

Example 20.

Oregon's Legislation Requiring Evidence-Based Practice

**Enrolled
Senate Bill 267**

Sponsored by COMMITTEE ON JUDICIARY (at the request of AFSCME Council 75)

CHAPTER

AN ACT

Relating to public safety; creating new provisions; amending ORS 181.620 and 181.637; and declaring an emergency.

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

SECTION 1. ORS 181.620 is amended to read:

181.620. (1) The Governor shall appoint a Board on Public Safety Standards and Training consisting of [23] **24** members as follows:

- (a) Two members shall be chiefs of police recommended to the Governor by the Oregon Association of Chiefs of Police;
- (b) One member shall be a sheriff recommended to the Governor by the Oregon State Sheriffs' Association;
- (c) One member shall be a fire chief recommended to the Governor by the Oregon Fire Chiefs' Association;
- (d) One member shall be a representative of the fire service recommended to the Governor by the Oregon Fire District Directors' Association;
- (e) One member shall be a member of the Oregon State Fire Fighter's Council recommended to the Governor by the executive body of the council;
- (f) One member shall be a representative of corrections personnel recommended to the Governor by the Oregon State Sheriffs' Association;
- (g) One member shall be a representative of the fire service recommended to the Governor by the Oregon Volunteer Fire Fighters' Association;
- (h) One member shall be a representative of public safety telecommunicators;
- (i) One member shall be a district attorney recommended to the Governor by the Oregon District Attorneys Association;
- (j) One member shall be the Superintendent of State Police;
- (k) One member shall be the Chief of the Portland Police Bureau;
- (L) One member shall be the State Fire Marshal;
- (m) One member shall be the Chief of the Portland Fire Bureau;
- (n) One member shall be the Director of the Department of Corrections;
- (o) One member shall be the Special Agent in Charge of the Federal Bureau of Investigation for Oregon;
- (p) One member shall represent forest protection agencies recommended to the Governor by the State Forestry Department;
- (q) One member shall be an administrator of a municipality recommended to the Governor by the executive body of the League of Oregon Cities;
- (r) Two members shall be nonmanagement representatives of law enforcement;
- (s) One member shall be a public member. 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; [and]
- (t) Two members shall be representatives of the private security industry recommended to the Governor by the Advisory Committee on Private Security Services; **and**
- (u) One member shall be a representative of the collective bargaining unit that represents the largest number of individual workers in the Department of Corrections.**
- (2) The term of office of a member is three 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) Except for members who serve by virtue of office, no member shall serve more than two terms. For purposes of this subsection, a person appointed to fill a vacancy consisting of an unexpired term of at least one and one-half years has served a full term.
- (4) Appointments of members of the board by the Governor, except for those members who serve by virtue of office, are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.
- (5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 2. ORS 181.637 is amended to read:

181.637. (1) The Board on Public Safety Standards and Training shall establish the following policy committees:

- (a) Corrections Policy Committee;
- (b) Fire Policy Committee;
- (c) Police Policy Committee; and
- (d) Telecommunications Policy Committee.
- (2) The members of each policy committee shall select a chairperson and vice chairperson for the policy committee. Only members of the policy committee who are also members of the board are eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson in the absence of the chairperson.
- (3) The Corrections Policy Committee consists of:
 - (a) All of the board members who represent the corrections discipline;
 - (b) The chief administrative officer of the training division of the Department of Corrections;
 - (c) A security manager from the Department of Corrections; and
 - (d) The following, who may not be current board members, appointed by the chairperson of the board:
 - (A) One person recommended by and representing the Oregon State Sheriffs' Association;
 - (B) Two persons recommended by and representing the Oregon Jail Managers' Association;
 - (C) One person recommended by and representing a statewide association of community corrections directors; [and]
 - (D) One nonmanagement corrections officer employed by the Department of Corrections; **and**
 - (E) One corrections officer who is a female, who is employed by the Department of Corrections at a women's correctional facility and who is a member of a bargaining unit.**
- (4) The Fire Policy Committee consists of:
 - (a) All of the board members who represent the fire service discipline; and
 - (b) The following, who may not be current board members, appointed by the chairperson of the board:
 - (A) One person recommended by and representing a statewide association of fire instructors;
 - (B) One person recommended by and representing a statewide association of fire marshals;
 - (C) One person recommended by and representing community college fire programs; and
 - (D) One nonmanagement firefighter recommended by a statewide organization of firefighters.
- (5) The Police Policy Committee consists of:
 - (a) All of the board members who represent the law enforcement discipline; and
 - (b) The following, who may not be current board members, appointed by the chairperson of the board:
 - (A) One person recommended by and representing the Oregon Association of Chiefs of Police;

