



Oregon

Kate Brown, Governor

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TO: Senate Committee on Education
Chair Senator Michael Dembrow
Vice-Chair Senator Chuck Thomsen
Senator Sara Gelser
Senator Chris Gorsek
Senator Art Robinson

FROM: Linsay Hale, Professional Standards/Interim Training Division Director

SUBJECT: DPSST Testimony: SB 41

Summary: SB 41 states that a person's Department of Public Safety Standards and Training (DPSST) certification does not lapse if they are employed by the Board of Parole and Post-Prison Supervision (BPPPS), the person completes 20 hours of DPSST-approved continuing education, and the person has been previously certified as a police officer, certified reserve officer, corrections officer, parole and probation officer, fire service professional, telecommunicator or emergency medical dispatcher.

Background: The DPSST, in consultation with the Board on Public Safety Standards and Training (BPSST), is responsible for the certification and licensure for Oregon's nearly 43,000 public and private safety providers. The DPSST's regulatory constituency includes law enforcement officers (police, corrections, parole & probation and OLCC regulatory specialists), telecommunicators (9-1-1), emergency medical dispatchers, criminal justice instructors, fire service professionals, private security providers, private investigators and polygraph examiners. DPSST certification is issued upon an individual meeting the discipline-specific standards established by the BPSST, to include the completion of basic-level training.

Currently, to earn Basic Parole and Probation (P&P) certification, a person must be employed full-time with the Department of Corrections, a county or a court and be charged with performing the duties of: community protection by controlling, investigating, supervising and providing or making referrals to reformative services for adult parolees or probationers or offenders on post-prison supervision; or investigating adult offenders on parole or probation or being considered for parole or probation.¹ [ORS 181A.355(13)]

Upon full-time employment, a P&P officer has 18 months to earn DPSST certification. This includes completing the BPSST-Approved 200-hour Basic Parole & Probation Course (at DPSST) and Field Training (at the officer's employing agency). Once certified a P&P officer must maintain their certification by completing 84-hours of training every three years in topics that include use of force, mental health and ethics among others.

¹ The definition found in ORS 181A.355 also recognizes individuals who are already certified but employed part time as a P&P officer.

The certification of a P&P officer cannot be maintained by a person who leaves employment in the P&P field. The certification of an individual who discontinues employment as a P&P officer will enter into a lapsed status after 90 days, and will expire after 5 years. Certifications can be re-activated or re-issued upon re-employment in the P&P discipline and by meeting the BPSST-approved requirements, which may include the successful completion of additional training requirements. If more than five years has passed since the person was last employed as a P&P officer, the recompletion of the 200-hour Basic course and Field Training may be required.

DPSST certifications lapse or expire after a person leaves employment in a specific public safety field to ensure that those returning to a certifiable public safety position receive training to ensure that their knowledge, skills and abilities remain current to the industry standards.

Effect of SB 41: The bill language as introduced would allow individuals certified in any public safety discipline to maintain certification while they are employed by the BPPPS. With the exception of the P&P discipline, it is not expected that BPPPS employment will afford the ability to remain current and competent in any other discipline. (For example, a telecommunicator (9-1-1 dispatcher) working for the BPPPS is not performing any of duties expected of a dispatcher, and presumably not afforded an opportunity to remain current in the knowledge, skills or abilities expected of a dispatcher.)²

Impact of SB 41 on DPSST: Should this bill become law there is no expected fiscal or operational impact on the DPSST. There would be, however, a fairly significant impact on the purpose of certification. The BPSST and DPSST certification is meant to symbolize that an individual has, through continued employment and completion of maintenance training hours, remained current in their knowledge, skills and abilities. The bill as introduced would alter the DPSST's ability to do that for the reasons described above.

Through conversations with BPPPS leadership, the DPSST understands the intent behind this legislation is to bolster BPPPS recruitment and retention strategies by allowing certified P&P officers an opportunity to maintain their certification upon accepting full-time employment with the BPPPS. (It is suspected that some individuals may choose not to work with the BPPPS if their DPSST P&P certification will lapse or expire, creating the potential of having to re-complete Basic training should the person later choose to become re-employed in a position that requires certification.)

Suggested Amendment to Eliminate Identified Impact: The following proposed statutory language would eliminate the issue identified above, and still meet the intent of the BPPPS concept by adding full-time BPPPS employees who have previously earned a P&P certification to the definition of "parole and probation officer" found in ORS 181A.355. This would allow BPPPS employees the ability to retain their certification, and will also ensure they meet the standards for certification maintenance in place for all P&P officers throughout their employment with the BPPPS.³

² The bill language also requires only 20 hours of continuing education be completed annually, which would equate to 24 hours less that is required of a certified P&P officer employed by any other P&P entity. It is expected that should this law pass as introduced, that the DPSST/BPSST would still have the ability to require more hours than prescribed by law.

³ This proposed language has been shared with BPPPS Leadership who indicated support of the amendment.

ORS 181A.355 *** (13) “Parole and probation officer” means:

(a) An officer who is employed full-time by the Department of Corrections, a county or a court and who is charged with and performs the duty of:

(A) Community protection by controlling, investigating, supervising and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(B) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(b) An officer who:

(B) Is certified and has been employed as a full-time parole and probation officer for more than one year and:

(i) Is employed part-time by the Department of Corrections, a county or a court; and

(ii) Is charged with and performs the duty of:

(a) Community protection by controlling, investigating, supervising and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(b) Investigating adult offenders on parole or probation or being considered for parole or probation. ***

(c) Is certified as a parole and probation officer and is employed full-time by the Board of Parole & Post-Prison Supervision.
