



Oregon

Kate Brown, Governor

Department of Public Safety Standards and Training

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DATE: March 5, 2015

TO: House Judiciary Committee
Jeff Barker, Chair
Andy Olson, Vice-Chair
Brent Barton
Mitch Greenlick
Wayne Krieger
Ann Lininger
Bill Post
Sherrie Sprenger
Jennifer Williamson

FROM: Linsay Hale, Professional Standards Division Director

SUBJECT: House Bill 2806

Background: ORS 181.662 grants the Department of Public Safety Standards and Training (DPSST) the authority to deny, suspend or revoke the certification of a public safety officer (officer) or instructor who is convicted of a crime, falsifies information submitted to the DPSST, has been discharged for cause from employment as an officer or instructor, or who fails to meet the minimum employment and certification standards established by the Board on Public Safety Standards and Training (Board).¹

Current Process: Though the DPSST has the statutory authority to conduct an investigation into any alleged officer misconduct which may affect the officer's ability to be certified, current practice and staffing levels limit the circumstances in which an investigation is initiated. Typically, the DPSST Professional Standards Division will open an investigation to review an officer's conduct if the officer is reported to the DPSST as being arrested for a crime or as being separated from their employment as an officer due to a discharge for cause, a settlement agreement, probationary termination, or resignation or retirement in lieu of investigation or termination.

Effect of HB 2806 on the DPSST/Board: HB 2806 would prohibit the DPSST from denying, suspending or revoking the certification of a corrections officer because the officer has sought assistance with mental health issues, substance abuse or other counseling needs. As discussed above, absent an arrest or separation from employment, the DPSST would not initiate proceedings to deny, suspend or revoke the certification of a corrections officer for these reasons alone. Additionally, there is no requirement found in law or rule that agencies employing corrections officers who seek assistance with mental health issues, substance abuse or other counseling needs report this information to the DPSST for certification purposes. For these reasons, this proposed legislation would have no foreseeable impact on the current practices of the DPSST or the Board.

¹ Minimum standards for employment and certification as a public safety officer and current denial/revocation procedures can be found in Oregon Administrative Rule Chapter 259, Division 008 and 009.