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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 259
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

FILED

11/09/2023 10:35 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Codifying Board Approval of Revisions to the DPSST Basic Corrections Local Course (2024)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/21/2023 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

This proposed rule change supports the Board's approval and the Department's implementation of the revised Basic Corrections Local Academy curriculum. The rule change identifies the curriculum based on the Board-approved date. There are no changes to the student performance measures or the corrections officer field training manual at this time. The Basic Corrections Local Academy operated by DPSST is a six-week course providing approximately 240 training hours. The curriculum revision modifies the course subject and hour breakdown. It does not change the length of the course. After the Board approves the revised curriculum, the new curriculum will be taught to the classes that begin after the effective date of the rule change.

The Corrections Policy Committee recommended approval of the revised curriculum on November 7, 2023. The Board will consider the recommendation and approval during the January 25, 2024 meeting.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The Corrections Policy Committee (CPC) and the Board on Public Safety Standards and Training (Board) meeting minutes are available on the Department of Public Safety Standards and Training (DPSST) website, www.oregon.gov/dpsst. The DPSST staff memos prepared for each entity are available by submitting a records request to DPSST.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule change implements revisions to the DPSST Basic Corrections Local Academy curriculum. The 240 training hours of the basic corrections local training course have been revised to enhance existing training topics or add training relating but not limited to the following topics: trauma and trauma informed practices, bias, and emotional intelligence. These training topics may be related to equitable interactions with members of the public, however there is no data available at this time to determine if the curriculum revisions will affect racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

The Basic Corrections Local Academy operated by DPSST is a six-week course providing approximately 240 training hours. The curriculum revision modifies the course subject and hour breakdown. It does not change the length of the course.

Approval and implementation of the revised Basic Corrections Local Academy curriculum results in the addition of the training subjects and hours listed below.

- Two training hours on airway circulatory anatomy and physiology.
- Four training hours on behavioral health relating to trauma.
- Four training hours on bias.
- Six hours on emotional intelligence.

Approval and implementation of the revised Basic Corrections Local Academy curriculum results in the removal of the training hours listed below. While the dedicated training hours have been removed from the course subject and hour breakdown, the revised curriculum continues to provide an introductory level or awareness level training of these topics within the other subjects covered by the curriculum. These changes are not expected to have a fiscal impact on law enforcement units employing corrections officers.

- Two training hours on disease awareness and prevention. Employing agencies are required to provide this training annually to satisfy OSHA standards.
- Four training hours on emergency preparation and response. Employing agencies provide agency-specific training on their policies and procedures. Emergency procedures are also a required module within the Corrections Field Training Manual.
- Four training hours on leadership.
- Two training hours on courtroom security. Employing agencies provide agency-specific training on their policies and procedures.

There were no fiscal or economic impacts identified for the Board on Public Safety Standards and Training (Board) or the Department of Public Safety Standards and Training (DPSST). There were no fiscal or economic impacts identified for state agencies or local governments employing corrections officers. There were no fiscal or economic impacts identified for members of the public. There were no small businesses identified as subject to the administrative rule changes and no fiscal or economic impacts were identified for small businesses.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There were no fiscal or economic impacts identified for the Board on Public Safety Standards and Training (Board) or the Department of Public Safety Standards and Training (DPSST). There were no fiscal or economic impacts identified for state agencies or local governments employing corrections officers. There were no fiscal or economic impacts identified for members of the public. There were no small businesses identified as subject to the administrative rule changes and no fiscal or economic impacts were identified for small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

There were no small businesses identified as subject to the administrative rule changes. Potentially affected entities were involved through their representation on the Corrections Policy Committee (CPC) and the Board on Public Safety

Standards and Training (Board). Small businesses, as well as state agencies, units of local government, and the public are invited to submit written comments to the agency rules coordinator during the public comment period on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact on business.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The Board on Public Safety Standards and Training is responsible for approval of DPSST training curriculum for corrections officers. This rule change is a technical change to identify the new Board-approved date for the curriculum. The proposed rules were reviewed and approved by the Board on Public Safety Standards and Training. The Board includes representatives of the organizations or associations that represent the corrections officers and the law enforcement units who are subject to the administrative rules. The membership of the Board is found in Oregon Revised Statutes (ORS) 181A.360. Constituent workgroups were involved in the development of the proposed curriculum revisions.

