State Police may be removed only after written charges have been preferred and a hearing granted as prescribed in ORS 181.290 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 members.

(c) Removal of recruits. [Amended by 1971 c.467 §17]

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 member of the Oregon State Police.

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

(3) An opportunity to the accused member to produce proof in the defense of the accused member. [Amended by 1971 c.467 §18]

181.320 Trial board; members; presiding officer. A trial board to hear charges against members of the Oregon State Police shall consist of the superintendent and two commissioned officers, 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 commissioned officer appointed or designated by the superintendent may sit as presiding officer of the trial board. [Amended by 1971 c.467 §19]

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 the stead of the superintendent 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 member of the Oregon State Police or such disciplinary punishment as, in their opinion, the offense merits. Thereupon the superintendent shall direct the removal or punishment. If any member refuses to attend the hearing or abide by any such disciplinary order, the superintendent may by order remove the member forthwith. [Amended by 1971 c.467 §20]

181.350 Procedure for review of decision of trial board. The decisions of the trial board shall be subject to review by the Court of Appeals. The procedure for review shall be as provided in ORS 183.482. [Amended by 1979 c.772 §14]

181.360 Directors of crime detection laboratories. The superintendent shall appoint:

(1) The director of each 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 laboratories. [Amended by 1971 c.467 §24]

181.370 [Repealed by 1971 c 467 §26]

181.380 [Repealed by 1971 c.467 §26]

181.390 Oath of members of state police. Each member of the Oregon State Police 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 the member under the laws of Oregon. 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. [Amended by 1971 c.467 §5]

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

(1) No member of the state police 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) Notwithstanding any other law, no member of the state police shall in any way be active or participate in any political contest of any general or special election, except to cast the ballot of the member of the state police. No member of the state police 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 state police remain in or about such voting precinct, except for the time necessary to cast the vote of the member of the state police. [Amended by 1971 c.467 §25]

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 the superintendent shall direct.

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

181.415 [1967 c.194 §1; repealed by 1977 c 249 §1]

181.420 [Amended by 1957 c 7 §1, repealed by 1971 c 743 §432]

181.440 Eligibility of towing business to be placed on department list. The superintendent may make rules governing the eligibility of towing businesses to be placed and remain on any list of such businesses used by the department when it requests towing services on behalf of any person. [1987 c.112 §2]

POLICE MEMORIAL

Note: Sections 1 and 2, chapter 508, Oregon Laws 1987, provide:

Sec. 1. (1) The State Treasurer, in consultation with the head of the Police Academy of Western Oregon State College and the Board on Police Standards and Training, shall cause to have created a suitable memorial plaque to be located on the grounds of the Police Academy at Western Oregon State College

(2) The costs of the design, materials, construction and maintenance of the plaque shall be paid for out of the Police Memorial Trust Fund.

(3) The Board on Police Standards and Training shall be responsible initially for obtaining the names of law enforcement officers who died in the line of duty and for subsequent additions. [1987 c 508 §1]

Sec. 2. (1) The Police Memorial Trust Fund is created separate from the General Fund. The fund shall consist of moneys appropriated therefor and gifts and grants thereto and the interest thereon. The fund is continuously appropriated for the purposes of subsection (2) of section 1 of this Act.

(2) The fund shall be administered by the State Treasurer [1987 c.508 §2]

CRIME REPORTING

181.510 [1963 c.547 §3; repealed by 1975 c.548 §4 (181.511 enacted in lieu of 181.510)]

181.511 Fingerprints, identifying data, disposition report required upon arrest. (1) A law enforcement agency immediately upon the arrest of a person for a crime for which criminal offender information must be provided under ORS 181.515 shall:

(a) Place the arrested person's fingerprints and identifying data on forms prescribed or furnished by the bureau, photograph the arrested person, and promptly transmit the form and photograph to the bureau.

(b) If the arrest is disposed of by the arresting agency, cause the disposition report to be completed and promptly transmitted to the bureau.

(c) If the arrest is not disposed of by the agency, cause the disposition report to be forwarded, except as otherwise provided in section 3, chapter 553, Oregon Laws 1987, to the court that

will dispose of the charge, for further action in accordance with ORS 181.521.

(2) A law enforcement agency may record, in addition to fingerprints, the palm prints, sole prints, toe prints, or other personal identifiers when, in the discretion of the agency, it is necessary to effect identification of the persons or to the investigation of the crime charged.

