



Oregon

Kate Brown, Governor

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DATE: February 10, 2022

TO: Honorable Members of the House Committee On Judiciary

FROM: Jerry Granderson, Director of the Department of Public Safety Standards and Training (DPSST)

SUBJECT: DPSST Testimony: HB 4008 -4 amendments

Summary: The -4 amendments to HB 4008 direct DPSST to publish records from the past 30 years for any suspension or revocation of the certification of a police officer, or any discipline of a police officer involving economic sanctions.

Background: House Bill 4207 from the First Special Session of 2020 states:

SECTION 2. The Legislative Assembly finds that:

(1) It is in the public interest to have trust and transparency in the hiring of law enforcement officers.

(2) It is in the public interest to ensure that information relating to allegations of misconduct are not shielded in the employment process, while ensuring due process and a fair chance for police officers accused of misconduct in order to promote the hiring of individuals who represent the highest values of policing.

House Bill 4207 directed DPSST to establish a statewide online database of suspensions and revocations of the certifications of police officers that is accessible by the public. The Legislature built on House Bill 4207 in the 2021 Session with the passage of House Bill 3145, which directed law enforcement units to report to DPSST and for DPSST to publish on the database information relating to discipline of police officers involving economic sanctions. HB 3145 became effective on January 1, 2022.

DPSST created the online database for records relating to the denial, suspension, or revocation of police officers in 2020. When it was created, DPSST included the same records for all public safety officer disciplines (police officers, corrections officers, parole and probation officers, regulatory specialists, telecommunicators, and emergency medical dispatchers). The current database holds records from 2020 to the present. The website also includes a separate, searchable Excel spreadsheet that lists the complete history of DPSST public safety officer denial, suspension, and revocation actions. The online database provides access to public records. For officers not listed on the database but included in the Excel spreadsheet, public records are available by submitting a public records request. The online database and the Excel spreadsheet are located here: <https://www.oregon.gov/dpsst/cj/pages/cases.aspx>

Impact of HB 4008 on DPSST: DPSST has three primary concerns, and one additional observation, for the successful implementation of the -4 amendments. First, DPSST will need to access archived records for over 1,100 files in order to publish the suspension and revocation documents that are required by HB 4008 in the -4. This work will take a considerable amount of time and require additional FTE to complete. Second, the resulting amount of data to be managed and displayed will require DPSST to find

a different resource to manage the database. The current database was created using the existing SharePoint resources available to DPSST through the Department of Administrative Services (DAS). The addition and maintenance of 30 years of public records will exceed the capabilities of the current database structure. The purchase and maintenance of a database will have a fiscal impact. Third, DPSST would request clarification on the bill language “information DPSST has access to” with regard to the information for discipline involving economic sanctions. DPSST did not track discipline involving economic sanctions or collect such records prior to January 1, 2022. These are not records DPSST is in possession of and without more information, it is unclear what is intended by the phrase “information DPSST has access to.” If it is the Legislature’s intent that DPSST request past information for discipline involving economic sanctions from law enforcement agencies, it should be noted that retention schedules for disciplinary actions within law enforcement agencies are most likely contractually defined; this may limit DPSST’s access to a much lesser timeframe than the 30 years prescribed by the bill. As a final note, it would be DPSST’s intent to continue to extend the public transparency of providing access to the denial, suspension, and revocation actions for all public safety officer disciplines, not just police officers. The 1,100 records noted previously include all public safety officer disciplines (police officers, corrections officers, parole and probation officers, regulatory specialists, telecommunicators, and emergency medical dispatchers).