AMEND: 259-008-0085

RULE SUMMARY: This proposed rule change supports the Board's approval and the Department's implementation of the revised Basic Corrections Local Academy curriculum. The rule change identifies the curriculum based on the Board-approved date. There are no changes to the student performance measures or the corrections officer field training manual at this time. The Basic Corrections Local Academy operated by DPSST is a six-week course providing approximately 240 training hours. The curriculum revision modifies the course subject and hour breakdown. It does not change the length of the course. After the Board approves the revised curriculum, the new curriculum will be taught to the classes that begin after the effective date of the rule change.

The Corrections Policy Committee recommended approval of the revised curriculum on November 7, 2023. The Board will consider the recommendation and approval during the January 25, 2024 meeting.

CHANGES TO RULE:

259-008-0085

Minimum Standards for Mandated Courses ¶¶

(1) Basic Police Course and Field Training.¶¶

(a) The curriculum for the Basic Police Course is based on the course breakdown approved by the Board on October 27, 2022.¶¶

(b) The Basic Police Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 640 hours). Training will include, at a minimum:¶¶

(A) Training on law, theory, policies and practices related to pursuit driving;¶¶

(B) Vehicle pursuit exercises;¶¶

(C) Twenty-four hours of training in the recognition of mental illnesses as described in ORS 181A.440(2). At least one hour of mental health training will be dedicated to the appropriate use of the mental health database maintained by the Department of State Police within the Law Enforcement Data System;¶¶

(D) The investigation and reporting of cases of missing children and adults;¶¶

(E) The investigation, identification and reporting of crimes motivated by prejudice based on perceived race, color, religion, national origin, sexual orientation, gender, gender identity, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental disability, age, economic or social status or citizenship of the victim;¶¶

(F) Investigation, identification and reporting of crimes constituting abuse, as defined in ORS 419B.005, or domestic violence; ¶¶

(G) The requirements of the Vienna Convention on Consular Relations, including situations in which officers are required to inform a person of the person's rights under the convention; and¶¶

(H) At least three hours of training in airway and circulatory anatomy and physiology.¶¶

(c) Field training requires successful completion of the 2019 Police Officer Field Training Manual or DPSST-

approved equivalent manual.¶

(2) Basic Corrections Local Course and Field Training.¶

(a) The curriculum for the Basic Corrections Local Course and field training manual will be based on the critical and essential job tasks identified in the 2016 Job Task Analysis for Corrections Officers.¶

(b) The Basic Corrections Local Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 240 hours).¶

(c) Field training requires successful completion of the 2009 Corrections Officer Field Training Manual or DPSST-approved equivalent manual.¶

(3) Basic Parole and Probation Course and Field Training.¶

(a) The curriculum for the Basic Parole and Probation Course and field training manual will be based on the critical and essential job tasks identified in the 2015 Job Task Analysis for Parole and Probation Officers.¶

(b) The Basic Parole and Probation Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 200 hours).¶

(c) Field training requires successful completion of the 2021 Parole & Probation Officer Field Training Manual or DPSST-approved equivalent manual.¶

(4) Armed Parole and Probation Course.¶

(a) The Armed Parole and Probation Course is based on the course curriculum adopted by the Board on January 23, 2020.¶

(b) The Armed Parole and Probation Course includes sufficient training hours to satisfy the Board-approved instructional goals (approximately 74 hours). ¶

(5) Basic Telecommunicator Course and Field Training.¶

(a) The curriculum for the Basic Telecommunicator Course and field training manual will be based on the critical and essential job tasks identified in the 2015 Job Task Analysis for Telecommunicators.¶

(b) The Basic Telecommunicator Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 116 hours).¶

(c) Field training requires successful completion of the 2015 Telecommunicator Field Training Manual or DPSST-approved equivalent manual.¶

(6) Basic Emergency Medical Dispatcher Course and Field Training.¶

(a) The curriculum for the Basic Emergency Medical Dispatcher Course will be based on the 1996 National Highway Traffic Safety Administration (NHTSA) Emergency Medical Dispatcher standards.¶

(b) The Basic Emergency Medical Dispatcher Course will consist of sufficient training hours to satisfy all NHSTA instructional goals (approximately 24 hours).¶

(c) Field training requires successful completion of the 2016 Emergency Medical Dispatcher Field Training Manual or DPSST-approved equivalent manual.¶