(3) A law enforcement agency, for the purpose of identification, may record and submit to the bureau the fingerprints of persons arrested for crimes for which criminal offender information is not required under ORS 181.515. [1975 c.548 §5 (enacted in lieu of 181.510); 1983 c.763 §55; 1987 c.475 §6, 1987 c 553 §1]

Note: Section 3, chapter 553, Oregon Laws 1987, provides:

Sec. 3. (1) Notwithstanding ORS 181.511 (1)(c), disposition reports that include felonies shall be transmitted to the district attorney until the State Court Administrator notifies the district attorney under this section that the court in that county is ready to assume the disposition reporting function After the district attorney is so notified under this section, the district attorney shall notify the law enforcement agencies in the county that all disposition reports are to be forwarded to the courts as provided in ORS 181.511 (1)(c), and not to the district attorney.

(2) When a district attorney receives a disposition report from a law enforcement agency under subsection (1) of this section, the district attorney shall complete the disposition report and cause it to be forwarded promptly to the bureau. After notification to a district attorney under this section that the court in the county is ready to assume the disposition reporting function, the judicial department shall assume responsibility for transmission of disposition information, and the district attorney shall forward to the appropriate court, as provided in ORS 181.511 (1)(c), any disposition reports received thereafter by the district attorney.

(3) The judicial department shall assume the responsibilities given to district attorneys under subsections (1) and (2) of this section on a phase-in basis tied to the implementation of automated record keeping systems in the various trial courts. The manner and format for transmitting disposition information by the courts to the bureau shall be determined by the State Court Administrator in consultation with the bureau. [1987 c.553 §3]

181.515 Crimes for which criminal offender information is required. The following crimes are crimes for which criminal offender information must be provided:

(1) Any felony;

(2) Any misdemeanor or other offense which involves criminal sexual conduct; or

(3) Any crime which involves a violation of the Uniform Controlled Substances Act. [1987 c.475 §4]

181.520 [1963 c.547 §4; repealed by 1975 c.548 §6 (181.521 enacted in lieu of 181.520)]

181.521 Transmittal of disposition report. When a court receives a disposition report from a law enforcement agency pursuant to ORS 181.511, the court shall transmit disposition information to the bureau in a manner and format determined by the State Court Administrator after consultation with the bureau. [1975 c.548 §6a (enacted in lieu of 181.520); 1983 c.763 §56; 1987 c.553 §2]

181.525 Copy of certain disposition reports to Teacher Standards and Practices Commission. Whenever any court or district attorney receives a disposition report and the court or district attorney has cause to believe that the arrested person who is the subject of the report is an employe of a school district or is certified as a school teacher or administrator and that the charge involves a violation of any crime listed in ORS 342.143 (3) or 342.175 (2), the court or district attorney shall cause the Teacher Standards and Practices Commission to be sent a copy of the completed disposition report. [1987 c.503 §4]

Note: 181.525 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation

181.530 Report of release or escape from state institution of certain inmates. (1) The superintendent of any institution of this state shall notify the bureau prior to the release or immediately after the escape from such institution, of any person committed to such institution, for a crime for which a report is required or under civil commitment as a sexually dangerous person. The notice shall state the name of the person to be released or who has escaped, the county in which the person was convicted or from which the person was committed and, if known, the address or locality at which the person will reside.

(2) Promptly upon receipt of the notice required by subsection (1) of this section, the bureau shall notify all law enforcement agencies in the county in which the person was convicted or from which the person was committed and in the county, if known, in which the person will reside. [1963 c.547 §5]

181.535 Criminal identification information available to Executive Secretary of Oregon Racing Commission. (1) The department may, upon request of the Oregon Racing Commission, furnish to the Executive Secretary of the Oregon Racing Commission such information as the department may have in its possession from its central bureau of criminal identification, including but not limited to manual or computerized information and data.

(2) For the purposes of requesting and receiving the information and data described in subsection (1) of this section, the Oregon Racing Commission is a "state agency" and a "criminal justice agency" and its enforcement agents are "peace officers" within this chapter and rules adopted thereunder. [1975 c 549 §19]

181.537 Criminal identification information available to Department of Human Resources. (1) On the request of the Department of Human Resources and written consent of the person about whom information is being requested, the department may furnish to the director such information as the department may have in its possession from its central bureau of criminal identification, including but not limited to manual or computerized information, concerning:

(a) Persons applying to adopt, serving as or being considered to serve as foster parents pursuant to placement of persons in their custody and care;

(b) Any other adult providing supervision to children or residing in the home of such adoptive parents, foster parents or potential foster parents;

(c) Persons serving as or being considered to serve as staff in any state funded residential program for mentally retarded or developmentally disabled children, or children who are both, and adults; and

(d) Persons applying for issuance or renewal of certificates of approval for day care facilities under ORS 418.805 to 418.885 and prospective or current employes of such facilities to assist in complying with ORS 418.820 (3). The Children's Services Division may charge persons applying for the certificates or renewals for the actual cost of furnishing the information.

