



# Oregon

Kate Brown, Governor

## Department of Public Safety Standards and Training

4190 Aumsville Hwy SE

Salem, OR 97317-8983

503-378-2100

<http://www.dpsst.state.or.us>

**DATE:** May 13, 2021

**TO:** Honorable Members of the House Committee on Judiciary

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

**SUBJECT:** DPSST Testimony: SB 41 A

**Summary:** SB 41 A adds an officer who is certified as a parole and probation officer and is employed full-time by the State Board of Parole and Post-Prison Supervision to the definition of “parole and probation officer” found in ORS 181A.355.

**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, basic parole and probation (P&P) officer certification is required for a person who is employed full-time with the Department of Corrections, a county or a court and 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.<sup>1</sup> [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.

Certification is linked to employment and cannot be maintained by a person who is no longer employed as a P&P officer as defined in ORS 181A.355 (13). The certification of an individual no longer employed 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 have 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.

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<sup>1</sup> The definition found in ORS 181A.355 also recognizes individuals who are already certified but employed part-time as a P&P officer. Under SB 41 A, the provisions for part-time P&P officers would not apply to BPPPS employees.

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 A:** 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.)

SB 41 A adds full-time employment by the State Board of Parole and Post-Prison Supervision to the definition of a parole and probation officer, but is specific to a person who is already certified. This means that a full-time employee of the BPPPS who was certified as a parole and probation officer prior to employment with the BPPPS will continue to be recognized as a parole and probation officer and will continue to be certified.<sup>2</sup>

BPPPS employees who hold the parole and probation officer certification will be required to complete the maintenance training requirements prescribed by the BPSST. The certification will be subject to denial, suspension or revocation per statute and rule. And, the person may be eligible for Public Safety Memorial Fund benefits and/or recognition on the Oregon Fallen Law Enforcement Memorial if killed in the line of duty.

For all criminal justice public safety officer certifications, DPSST interprets “certified” as including both the active and the lapsed status of a certification. This means that an employee of the BPPPS whose certification is in a lapsed status at the time of hire would be required to meet any applicable requirements to reactivate that certification so that it can be maintained.

**Impact of SB 41 A on DPSST:** The DPSST is neutral on SB 41 A. Should this bill become law there are no expected fiscal or operational impacts on the DPSST.

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<sup>2</sup> This addition does not mean that a person who has not been certified in Oregon or whose certification expired prior to employment with the BPPPS can obtain a certification.

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