(d) The Basic Emergency Medical Dispatcher Course may be delivered by an approved third-party vendor or agency if the course has been certified as equivalent by Standards and Certification.¶

(A) Vendors or agencies must submit a Course Certification Request (Form F-20) to request an equivalency determination.¶

(B) Equivalency determinations are valid for one year and will expire on December 31 of each year.¶

(7) Department of Corrections (DOC) Basic Corrections Course and Field Training.¶

(a) The curriculum for the DOC Basic Corrections Course will be based on the 2016 Job Task Analysis for Corrections Officers.¶

(b) The DOC Basic Corrections Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 240 hours).¶

(c) The DOC Basic Corrections Course will incorporate the DPSST Basic Corrections 2012 Instructional Goals within each of the following sections:¶

(A) Section A - Legal Considerations (Approximately 20 hours);¶

(B) Section B - Security Procedures (Approximately 37 hours);¶

(C) Section C - Inmate Supervision (Approximately 43 hours);¶

(D) Section D - Inmate Health Care (Approximately 16 hours);¶

(E) Section E - Professional Skills (Approximately 16 hours);¶

(F) Section F - Personal Fitness (Approximately 27 hours);¶

(G) Section G - Defensive Tactics (Approximately 41 hours); and¶

(H) Section H - Firearms (Approximately 26 hours).¶

(d) Administrative time will make up approximately 14 hours.¶

(e) Eighty percent of the DOC Basic Corrections Course must contain participatory learning activities. Participatory learning activities will include:¶

(A) A minimum of 51 hours of Reality Based Training;¶

- (B) A minimum of three written incident reports that are complete, accurate, and demonstrate the report writing fundamentals of content, organization, and mechanics. Each report must be evaluated by an instructor to ensure the student's ability to accurately document an incident using report writing components; and¶¶
- (C) A minimum of four Problem Based Learning activities consisting of at least eight hours.¶¶
- (f) Field training requires successful completion of the 2009 Department of Corrections Officer Field Training Manual.¶¶
- (8) Basic Oregon Liquor and Cannabis Commission Regulatory Specialist Course and Field Training.¶¶
- (a) The curriculum for the Basic Regulatory Specialist Course will be based on the 2013 Job Task Analysis for Liquor Enforcement Inspectors.¶¶
- (b) The Basic Regulatory Specialist Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 160 hours).¶¶
- (c) Field training requires successful completion of the 2016 Regulatory Specialist Field Training Manual.¶¶
- (9) Adult Learning Core Course. The Adult Learning Core Course consists of the fundamental adult learning concepts that are required training for DPSST Instructors to deliver any Board-approved curriculum for a mandated training course. This course requires a minimum of two hours of training to satisfy the Board-approved instructional goals. The current edition of the Board-approved Adult Learning Core Course curriculum was adopted by the Board effective July 25, 2019.¶¶
- (10) Supervision Course. The curriculum for the Supervision Course will be based on the 2000 Job Task Analysis for Oregon Public Safety Supervisors and a 2009 Survey of Incumbent Supervisors.¶¶
- (11) Management Course. The curriculum for the Management Course will be based on the 2000 Job Task Analysis for Oregon Public Safety Middle Managers, a 2007 DACUM for Middle Management and a 2009 Survey of Incumbent Managers.¶¶
- (12) Academy Police Career Officer Development Course (PCOD) and Field Training.¶¶
- (a) The Academy PCOD will be based on the 2015 Job Task Analysis for Police Officers.¶¶
- (b) The Academy PCOD will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 80 hours).¶¶
- (c) Field training requires successful completion of the 2019 Police Officer Field Training Manual or DPSST-approved equivalent manual.¶¶
- (13) Self-Study Police Career Officer Development Course (PCOD) and Field Training.¶¶
- (a) The Self-Study PCOD will be based on the 2015 Job Task Analysis for Police Officers.¶¶
- (b) The Self-Study PCOD will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 80 hours).¶¶
- (c) Field training requires successful completion of the 2019 Police Officer Field Training Manual or DPSST-approved equivalent manual.¶¶
- (14) Self-Study Corrections Career Officer Development Course (CCOD) and Field Training.¶¶
- (a) The Self-Study CCOD will be based on 2016 Job Task Analysis for Corrections Officers.¶¶
- (b) The Self-Study CCOD will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 80 hours).¶¶
- (c) Field training requires successful completion of the 2009 Corrections Officer Field Training Manual or DPSST-approved equivalent manual.¶¶
- (15) Self-Study Parole and Probation Career Officer Development Course (P&PCOD) and Field Training.¶¶
- (a) The Self-Study P&PCOD will be based on the 2015 Job Task Analysis for Parole and Probation Officers.¶¶
- (b) The Self-Study P&PCOD will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 80 hours).¶¶
- (c) Field training requires successful completion of the 2021 Parole and Probation Officer Field Training Manual or DPSST-approved equivalent manual.¶¶
- (16) Field Training. All field training will be conducted under the supervision of the employing agency.¶¶
- (17) All course curriculums must be reviewed and approved by the Board on Public Safety Standards and Training prior to being delivered.¶¶
- (18) All course curriculums will be reviewed following any update to the underlying standards adopted above.¶¶
- (19) Instructors with primary responsibility for instruction of any portion of a Board-approved curriculum for a mandated training course must be certified as required by OAR 259-008-0080.¶¶
- (20) A public safety officer must have successfully completed the mandated course for which certification is being requested in order for the training to satisfy the minimum requirements for certification. No more than 10% of the course may be missed without the approval of the Director. Absences must be approved and missed coursework or training must be remediated as designated by the Department.¶¶
- (21) Student Performance Measures. All academic testing and performance evaluation must consist of measures that are valid, rigorous, and require students to demonstrate knowledge and application of essential tasks. Successful completion of a mandated course requires the following:¶¶