(2) On the request of the Department of Human Resources, the department shall conduct nationwide criminal record checks through the Federal Bureau of Investigation of persons applying for issuance or renewal of certificates of approval for day care facilities under ORS 418.805 to 418.885 and prospective or current employes of such facilities.

(3) The department shall adopt rules to restrict dissemination of information received under this section to persons with a demonstrated and legitimate need to know the information.

(4) For purposes of receiving the information described in subsection (1) of this section, the Department of Human Resources is a "criminal justice agency" under ORS 181.010 to 181.560 and the rules adopted under ORS 181.555. [1979 c 732 §2, 1983 c.714 §1, 1985 c.792 §1]

181.540 Confidentiality of some records. (1) Notwithstanding the provisions of ORS 192.410 to 192.505 relating to public records the fingerprints, photographs, records and reports compiled under ORS 137.225, 181.010, 181.511, 181.521, 181.555, 805.060 and this section are confidential and exempt from public inspection except:

(a) As ordered by a court;

(b) As provided in rules adopted by the department under ORS 183.310 to 183.550 to govern access to and use of computerized criminal offender information including access by an individual for review or challenge of the individual's own records;

(c) As provided in ORS 181.555 and 181.560; or

(d) As provided in ORS 181.525.

(2) The records of the department of crime reports to the department and of arrests made by the department, however, shall not be confidential and shall be available in the same manner as the records of arrest and reports of crimes of other law enforcement agencies under ORS 192.501 (3). [1963 c.547 §7, 1973 c.794 §16; 1975 c.548 §7; 1979 c.518 §1, 1981 c.905 §3; 1983 c.338 §900; 1987 c 503 §5]

181.550 Reporting of crime statistics. (1) All law enforcement agencies shall report to the Executive Department statistics concerning crimes:

(a) As directed by the Executive Department, for purposes of the Uniform Crime Reporting System of the Federal Bureau of Investigation; and

(b) As otherwise directed by the Governor concerning general criminal categories of criminal activities but not individual criminal records.

(2) The Executive Department shall prepare:

(a) Quarterly and annual reports for the use of agencies reporting under subsection (1) of this section, and others having an interest therein; and

(b) Special reports as directed by the Governor. [1973 c 130 §2]

181.555 Establishment of procedures for access to criminal record information. The department shall adopt rules under ORS 183.310 to 183.550 establishing procedures:

(1) To provide access to criminal offender information by criminal justice agencies and by other state and local agencies.

(2)(a) To permit a person or agency not included in subsection (1) of this section to inquire as to whether the department has compiled criminal offender information on an individual.

(b) To provide that any person making an inquiry under paragraph (a) of this subsection furnish the department with such information known to the inquirer as will assist the department in identifying and notifying the individual about whom the information is sought. If the information is sought by an employer for employment purposes, the employer first shall have advised the employe or prospective employe that such information might be sought and shall state upon making the request that the individual has been so advised and the manner in which the individual was so advised.

(3) To provide each individual about whom criminal offender information has been compiled the right to inspect and challenge that criminal offender information.

(4) Providing for purging or updating of inaccurate or incomplete information. [1975 c 548 §8; 1981 c 905 §6]

181.560 Procedure when information requested by other than criminal justice agency. (1) When a person or agency, other than a criminal justice agency or a law enforcement agency, pursuant to ORS 181.555 (2), requests from the department criminal offender information regarding an individual, if the department's compiled criminal offender information on the individual contains records of any conviction, or of any arrest less than one year old on which there has been no acquittal or dismissal, the department shall respond to the request as follows:

(a) The department shall send prompt written notice of the request to the individual about whom the request has been made. The department shall address the notice to the individual's last address known to the department and to the individual's address, if any, supplied by the person making the request. However, the department has no obligation to insure that the addresses are current. The notice shall state that the department has received a request for information concerning the individual and shall identify the person or agency making the request. Notice to the individual about whom the request is made shall include:

(A) A copy of all information to be supplied to the person or agency making the request;

(B) Notice to the individual of the manner in which the individual may become informed of the procedures adopted under ORS 181.555 (3) for challenging inaccurate criminal offender information; and

(C) Notice to the individual of the manner in which the individual may become informed of rights, if any, under Title VII of the Civil Rights Act of 1964, and notice that discrimination by an employer on the basis of arrest records alone may violate federal civil rights law and that the individual may obtain further information by contacting the Bureau of Labor and Industries.

(b) Fourteen days after sending notice to the individual about whom the request is made, the department shall deliver to the person or agency making the request the following information if held regarding any convictions and any arrests less than one year old on which the records show no acquittal or dismissal:

(A) Date of arrest.

(B) Offense for which arrest was made.

(C) Arresting agency.

