



Oregon

John A. Kitzhaber, MD, Governor

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EXHIBIT: 5 SB 1525
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SUBMITTED BY: Lorance

DATE: February 1, 2012

TO: Senate Judiciary Committee
Floyd Prozanski, Chair
Jeff Kruse, Vice-Chair
Peter Courtney
Jackie Dingfelder
Doug Whitsett

FROM: Marilyn Lorance, Manager
Standards & Certification Program

SUBJECT: Requested amendment to Senate Bill 1525, regarding DPSST jurisdiction over public safety personnel employed by Oregon's federally recognized tribes

As sovereign governments, Oregon's federally recognized tribes are not generally required to comply with the enabling statutes of the Department of Public Safety Standards and Training (DPSST) regarding minimum standards for employment, training, and certification of Oregon's public safety officers. Since 1971, however, DPSST's enabling statutes have included language that has allowed DPSST to train and certify public safety officers employed by tribal governments who met DPSST's minimum standards. Based on those statutes, DPSST has certified tribal police, corrections, and parole & probation officers, and 9-1-1 dispatchers whom Oregon's tribal employers chose to submit to DPSST for training and certification. Although not required to do so, most of Oregon's tribal law enforcement employers have historically chosen to comply with DPSST certification requirements.

During its 2011 Legislative session, the Oregon Legislature adopted Senate Bill 412, which created "authorized tribal police officers" within Oregon statutes and provided those officers with new Oregon law enforcement authority. The bill made the granting of this authority subject to the officers' and employing tribal governments' compliance with the requirements of the bill.

One of the requirements of SB 412 is that the tribal governments and tribal police officers seeking the authorization in the bill must be in full compliance with DPSST's governing statutes. The definitions of "law enforcement unit" and "police officer" were changed in DPSST's statutes to reflect that these authorized tribal police officers and their employing law enforcement agencies are in DPSST jurisdiction.

Based SB 412's emergency clause, DPSST began working with Oregon's tribal police agencies to implement the bill's provisions during the late summer and fall of 2011. At that time, an unanticipated consequence of SB 412 was identified. SB 412 was narrowly



written to ensure mandated DPSST certification only applies to tribes choosing to participate in SB 412. It was not intended to remove historic certification relationship between DPSST and tribes not participating in SB 412, but by removing non-participating tribes from our jurisdiction the bill removed the provisions in DPSST statutes allowing that relationship to continue.

Since the time this issue was identified, DPSST has been in communication with members of the Legislative Assembly, with representatives of affected Oregon tribes, and with Oregon's sheriffs to identify a solution. All parties agreed that this was an unanticipated consequence of the bill and supported requesting that a legislative solution be proposed for the 2012 Legislative session. We were given permission to work with the Office of Legislative Counsel to prepare language that would restore the historic non-mandated certification relationship with tribes not implementing SB 412, without impacting the provisions of SB 412. It is our understanding that an amendment to Senate Bill 1525 is being prepared that reflects those discussions. DPSST requests that the Committee consider including those amendments as part of its consideration of SB 1525.