- (B) Two persons recommended by and representing the Oregon State Sheriffs' Association;
- (C) One command officer recommended by and representing the Oregon State Police; and
- (D) One nonmanagement law enforcement officer.
- (6) The Telecommunications Policy Committee consists of:
 - (a) All of the board members who represent the telecommunications discipline; and
 - (b) The following, who may not be current board members, appointed by the chairperson of the board:
 - (A) Two persons recommended by and representing a statewide association of public safety communications officers;
 - (B) One person recommended by and representing the Oregon Association of Chiefs of Police;
 - (C) One person recommended by and representing the Oregon State Police;
 - (D) Two persons representing telecommunicators;
 - (E) One person recommended by and representing the Oregon State Sheriffs' Association;
 - (F) One person recommended by and representing the Oregon Fire Chiefs' Association;
 - (G) One person recommended by and representing the Emergency Medical Services and Trauma Systems Program of the Department of Human Services; and
 - (H) One person representing paramedics and recommended by a statewide association dealing with fire medical issues.
- (7) In making appointments to the policy committees under this section, the chairperson of the board shall seek to reflect the diversity of the state's population. An appointment made by the chairperson of the board must be ratified by the board before the appointment is effective. The chairperson of the board may remove an appointed member for just cause. An appointment to a policy committee that is based on the member's employment is automatically revoked if the member changes employment. The chairperson of the board shall fill a vacancy in the same manner as making an initial appointment. The term of an appointed member is two years. An appointed member may be appointed to a second term.
- (8) A policy committee may meet at such times and places as determined by the policy committee in consultation with the board. A majority of a policy committee constitutes a quorum to conduct business. A policy committee may create subcommittees if needed.
- (9)(a) Each policy committee shall develop policies, requirements, standards and rules relating to its specific discipline. A policy committee shall submit its policies, requirements, standards and rules to the board for the board's consideration. When a policy committee submits a policy, requirement, standard or rule to the board for the board's consideration, the board shall:
 - (A) Approve the policy, requirement, standard or rule;
 - (B) Disapprove the policy, requirement, standard or rule; or
 - (C) Defer a decision and return the matter to the policy committee for revision or reconsideration.
 - (b) The board may defer a decision and return a matter submitted by a policy committee under paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was returned to a policy committee is resubmitted to the board, the board shall take all actions necessary to implement the policy, requirement, standard or rule unless the board disapproves the policy, requirement, standard or rule.
 - (c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this subsection requires a two-thirds vote by the members of the board.
- (10) At any time after submitting a matter to the board, the chairperson of the policy committee may withdraw the matter from the board's consideration.

SECTION 3. As used in this section and section 7 of this 2003 Act:

- (1) "Agency" means:
 - (a) The Department of Corrections;
 - (b) The Oregon Youth Authority;
 - (c) The State Commission on Children and Families;
 - (d) That part of the Department of Human Services that deals with mental health and addiction issues; and
 - (e) The Oregon Criminal Justice Commission.
- (2) "Cost effective" means that cost savings realized over a reasonable period of time are greater than costs.
- (3) "Evidence-based program" means a program that:

- (a) Incorporates significant and relevant practices based on scientifically based research; and
- (b) Is cost effective.
- (4)(a) “Program” means a treatment or intervention program or service that is intended to:
 - (A) Reduce the propensity of a person to commit crimes;
 - (B) Improve the mental health of a person with the result of reducing the likelihood that the person will commit a crime or need emergency mental health services; or
 - (C) Reduce the propensity of a person who is less than 18 years of age to engage in antisocial behavior with the result of reducing the likelihood that the person will become a juvenile offender.
- (b) “Program” does not include:
 - (A) An educational program or service that an agency is required to provide to meet educational requirements imposed by state law; or
 - (B) A program that provides basic medical services.
- (5) “Scientifically based research” means research that obtains reliable and valid knowledge by:
 - (a) Employing systematic, empirical methods that draw on observation or experiment;
 - (b) Involving rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; and
 - (c) Relying on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations and across studies by the same or different investigators.

SECTION 4. As used in sections 5 and 6 of this 2003 Act, “agency,” “cost effective,” “evidence-based program” and “program” have the meanings given those terms in section 3 of this 2003 Act.

SECTION 5. (1) For the biennium beginning July 1, 2005, the Department of Corrections, the Oregon Youth Authority, the State Commission on Children and Families, that part of the Department of Human Services that deals with mental health and addiction issues and the Oregon Criminal Justice Commission shall spend at least 25 percent of state moneys that each agency receives for programs on evidence-based programs.