(D) Court of origin.

(E) Disposition, including sentence imposed, date of parole if any and parole revocations if any.

(c) The department shall deliver only the data authorized under paragraph (b) of this subsection.

(d) The department shall inform the person or agency requesting the criminal offender information that the department's response is being furnished only on the basis of similarity of names and description and that identification is not confirmed by fingerprints.

(2) If the department holds no criminal offender information on an individual, or the department's compiled criminal offender information on the individual consists only of nonconviction data, the department shall respond to a request under this section that the individual has no criminal record and shall release no further information.

(3) The department shall keep a record of all persons and agencies making inquiries under ORS 181.555 (2) and shall keep a record of the names of the individuals about whom such persons or agencies are inquiring, regardless of whether the department has compiled any criminal offender information on the individuals. These records shall be public records and shall be available for inspection under ORS 192.410 to 192.505.

(4) Nothing in ORS 181.066, 181.540, 181.555 or this section is intended to prevent the department from charging a reasonable fee, pur-

suant to ORS 192.440, for responding to a criminal offender information inquiry or for making information available under ORS 181.555 or this section. [1981 c 905 §5]

181.570 [1975 c 375 §1, repealed by 1979 c 485 §1]

181.575 Specific information not to be collected or maintained. No law enforcement agency, as defined in ORS 181.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct. [1981 c 905 §8]

Note: 181 575 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation

181.580 Report of suspected criminal homicide; form and time of report; compilation; comparison. (1) As used in this section:

(a) "Administrator" means the person in the Executive Department who is responsible for the Law Enforcement Data System funded under ORS 181.710.

(b) "Criminal homicide" has the meaning provided in ORS 163.005.

(2) Any criminal justice agency within the State of Oregon having primary responsibility for investigation of the case shall provide information relating to any suspected criminal homicide to the administrator of the Law Enforcement Data System within 25 days after its discovery. The criminal justice agency shall submit the information on a form which shall be developed and provided by the administrator. The form shall contain only information necessary to aid law enforcement personnel in comparing homicides and suspected homicides and discovering those exhibiting similar characteristics. The administrator shall enter information submitted by an investigating agency into a file maintained and controlled by the administrator and shall compare such information to information on other homicides or suspected homicides, for the purpose of discovering similarities in criminal methods and suspect descriptions. The administrator shall advise the concerned investigating agencies if the administrator finds homicides exhibiting similar criminal methods or suspect descriptions.

(3) When an investigating criminal justice agency terminates active investigation of a suspected criminal homicide due to an arrest having been made in the case, death of the primary suspect, or whatever other reason, the investigating agency shall so notify the administrator within 30 days following such termination. Notification shall include the reason for terminating active investigation. [1985 c 609 §1]

Note: 181 580 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation

POLICE AND PAROLE AND PROBATION STANDARDS AND TRAINING

181.610 Definitions for ORS 181.610 to 181.690. In ORS 181.610 to 181.690, unless the context requires otherwise:

(1) "Board" means the Board on Police Standards and Training appointed pursuant to ORS 181.620.

(2) "Corrections officer" means an officer or member of a law enforcement unit who is employed full time thereby and is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles.

(3) "Executive director" means the executive director of the board.

(4) "Law enforcement unit" means a police force or organization of a city, port, school district, mass transit district, county, Indian reservation, Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission or common carrier railroad whose primary duty, as prescribed by law, ordinance or directive, is any one or more of the following:

(a) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(b) The custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined to a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(c) The control, supervision and reformation of adult offenders placed on parole or probation and investigation of adult offenders on parole or probation or being considered for parole or probation.

(5) "Parole and probation officer" means any officer employed full time by the Department of

Corrections, a county or a court who is charged with and actually performs the duty of community protection by controlling, supervising and providing reformative services for adult parolees and probationers, or who performs the duty of investigation of adult offenders on parole or probation or being considered for parole or probation.

(6) "Police officer" means an officer or member of a law enforcement unit who is employed full time as a peace officer commissioned by a city, port, school district, mass transit district, county, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission or the Governor and who is responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security. [1961 c.721 §1; 1963 c.371 §1, 1967 c 305 §2; 1973 c.420 §1, 1975 c 290 §1, 1975 c.392 §3; 1975 c.666 §4; 1977 c 382 §1, 1977 c.477 §1; 1977 c.737 §1; 1979 c.656 §4; 1981 c.449 §1; 1985 c.302 §9, 1985 c 565 §20; 1987 c.320 §137]

181.620 Board on Police Standards and Training; confirmation. (1) The Governor shall appoint a Board on Police Standards and Training consisting of 14 members, two of whom shall be public members. A person appointed as a public member under this section shall be a person:

(a) Who has no personal interest or occupational responsibilities in the area of responsibility given to the board; and

(b) Who represents the interests of the public in general.

