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Department of Public Safety Standards and Training

Chapter 259

Division 8

CRIMINAL JUSTICE EMPLOYMENT, TRAINING AND CERTIFICATION

259-008-0400

Review of Complaints

- (1) The Department will review all complaints received to determine if the allegations contained in the complaint, if proven, would lead an objectively reasonable person to conclude that the public safety professional or applicant violated Board established employment, training, or certification standards for public safety professionals.
- (2) Complaints determined to be unrelated to the statutory and administrative rule requirements for public safety professional certification or complaints that fall outside of DPSST's statutory authority for other reasons will be closed and not reviewed for further action.
- (3) When a complaint against a currently employed public safety professional is for conduct that, if proven, may violate the statutory and administrative rule requirements for public safety professional certification, the Department will refer the complaint to the public safety professional's employing agency.
- (a) The Department will defer any further investigation, discipline or remedy to the employing agency.

- (b) The employing agency will be required to respond to the Department that the allegations made in the complaint have been reviewed and handled in an appropriate manner as dictated by the employing agency.
- (c) If the public safety professional's employing agency is non-responsive to the Department's requests for response, the Department may present the complaint to a Policy Committee for disposition.
- (4) When a complaint against a certified public safety professional who is not currently employed in a certifiable position is for conduct that, if proven, may violate the statutory and administrative rule requirements for public safety professional certification, the Department may present the complaint to a Policy Committee for disposition.
- (5) When a complaint against an elected official serving as a public safety professional is for conduct that, if proven, may violate the statutory and administrative rule requirements for public safety professional certification, the Department may present the complaint to a Policy Committee for disposition.
- (6) Prior to presenting a complaint to a Policy Committee, the Department will notify the person against whom the complaint was made and provide that affected person the opportunity to submit written mitigation or rebuttal for consideration.
- (7) The Department will review any mitigation or rebuttal submitted by the affected person in accordance with the notice provided by section (6) of this rule.
- (a) Where the Department finds that the mitigation or rebuttal provides information that the conduct, even if proven, does not violate the statutory and administrative rule requirements for public safety professional certification or does not fall within the Department's statutory authority, the Department will close the complaint.
- (b) Where the Department finds that the mitigation or rebuttal does not disprove or otherwise resolve the complaint, the Department will present the complaint to a Policy Committee for disposition.
- (8) When a complaint is submitted to a Policy Committee, the Policy Committee will review the complaint and any mitigation or rebuttal submitted by the affected person to determine how to proceed with the complaint.
- (a) Where the Policy Committee finds no basis for investigating the complaint further, the Department will close the complaint.
- (b) Where the Policy Committee finds a basis for an investigation, the Policy Committee may direct the Department to conduct an investigation and present the complaint as a professional standards case to the Policy Committee for review pursuant to OAR 259-008-0310.

Statutory/Other Authority: ORS 181A.410

Statutes/Other Implemented: ORS 181A.410

History:

[DPSST 5-2020, adopt filed 02/10/2020, effective 05/01/2020](#)

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