- (a) Basic Police Course students must:¶
 - (A) Successfully complete course projects and assignments;¶
 - (B) Obtain a minimum score of 75% on the midterm exam and final exam;¶
 - (C) Achieve a passing score of 100% on the use of force exam with remediation as necessary; and¶
 - (D) Successfully complete the Oregon Physical Abilities Test (OR-PAT).¶
- (b) Basic Corrections Local Course students must:¶
 - (A) Successfully complete course projects and assignments;¶
 - (B) Obtain and maintain a minimum cumulative score of 75% by Quiz 3;¶
 - (C) Obtain a minimum score of 75% on the final exam; and¶
 - (D) Achieve a passing score of 100% on the use of force exam with remediation as necessary.¶
- (c) Basic Parole and Probation Course students must:¶
 - (A) Successfully complete course projects and assignments; and¶
 - (B) Achieve a passing score of 100% on the use of force exam with remediation as necessary.¶
- (d) Armed Parole and Probation Course students must:¶
 - (A) Successfully complete the course projects and assignments; and¶
 - (B) Successfully complete the Handgun Qualification Course.¶
- (e) Basic Telecommunicator Course students must: ¶
 - (A) Successfully complete course projects and assignments; and¶
 - (B) Obtain a minimum score of 75% on the final exam.¶
- (f) Basic Emergency Medical Dispatcher Course students must:¶
 - (A) Obtain a minimum score of 75% on the exam; and¶
 - (B) Achieve a passing score of 100% on Emergency Medical Dispatcher Protocol Reference System (EMDPRS).¶
- (g) DOC Basic Corrections Course students must:¶
 - (A) Successfully complete course projects and assignments;¶
 - (B) Obtain a minimum score of 75% on each academic test; and¶
 - (C) Achieve a passing score of 100% on all academic test questions relating to use of force topics with remediation as necessary.¶
 - (D) DOC Basic Corrections Course students who fail to achieve a passing score on the final exam after two attempts will be required to complete the DOC Basic Corrections Course and field training manual pursuant to section (6) of this rule.¶
- (h) Basic Regulatory Specialist Course students must:¶
 - (A) Successfully complete course projects and assignments; and¶
 - (B) Achieve a passing score of 100% on the use of force exam with remediation as necessary.¶
- (i) Adult Learning Core Course students must successfully complete course assignments.¶
- (j) Supervision Course students must successfully complete course projects and assignments.¶
- (k) Management Course students must successfully complete course projects and assignments.¶
- (l) Academy PCOD students must:¶
 - (A) Obtain a minimum score of 75% on the exam; and¶
 - (B) Achieve a passing score of 100% on the use of force exam with remediation as necessary.¶
 - (C) Academy PCOD students who do not achieve a passing score on the Academy PCOD exam will be given one opportunity to retake PCOD through the Academy PCOD Course or the Self-Study PCOD Course.¶
 - (D) PCOD students who fail to achieve a passing score after completing a second PCOD Course will be required to complete the Basic Police Course and field training manual pursuant to section (1) of this rule.¶
- (m) Self-Study PCOD students must:¶
 - (A) Obtain a minimum score of 75% on the exam; and¶
 - (B) Achieve a passing score of 100% on the use of force exam with remediation as necessary.¶
 - (C) Self-Study PCOD students who do not achieve a passing score on the Self-Study PCOD exam will be given one opportunity to retake PCOD through the Academy PCOD Course or the Self-Study PCOD Course.¶
 - (D) PCOD students who fail to achieve a passing score after completing a second PCOD Course will be required to complete the Basic Police Course and field training manual pursuant to section (1) of this rule.¶
- (n) Self-Study CCOD students must:¶
 - (A) Obtain a minimum score of 75% on the exam; and¶
 - (B) Achieve a passing score of 100% on the use of force exam with remediation as necessary.¶
 - (C) Self-Study CCOD students who do not achieve a passing score on the Self-Study CCOD exam will be given one opportunity to retake the Self-Study CCOD Course.¶
 - (D) Self-Study CCOD students who fail to achieve a passing score after completing a second Self-Study CCOD Course will be required to complete the Basic Corrections Local Course and field training manual pursuant to section (2) of this rule.¶
- (o) Self-Study P&PCOD students must:¶