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

(3) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(4) A member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1961 c.721 §§4, 5; 1967 c.305 §3; 1969 c.314 §12; 1973 c.599 §4; 1973 c 792 §2; 1975 c 290 §15; 1977 c.382 §12; 1979 c.410 §2]

181.630 Organization of board; approval of claims; meetings. (1) The board shall select one of its members as chairman and another as vice chairman. The vice chairman shall act as chairman when the chairman is absent or unable to act.

(2) The chairman shall approve voucher claims for indebtedness or expenses incurred under the provisions of and payable from appropriations made for the purposes of ORS 181.610 to 181.690. Otherwise the board shall prescribe such terms, powers and duties for the chairman and vice chairman as are convenient for the performance of the functions of the board.

(3) The board shall meet at least once every three months at a place and time determined by the board. The board shall also meet at such other times and places as the chairman shall specify. [1961 c.721 §6]

181.635 Appointment of executive director and secretary of board. The board may appoint a person to serve at its pleasure as executive director and secretary of the board. The position is in the unclassified service, as that category is described in ORS 240.205. The executive director shall not be a member of the board. The board shall fix the annual salary of the executive director. [1963 c.371 §3]

181.640 Minimum standards and training for certification; annual report; duties in improving law enforcement units; grants; rules. (1) In accordance with any applicable provision of ORS 183.310 to 183.550, to promote enforcement of law by improving the competence of police officers, corrections officers and parole and probation officers, and their support staffs, the board, in consultation with the agencies for which it provides training, shall:

(a) Establish for police officers, corrections officers and parole and probation officers, respectively, reasonable minimum standards of physical, emotional, intellectual and moral fitness.

(b) Establish for police officers, corrections officers and parole and probation officers, respectively, reasonable minimum training for all levels of career development, basic through executive, including but not limited to courses or subjects for instruction, facilities for instruction, qualification of instructors and methods of instruction.

(c) Establish a procedure or procedures to be used by law enforcement units to determine whether a police officer, a corrections officer or a parole and probation officer meets minimum standards or has minimum training.

(d) Subject to such terms and conditions as the board may impose, certify police officers, corrections officers and parole and probation officers as being qualified, and revoke such cer-

tification in the manner provided in ORS 181.661 to 181.664.

(2) The board shall cause inspection of police standards and training, corrections standards and training and parole and probation standards and training to be made.

(3) The board may:

(a) Contract or otherwise cooperate with any person or agency of government for the procurement of services or property;

(b) Accept gifts or grants of services or property; or

(c) Maintain and furnish to law enforcement units information on applicants for appointment as police officers, corrections officers or parole and probation officers in any part of the state.

(4) The board may:

(a) Upon the request of a law enforcement unit, conduct surveys of adult parole and probation, police or corrections administration and law enforcement or aid cities and counties to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(b) Upon the request of law enforcement units, conduct studies and make recommendations concerning means by which requesting units can coordinate or combine their resources.

(c) Stimulate research by public and private agencies to improve police, corrections and adult parole and probation administration and law enforcement.

(d) Provide grants from funds appropriated or available therefor, to law enforcement units, cities and counties to carry out the provisions of this subsection.

(e) Provide optional training programs for persons who operate lockups. The term "lockup" has the meaning given it in ORS 169.005.

(f) Provide optional training programs for police officers, corrections officers and parole and probation officers, and their support staffs.

(g) Enter into agreements with federal, state or other governmental agencies to provide training or other services in exchange for receiving training, fees or services of generally equivalent value.

(5) Pursuant to ORS 183.310 to 183.550, the board shall adopt rules necessary to carry out its duties and powers. [1961 c.721 §2, 1967 c 305 §4, 1969 c.609 §7, 1975 c.290 §2, 1975 c.605 §12, 1977 c 382 §2, 1979 c.410 §3, 1981 c.449 §2, 1983 c 606 §1, 1987 c.320 §138, 1987 c 901 §7]

181.645 Police, corrections, parole and probation officers required to be at least 21 years of age. No law enforcement unit in this state shall employ as a police officer, corrections officer or parole and probation officer, any person who has not yet attained the age of 21 years. [1987 c 901 §2]

181.650 Certification of training programs and instructors. (1) Upon application the board or its authorized representative shall examine and evaluate any instructor or any police, corrections or adult parole and probation training program.

(2) If the examiner finds that an instructor is qualified under the minimum requirements established pursuant to ORS 181.640 (1)(b), the examiner in writing shall certify the instructor as being qualified for such a term and upon such conditions as the board may prescribe.