- (2) Each agency shall submit a report containing:
 - (a) An assessment of each program on which the agency expends funds, including but not limited to whether the program is an evidence-based program;
 - (b) The percentage of state moneys the agency receives for programs that is being expended on evidence-based programs;
 - (c) The percentage of federal and other moneys the agency receives for programs that is being expended on evidence-based programs; and
 - (d) A description of the efforts the agency is making to meet the requirements of subsection (1) of this section and sections 6 (1) and 7 (1) of this 2003 Act.
- (3) The agencies shall submit the reports required by subsection (2) of this section no later than September 30, 2006, to the interim legislative committee dealing with judicial matters.
- (4) If an agency, during the biennium beginning July 1, 2005, spends more than 75 percent of the state moneys that the agency receives for programs on programs that are not evidence based, the Legislative Assembly shall consider the agency’s failure to meet the requirement of subsection (1) of this section in making appropriations to the agency for the following biennium.
- (5) Each agency may adopt rules necessary to carry out the provisions of this section, including but not limited to rules defining a reasonable period of time for purposes of determining cost effectiveness.

SECTION 6. (1) For the biennium beginning July 1, 2007, the Department of Corrections, the Oregon Youth Authority, the State Commission on Children and Families, that part of the Department of Human Services that deals with mental health and addiction issues and the Oregon Criminal Justice Commission shall spend at least 50 percent of state moneys that each agency receives for programs on evidence-based programs.

- (2) Each agency shall submit a report containing:
 - (a) An assessment of each program on which the agency expends funds, including but

- not limited to whether the program is an evidence-based program;
 - (b) The percentage of state moneys the agency receives for programs that is being expended on evidence-based programs;
 - (c) The percentage of federal and other moneys the agency receives for programs that is being expended on evidence-based programs; and
 - (d) A description of the efforts the agency is making to meet the requirements of subsection (1) of this section and section 7 (1) of this 2003 Act.
- (3) The agencies shall submit the reports required by subsection (2) of this section no later than September 30, 2008, to the interim legislative committee dealing with judicial matters.
 - (4) If an agency, during the biennium beginning July 1, 2007, spends more than 50 percent of the state moneys that the agency receives for programs on programs that are not evidence based, the Legislative Assembly shall consider the agency's failure to meet the requirement of subsection (1) of this section in making appropriations to the agency for the following biennium.
 - (5) Each agency may adopt rules necessary to carry out the provisions of this section, including but not limited to rules defining a reasonable period of time for purposes of determining cost effectiveness.

SECTION 7. (1) The Department of Corrections, the Oregon Youth Authority, the State Commission on Children and Families, that part of the Department of Human Services that deals with mental health and addiction issues and the Oregon Criminal Justice Commission shall spend at least 75 percent of state moneys that each agency receives for programs on evidence-based programs.

- (2) Each agency shall submit a biennial report containing:
 - (a) An assessment of each program on which the agency expends funds, including but not limited to whether the program is an evidence-based program;
 - (b) The percentage of state moneys the agency receives for programs that is being expended on evidence-based programs;
 - (c) The percentage of federal and other moneys the agency receives for programs that is being expended on evidence-based programs; and
 - (d) A description of the efforts the agency is making to meet the requirement of subsection (1) of this section.
- (3) The agencies shall submit the reports required by subsection (2) of this section no later than September 30 of each even-numbered year to the interim legislative committee dealing with judicial matters.
- (4) If an agency, in any biennium, spends more than 25 percent of the state moneys that the agency receives for programs on programs that are not evidence based, the Legislative Assembly shall consider the agency's failure to meet the requirement of subsection (1) of this section in making appropriations to the agency for the following biennium.
- (5) Each agency may adopt rules necessary to carry out the provisions of this section, including but not limited to rules defining a reasonable period of time for purposes of determining cost effectiveness.

SECTION 8. The provisions of section 7 of this 2003 Act apply to biennia beginning on or after July 1, 2009.

SECTION 9. (1) As used in this section, "agency," "evidence-based program" and "program" have the meanings given those terms in section 3 of this 2003 Act.

- (2) Each agency shall conduct an assessment of existing programs and establish goals that enable the agency to meet the requirements of sections 5 (1), 6 (1) and 7 (1) of this 2003 Act. Each agency shall work with interested persons to establish the goals and to develop a process for meeting the goals.
- (3) No later than September 30, 2004, each agency shall submit a report containing:
 - (a) An assessment of each program on which the agency expends funds, including but not limited to whether the program is an evidence-based program;
 - (b) The percentage of state moneys the agency receives for programs that is being expended on evidence-based programs;

- (c) The percentage of federal and other moneys the agency receives for programs that is being expended on evidence-based programs; and
- (d) A description of the efforts the agency is making to meet the requirements of sections 5 (1), 6 (1) and 7 (1) of this 2003 Act.

SECTION 10. This 2003 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2003 Act takes effect on its passage.

Passed by Senate March 5, 2003

Received by Governor:

.....M.,....., 2003

Repassed by Senate July 24, 2003

Approved:

.....M.,....., 2003

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Secretary of Senate

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Governor

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President of Senate

Passed by House June 24, 2003

Filed in Office of Secretary of State:

.....M.,..... 2003

Repassed by House July 29, 2003

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Speaker of House

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Secretary of State