



Oregon

Kate Brown, Governor

Department of Public Safety Standards and Training

4190 Aumsville Hwy SE

Salem, OR 97317-8983

503-378-2100

<http://www.dpsst.state.or.us>

DATE: April 27, 2015

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

FROM: Linsay Hale, Professional Standards Division Director

SUBJECT: Senate Bill 238

Summary: ORS 181.675(2) requires public safety agencies provide the Department of Public Safety Standards and Training (DPSST) access to personnel records of current or former employees when DPSST is conducting an investigation relating to the employee or former employee's qualifications for employment, training or certification as a public safety officer.

Background: On rare occasions, DPPST has met resistance from employing agencies when attempting to obtain personnel records related to an investigation. DPSST's enabling statutes do not allow the Agency Director to seek a court order to compel an agency comply with the requirements of ORS 181.675.

Additionally, ORS 181.675(2) and (3) apply only to "public safety agencies." There are private safety agencies that employ DPSST-certified public safety officers, namely emergency medical dispatchers and fire service professionals. These agencies would be exempted from the requirement of providing personnel records upon request under the current language.

Effect of SB 238 on DPSST: This bill would give the Director of the DPSST the ability to apply for an order from a court having jurisdiction over any matter compelling compliance with ORS 181.675(2). This bill also expands the scope of the requirements found in ORS 181.675(2) to include private safety agencies employing public safety professionals. Because an agency's failure to comply with ORS 181.675(2) is a rare occurrence, this change will not have a substantive fiscal impact on the DPSST.

Bill History: SB 238 received a unanimous "Do Pass" recommendation from the Senate Judiciary Committee on February 3, 2015.