(3) If the examiner finds that a police, corrections or adult parole and probation training program or any course, subject, facility, instructor or instruction thereof is qualified to satisfy any minimum requirement established pursuant to ORS 181.640 (1)(b), the examiner shall certify the extent of that qualification to the executive authority of that police, corrections or adult parole and probation training program for such a term and upon such conditions as the board may prescribe. An individual complies with any minimum requirement of ORS 181.640 (1)(b) when the individual receives training that is certified under this subsection as qualified to satisfy that requirement. [1961 c 721 §8; 1967 c 305 §6; 1975 c 290 §3; 1977 c 382 §3]

181.651 Certification of full-time board employes. Notwithstanding any other provision of law, any full-time employe of the Board on Police Standards and Training who possesses the requisite qualifications may be certified or recertified as a police, corrections or parole and probation officer. An employe who is so certified may exercise the authority granted by law to such officers. This includes, but is not limited to, the authority to possess material that is otherwise contraband under the laws of this state in the performance of official duties and the authority to carry a firearm or other weapon concealed. [1987 c.901 §3]

181.652 Certification of corrections officers required; extension; when training to commence. (1) Except for a person who has requested and obtained from the board an extension pursuant to subsection (2) of this section, no person may be employed as a corrections officer by any law enforcement unit for more than one

year unless the person is a citizen of the United States, and:

(a) The person has been certified as being qualified as a corrections officer under the provisions of ORS 181.610 to 181.690 and the certification has neither lapsed nor been revoked pursuant to ORS 181.661, 181.662 and 181.664 (1) and not been reissued under ORS 181.664 (2); or

(b) The person is exempted from the certification requirement under ORS 181.660.

(2) The board, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the board finds that there is good cause for such failure, the board may extend for up to one year the period that a person may serve as a corrections officer without certification. The grant or denial of such an extension is within the sole discretion of the board.

(3) The certification of a corrections officer shall lapse upon the passage of more than three consecutive months during which period the officer is not employed as a corrections officer, unless the corrections officer is on leave from a law enforcement unit. Upon reemployment as a corrections officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.690.

(4) Except as provided in subsection (5) of this section, a person employed as a corrections officer by any law enforcement unit shall commence the training necessary for certification under ORS 181.610 to 181.690 at an academy operated by the board not later than the 90th day after the date of the officer's employment by the law enforcement unit.

(5) A law enforcement unit may delay the commencement of training of a corrections officer for up to 120 days from the date of the officer's employment when it considers the delay necessary. When a law enforcement unit delays commencement of a corrections officer's training under this subsection, it shall file a written statement of its reasons with the board.

(6) When a delay in the commencement of training necessary for certification under ORS 181.610 to 181.690 at an academy operated by the board is caused by the inability of the board, for any reason, to provide that training, the period of such delay shall not be counted as part of the periods set forth in subsections (4) and (5) of this section within which the training must be commenced. [1975 c.290 §§11, 12, 1987 c.901 §4]

181.653 Certification of Department of Corrections parole and probation officers required; extension. (1) Except for a person who has requested and obtained from the board an extension pursuant to subsection (2) of this section, no person may be employed as a parole and probation officer for more than one year unless the person is a citizen of the United States, and:

(a) The person has been certified as being qualified as a parole and probation officer under provisions of ORS 181.610 to 181.690 and the certification has neither lapsed nor been revoked pursuant to ORS 181.661, 181.662 and 181.664 (1) and not reissued under ORS 181.664 (2); or

(b) The person is exempted from the certification requirement under ORS 181.660.

(2) The board, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the board finds that there is good cause for such failure, the board may extend for up to one year the period that a person may serve as a parole and probation officer without certification. The grant or denial of such an extension is within the sole discretion of the board.

(3) The certification of a parole and probation officer shall lapse upon the passage of more than three consecutive months during which period the officer is not employed as a parole and probation officer, unless the officer is on leave from a law enforcement unit. Upon reemployment as a parole and probation officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.690.

(4) The requirement of citizenship imposed under subsection (1) of this section does not apply to a person employed as a parole and probation officer on September 27, 1987, who continues to serve as a parole and probation officer. [1977 c.382 §§9, 10; 1981 c 449 §3, 1987 c 320 §139; 1987 c 901 §5]

181.654 Certification of certain Law Enforcement Data System employes. (1) A certified police officer who leaves police service to become a full-time employe of the Law Enforcement Data System funded under ORS 181.710 may retain certification, subject to satisfactory completion of any continuing training required by the board to maintain certification.