- (A) Obtain a minimum score of 75% on the exam; and¶
 - (B) Achieve a passing score of 100% on the use of force exam with remediation as necessary.¶
 - (C) Self-Study P&PCOD students who do not achieve a passing score on the Self-Study P&PCOD exam will be given one opportunity to retake the Self-Study P&PCOD Course.¶
 - (D) Self-Study P&PCOD students who fail to achieve a passing score after completing a second Self-Study P&PCOD Course will be required to complete the Basic Parole and Probation Course and field training manual pursuant to section (3) of this rule.¶
 - (p) Basic Telecommunicator Course Challenge students must successfully complete course projects and assignments and obtain a minimum score of 75% on the Basic Telecommunicator Course final exam.¶
 - (A) Telecommunicator Challenge students will be given one opportunity to challenge the basic telecommunications course.¶
 - (B) Telecommunicator Challenge students who fail to successfully complete course projects and assignments and obtain a minimum score of 75% on the final exam will be required to complete the Basic Telecommunicator Course and field training manual pursuant to section (4) of this rule.¶
 - (22) Course Documentation. Prior to being recognized as meeting the minimum training standards required for certification, the following documentation must be submitted to Standards & Certification at the conclusion of each course:¶
 - (a) A course attendance roster (Form F-6);¶
 - (b) An official record of actual course hours or attendance rosters;¶
 - (c) Absence reports with documentation of make-up training;¶
 - (d) Class schedule including the subject hour breakdown and the Department-certified instructor with primary responsibility for each portion of the course;¶
 - (e) Curriculum, including master exams and answer sheets;¶
 - (f) Testing results, including individual test scores, individual final average and class average; and¶
 - (g) Deficiency reports and documentation of completion.¶
 - (23) Course Certification. Each mandated course must be certified annually. All course certifications are valid for one year and will expire on December 31 of each year.¶
 - (24) All mandated courses are subject to periodic audits by Standards and Certification to ensure compliance with the minimum training standards found in this rule.¶
 - (a) Notwithstanding subsection (b), the anticipated training dates, training locations and training hours must be provided to Standards and Certification no later than 14 days prior to the training.¶
 - (b) Standards and Certification will be notified of remediation training dates, training locations and training hours no later than 48 hours prior to the training or at the time of failure.¶
 - (c) Standards and Certification will prepare an audit report for each audited course.¶
 - (d) Issues of non-compliance will be forwarded to the appropriate department head or designee for resolution. Failure to respond to non-compliance issues may result in training not being recognized as meeting the minimum training requirements for certification.¶
 - (e) Standards and Certification will provide observations made during audits for feedback and possible suggestions for course enhancements. Observations will not be indicative of non-compliance of courses.
- Statutory/Other Authority: ORS 181A.410, ORS 181A.590
 Statutes/Other Implemented: ORS 181A.410, ORS 181A.590, ORS 181A.440, ORS 181A.460, ORS 181A.470