



Oregon

Tina Kotek, Governor

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To: Senate Committee On Judiciary

From: Department of Public Safety Standards and Training (DPSST)

Re: House Bill 2926, Relating to the jurisdiction of the Department of Public Safety Standards and Training in cases of denial

Summary: HB 2926 grants the Department of Public Safety Standards and Training (DPSST) the authority to complete an investigation and deny training or certification when a public safety officer, before being certified, engages in conduct that violates moral fitness standards and separates employment before a DPSST investigation is completed.

Background: DPSST's jurisdiction to enforce the moral fitness standards for public safety officer certifications begins when a person is hired as a public safety officer. Once a public safety officer is certified, DPSST maintains jurisdiction regardless of the person's employment status. DPSST does not have the authority to complete an investigation and take action to deny training or certification when a public safety officer who engages in misconduct separates from employment before they have been certified. Currently, if there is cause for DPSST to open a professional standards case (investigation) and the individual is no longer employed as a public safety officer, the case is deferred until the person is rehired. This creates a circular issue wherein DPSST cannot resolve the case until the person is rehired, but agencies do not want to hire the applicant due to the pending case. Employers are hesitant to consider an applicant who has a deferred case because they do not want to expend the resources to hire the applicant only for DPSST to deny their training and certification. If training and certification are denied, the person cannot be employed as a public safety officer until the ineligibility period has been satisfied.

Effect: HB 2926 amends ORS 181A.640 (10), establishing permissive authority for DPSST to complete investigations and take action to deny a person's training or certification, regardless of their public safety employment status, when they have engaged in misconduct that affects their eligibility for certification.

The measure takes effect on the 91st day following adjournment sine die, which allows DPSST to move forward with rulemaking to prepare for the statutory changes to become operative. The changes to the statute become operative on January 1, 2026.

There are approximately 150 deferred cases. Expanding DPSST's authority to complete investigations on deferred cases increases the current caseload of 360 open cases to 510 cases. DPSST calculates that the expanded caseload will require an additional permanent FTE position to perform the ongoing work. DPSST submitted a corresponding policy option package (POP 102) that includes one Compliance Specialist 3 (1 FTE) to carry out this work.

Questions or requests for additional information may be directed to Kathy McAlpine, Deputy Director, 503-576-9422, Kathy.McAlpine@dpsst.oregon.gov or Jennifer Howald, DPSST Legislative Coordinator, at Jennifer.howald@dpsst.oregon.gov.