(2) A full-time employe of the Law Enforcement Data System whose certification has lapsed,

or who previously has had equivalent certification with another state or the Federal Government may, within 30 months following the lapse of certification or end of prior equivalent certification, apply to the board for certification as provided in ORS 181.660 (2). [1987 c.901 §11]

181.655 Reimbursement for training to local law enforcement units. (1) The Board on Police Standards and Training shall provide a reimbursement program to local law enforcement units which send police officers or corrections officers to the training academy operated by the board. Such reimbursement shall be to defray the cost of salaries and other expenses incurred during the training of the officers.

(2) Such reimbursement program shall be supported entirely out of funds maintained in the Police Standards and Training Account after administrative and operational expenses of the board can be met from existing revenues.

(3) Reimbursement programs shall not apply to nongovernmental organizations.

(4) Pursuant to ORS 183.310 to 183.550, the board shall adopt rules necessary to carry out the provisions of this section.

(5) Notwithstanding the provisions of subsection (1) of this section, a common carrier railroad law enforcement unit shall not be entitled to receive reimbursement of any kind from the board. [1971 c.328 §2, 1975 c 290 §4; 1977 c.382 §14; 1977 c 737 §2; 1979 c.410 §4]

Note: 181 655 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation

181.660 Application of minimum standards and training to certain officers; certification based on experience. (1) The minimum standards and minimum training requirements established pursuant to ORS 181.640 (1) do not apply to:

(a) The Superintendent of State Police.

(b) Any individual who is a constable of the district or justice court.

(c) Any sheriff's deputy appointed with authority only to receive and serve summons and civil process.

(d) Any municipal parole officer.

(e) Any dog control officer commissioned by a city or county.

(2) The board may, upon application of an individual police officer, corrections officer or parole and probation officer, at its discretion, certify an officer as provided in ORS 181.640 (1)(d) upon a finding that the officer's professional experience is equal in professional value to the training required for certification. [1961 c 721 §§9, 10, 1967 c.305 §5; 1969 c.609 §8; 1975 c.290 §5; 1975 c.356 §1; 1977 c.382 §4; 1981 c 449 §4; 1987 c 901 §9]

181.661 Procedure prior to revocation of certification. When the board believes there is a reasonable basis for revoking the certification of a police officer, corrections officer or parole and probation officer, notice and opportunity for a hearing shall be provided in accordance with ORS 183.415 prior to such revocation. [1973 c 612 §11 (enacted in lieu of 181.663); 1975 c 290 §6; 1977 c 382 §5]

181.662 Grounds for denying or revoking certification of officer. (1) The board may deny or revoke the certification of any police officer, corrections officer or parole and probation officer after written notice and hearing, based upon a finding that:

(a) The officer falsified any information submitted on the application for certification or on any documents submitted to the board.

(b) The officer has been convicted of a crime in this state or any other jurisdiction.

(2) The board shall deny or revoke the certification of any police officer, corrections officer or parole and probation officer after written notice and hearing, based upon a finding that:

(a) The officer has been discharged for cause from employment as a police officer, corrections officer or parole and probation officer.

(b) The officer has been convicted while employed by a law enforcement unit in this state or any other jurisdiction of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed.

(c) The officer has been convicted of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug.

(d) The officer has been convicted in this state of violating ORS 162.065, 162.075, 162.085, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.435, 163.445, 163.465, 163.515, 163.525, 163.575, 163.670, 163.675, 163.680, 167.007, 167.012, 167.017, 167.065, 167.070, 167.075 or 167.080 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction. [1969 c.609 §2, 1975 c 290 §7; 1977 c.382 §6; 1979 c 410 §5, 1981 c 449 §5, 1987 c.901 §8]

181.663 [1969 c.609 §3; repealed by 1973 c.612 §10 (181 661 enacted in lieu of 181.663)]

181.664 Judicial review of board's final order; reapplication for certification. (1) A police officer, corrections officer or parole and probation officer aggrieved by the findings and order of the board may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final order of the board.

(2) Any police officer, corrections officer or parole and probation officer who has had certification revoked pursuant to ORS 181.661, 181.662 and subsection (1) of this section may reapply for certification but not sooner than four years after the date on which the order of the board revoking certification became final. [1969 c.609 §§4, 5; 1973 c.612 §12; 1975 c.290 §8; 1977 c.382 §7, 1981 c.449 §6]

181.665 Uncertified person not to be employed as police officer for period exceeding one year without extension; training requirements. (1) Except for a person who has requested and obtained from the board an extension pursuant to subsection (2) of this section, no person may be employed as a police officer by any law enforcement unit for more than one year unless:

(a) The person is a citizen of the United States; and

(b) The person has been certified as being qualified as a police officer under the provisions of ORS 181.610 to 181.690 and the certification has neither lapsed nor been revoked pursuant to ORS 181.661, 181.662 and 181.664 (1) and not been reissued under ORS 181.664 (2).

