



# Oregon

Kate Brown, Governor

## Department of Public Safety Standards and Training

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**DATE:** May 11, 2021

**TO:** Honorable Members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation

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

**SUBJECT:** DPSST Testimony: HB 2936-A

**Summary:** HB 2936-A requires the Department of Public Safety Standards and Training (DPSST) create a uniform background checklist and standardized personal history questionnaire for use by law enforcement units when hiring a public safety officer. The bill requires the checklist contain at a minimum psychiatric or psychological evaluation results, an investigation into an applications finances, and the identification of at least three references to be interviewed by the law enforcement unit.

The bill further directs law enforcement units adopt policies relating to the speech and expression of police and reserve officers, allows law enforcement units to access the social media accounts of employees, and requires all employers to provide employment information to law enforcement units conducting background checks into applicants for public safety positions without liability.

**Background:** The DPSST, in consultation with the Board on Public Safety Standards and Training (BPSST), is responsible for establishing and enforcing minimum standards for the training and certification of Oregon's public safety officers.<sup>1</sup> The Board also has the authority to establish by rule procedures to be used by law enforcement units to determine whether public safety officers meet established minimum standards. [ORS 181A.410(c)]

Current Administrative Rule requires a public safety agency conduct a background investigation on all individuals being considered for employment or utilization as a public safety professional (to include police and reserve officers) to ensure the applicant is of good character. The background investigation must include, but is not limited to, criminal history and arrests, Department of Motor Vehicle records, drug and alcohol use, education verification, employment history, military history verification, personal and professional references, a personal interview, a check of DPSST records, residential history, work eligibility, and records checks, which may include public records, open sources or social media, financial information as permitted by law. [OAR 259-008-0015]

Further, all law enforcement agencies are prohibited from hiring a police or reserve officer without conducting a pre-employment psychological evaluation used to identify mental conditions, personality traits or behavior patterns that may adversely impact the officer's ability to perform the essential functions of their job.<sup>2</sup> [ORS 181A.485 (implemented by 2019 SB 423) and OAR 259-008-0010]

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<sup>1</sup> The DPSST does not currently provide Basic-level training or certification to reserve officers.

<sup>2</sup> Psychological evaluations are not currently required for applicants for corrections officer, unarmed parole and probation officer, telecommunicator, emergency medical dispatcher or OLCC regulatory specialist.

**Impact of HB 2936-A on DPSST:** HB2936-A is not expected to have a significant fiscal or operational impact on the DPSST. The bill would require the DPSST develop a checklist and standardized form for use by law enforcement units only. The bill does not appear to require the DPSST collect or retain completed forms, or complete any portion of a pre-employment background investigation.

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