



Oregon

Kate Brown, Governor

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TO: Honorable Members of the House Subcommittee on Equitable Policing

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

SUBJECT: DPSST Testimony: HB 2936

Summary: HB 2936 requires the Department of Public Safety Standards and Training (DPSST) investigate a person's character prior to accepting them into a DPSST police or reserve training course. The bill requires the investigation include ensuring the completion of psychiatric evaluation and racial bias and sympathy test, as well as an investigation into the person's financial dealings and the interview of at least three references.

The bill also requires the DPSST adopt rules prohibiting police officers and reserve officers from participating in white supremacist or militant groups, or engaging in overt and explicit expressions of racism. The DPSST must also include instruction on the adopted rules during the first week of the Basic Police Course required for certification as a full-time police officer.

There are additional provisions that would require the employing agency report racist behaviors to the local District Attorney, direct the Governor to convene a task force to develop a plan to remove racist peace officers, and a requires the Bureau of Labor and Industries establish a hotline for reporting law enforcement misconduct.

Background: The DPSST, in consultation with the Board on Public Safety Standards and Training (BPSST), is responsible for the delivery of mandated Basic Police training as well as the certification of Oregon's full-time police officers.¹ The DPSST also provides advanced and leadership training to police and reserve officers on a regional basis.

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.² [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

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

² The BPSST has directed DPSST staff to initiate the administrative rulemaking process to add discriminatory behavior as a disqualifier for criminal justice certification. The intent is to add the investigation into an applicant's discriminatory behavior as a mandatory criterion of OAR 259-008-0015. The process is currently underway.

traits or behavior patterns that may adversely impact the officer's ability to perform the essential functions of their job. [ORS 181A.485 (implemented by 2019 SB 423) and OAR 259-008-0010]

Newly employed, full-time police officers must begin basic training within 90 days following their hire, and must be certified within 18 months. [ORS 181A.490]

Impact of HB 2936 on DPSST: There are currently approximately 6,200 full-time police officers and 644 reserve officers employed by 210 law enforcement agencies around the state. The DPSST provides basic training for approximately 400 newly hired police officers,³ and regional or leadership training to over 3,000 police and reserve officers annually. Transferring all or part of the background investigation responsibilities for newly hired police and reserve officers from the employing agency to the DPSST would result in significant fiscal impacts to the DPSST.⁴

The DPSST currently ensures employing agencies meet the requirement that all police and reserve officers complete a psychological evaluation at the time of hire, and could easily and without impact to DPSST also ensure employing agencies require each newly hired officer complete a racial bias and sympathy test. (There would, however, be fairly significant fiscal implications if the intent of this legislation is to have the DPSST become responsible for the delivery of either or both of these tests, along with responsibility for evaluation of test results.)

Requiring the DPSST investigate the financial dealings and interview at least three references for all newly hired police and reserve officer would require no less than 10 additional compliance FTE in order to complete this work in a thorough and timely manner. The DPSST could also reasonably expect a significant increase in Department of Justice legal fees and Office of Administrative Hearings costs, should training or certification be denied as the result of these investigations. There may also be additional costs associated with managing the records resulting from these investigations, and any subsequent public records petitions requesting their release.

*Sections 3-6 of HB 2936 are not expected to impact the DPSST fiscally or operationally.

³ The DPSST averages 10 Basic Police classes per year with 40 recruits per class.

⁴ It is unclear if HB 2936 is intended to replace, duplicate or supplement background investigations being conducted by a police or reserve applicant's employing agency. It is also unclear if the expectation is that the DPSST conduct separate investigation prior to an officer being allowed entry into training, and again at the time of certification. Finally, HB 2936 does not clearly articulate if the intent is to require the DPSST investigation prior to entry into only the Basic Police course, or all other DPSST-hosted or delivered training. The intent of each of these issues will impact the fiscal and operational impact on the DPSST.