(2) The board, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the board finds that there is good cause for such failure, the board may extend for up to one year the period that a person may serve as a police officer without certification. The grant or denial of such an extension is within the sole discretion of the board.

(3) Except as provided in subsection (4) of this section, a person employed as a police officer by any law enforcement unit shall commence the training necessary for certification under ORS 181.610 to 181.690 at an academy operated by the board not later than the 90th day after the date of the officer's employment by the law enforcement unit.

(4) A law enforcement unit may delay the commencement of training of a police officer for up to 120 days from the date of the officer's employment when it considers the delay necessary. When a law enforcement unit delays commencement of a police officer's training under this subsection, it shall file a written statement of its reasons with the board.

(5) When a delay in the commencement of training necessary for certification under ORS 181.610 to 181.690 at an academy operated by the board is caused by the inability of the board, for any reason, to provide that training, the period of such delay shall not be counted as part of the periods set forth in subsections (3) and (4) of this section within which the training must be commenced. [1967 c.305 §1, 1969 c.609 §9; 1975 c.290 §9; 1975 c.356 §2, 1979 c.410 §6, 1987 c.901 §6]

181.667 Lapse of certification; reapplication for certification. The certification of any police officer who does not serve as a police officer for any period of time in excess of three consecutive months, unless the police officer is on leave from a law enforcement unit, shall be considered lapsed. Upon reemployment as a police officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.690. [1969 c.609 §6]

Note: 181 667 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

181.670 Effect of minimum requirements under authority other than ORS 181.640. Compliance with minimum standards or minimum training recommended pursuant to ORS 181.640 for a police officer, corrections officer or parole and probation officer does not except any individual from any minimum requirement for selection or promotion as a police officer under ORS 181.260 or under any civil service law, charter or ordinance for a county or city. [1961 c.721 §11; 1975 c 290 §13; 1977 c.382 §13]

181.680 [1961 c.721 §3, repealed by 1975 c.605 §33]

181.690 Police Standards and Training Account. (1) There is established in the General Fund of the State Treasury the Police Standards and Training Account. All contributions or other moneys received by the board shall be paid into the State Treasury and credited to the Police Standards and Training Account. Except as provided in subsection (2) of this section, all moneys in the Police Standards and Training Account are appropriated continuously for and shall be used by the board to carry out its functions.

(2) Moneys in the Police Standards and Training Account may be transferred to the Department of State Police, the Department of

Corrections and the Executive Department to defray the training costs of police officers and parole and probation officers and to defray the cost of the law enforcement data system. The amounts transferred under this subsection shall be deposited in the cash accounts of such agencies in accordance with an allotment plan approved by the Executive Department. [1961 c 721 §7; 1979 c.410 §7, 1987 c 320 §140]

181.700 Legislative intent; use of funds. It is the intent of the legislature in creating this agency to provide for the coordination of training programs for police officers, to provide for the coordination of training programs for corrections officers, to provide for the coordination of training programs for parole and probation officers and to set standards. The moneys provided in chapter 721, Oregon Laws 1961, are to be used for this purpose primarily and are not intended to replace other existing contributions to the functions outlined in ORS 181.610 to 181.700. [1961 c 721 §14, 1975 c.290 §14, 1977 c.382 §11]

181.705 Minimum standards and training requirements not applicable to certain police officers. The minimum standards and training requirements established pursuant to ORS 181.640 (1) do not apply to police officers commissioned by the Governor under ORS 131.880 who have served in that capacity for at least two years immediately preceding October 4, 1977. [1977 c.737 §4]

LAW ENFORCEMENT DATA SYSTEMS ACCOUNT

181.710 Law Enforcement Data System Account. There is established in the General Fund of the State Treasury an account to be known as the Law Enforcement Data System Account. All moneys received by the Executive Department for development and operation of the system shall be paid to the credit of the Law Enforcement Data System Account, and such moneys are continuously appropriated for the purposes indicated. [1969 c 488 §§5, 6; 1973 c 130 §3, 1979 c 92 §5; 1981 c.59 §1]

POLICE GENERALLY

181.850 Enforcement of federal immigration laws. (1) No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship residing in the United States in violation of federal immigration laws.

(2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange information with the United States Immigration and Naturalization Service in order to:

(a) Verify the immigration status of a person if the person is arrested for any criminal offense; or

(b) Request criminal investigation information with reference to persons named in service records.

(3) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not a law enforcement agency. [1987 c 467 §1]

Note: 181 850 was enacted into law by the Legislative Assembly but was not added to and made a part of ORS chapter 181 or any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation.

PENALTIES

181.990 Penalties. Violation of ORS 181.140 is a Class A misdemeanor. [Amended by 1971 c 743 §343]