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SHEMIA FAGAN  
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CHERYL MYERS  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 259

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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FILING CAPTION: Adding Equity Training to the Maintenance Standards for Law Enforcement Officer Certifications (House Bill 2162)

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CONTACT: Jennifer Howald  
503-551-3258  
jennifer.howald@dpsst.oregon.gov

DPSST  
4190 Aumsville Hwy SE  
Salem, OR 97317

Filed By:  
Jennifer Howald  
Rules Coordinator

AMEND: 259-008-0065

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RULE SUMMARY: This rule change implements the police officer equity maintenance training provisions included in House Bill 2162 (2021).

This rule change adds an equity training category to the maintenance requirements that apply to all law enforcement officers. The definition of law enforcement officer that applies to this rule includes police officers, corrections officers, parole and probation officers, and regulatory specialists (OAR 259-008-0005(19)).

Law enforcement officers will be required to complete a minimum of three hours of equity training in each maintenance cycle. The equity training must include at least one of the four training concepts identified within the rule. The three hours of equity training will be part of the 84 total hours of training that are required every three years.

DPSST will publish a list of training resources to help agencies facilitate the successful completion of this maintenance training requirement. The list will identify training that includes the concepts defined in the rule for equity maintenance training. However, employing agencies and law enforcement officers will not be limited to the resources DPSST identifies. The employing agency will continue to have the discretion to determine what training is submitted to satisfy the requirement. The list will be a resource document and is not meant to be an endorsement of any specific training program.

CHANGES TO RULE:

259-008-0065

Maintenance of Law Enforcement Officer Certification ¶

(1) It is the responsibility of the Board to set the standards for law enforcement officer training and the maintenance of certification for currently employed and certified law enforcement officers.¶

(a) While it is the responsibility of the Department to uphold those standards, each agency may determine what

training will be provided to meet the standards.¶

(b) The Board recommends that agencies provide training time and training opportunities to enable law enforcement officers to meet the standards.¶

(2) The requirements established by the Board to maintain certification apply to law enforcement officers who are currently employed and certified.¶

(3) Law enforcement officers who are multi-discipline certified in more than one law enforcement officer discipline will be assigned one maintenance cycle and must complete the requirements as defined in this rule.¶

(4) Law enforcement officers who are multi-discipline certified as a telecommunicator or emergency medical dispatcher must complete the requirements to maintain a law enforcement discipline as defined in this rule and are also required to complete the telecommunicator and emergency medical dispatcher maintenance requirements as defined in OAR 259-008-0064. The same training may be used for more than one discipline if the content is applicable to each discipline. It is the responsibility of the department head to determine if the training is appropriate for more than one discipline.¶

(5) The Department will establish a three-year maintenance cycle for each law enforcement officer upon issuance of a basic certification.¶

(a) The maintenance cycle will begin on January 1st and end on December 31st of the third year.¶

(b) Basic certifications granted between January 1st and June 30th of the current year will have maintenance cycles that are effective January 1st of the current year.¶

(c) Basic certifications granted between July 1st and December 31st of the current year will have maintenance cycles that are effective January 1st of the following year.¶

(d) If a law enforcement officer's certifications lapse, a new maintenance cycle will be established upon reissuance of a basic certification.¶

(6) Upon issuance of a supervisory certification, the Department will update the law enforcement officer's current maintenance cycle to indicate the requirement for Leadership maintenance training.¶

(7) In order to maintain certification, a law enforcement officer must:¶

(a) Maintain a certification in adult and child cardiopulmonary resuscitation (CPR);¶

(b) Maintain a certification in First Aid; and¶

(c) Complete a minimum of 84 hours of agency-approved training. The 84 hours of agency-approved training must include:¶

(A) A minimum of eight hours of Firearms or Use of Force related training completed annually;¶

(B) A minimum of one hour of Ethics training completed annually;¶

(C) A minimum of three hours of Mental Health/Crisis Intervention related training completed within the three-year maintenance cycle;¶

(D) A minimum of two hours of Airway and Circulatory Anatomy and Physiology training completed within the three-year maintenance cycle. Airway and circulatory anatomy and physiology training includes the risk of various holds on respiratory compromise, the signs of a person in respiratory compromise, and the law enforcement officer's responsibility to render or obtain aid;¶

(E) A minimum of three hours of Equity training completed within the three-year maintenance cycle. The Equity training for this requirement must include at least one of these concepts:¶

(i) Increasing awareness and understanding of diverse identity, thought, and experiences;¶

(ii) Strategies to mitigate disparate outcomes;¶

(iii) Improving public trust and confidence; or¶

(iv) Diversity, equity, and inclusion in the workplace.¶

(F) If a law enforcement officer holds supervisory certification, a minimum of 24 hours of Leadership training completed within the three-year maintenance cycle; and¶

(FG) Any remaining training hours needed to complete 84 hours of agency-approved training must be completed within the three-year maintenance cycle and may include additional training in any of the previously listed training categories or any other agency-approved training.¶

(8) Documentation of Completed Maintenance Requirements.¶

(a) The employing agency must:¶

(A) Maintain documentation for all of the maintenance training and certification requirements;¶

(B) Report the expiration dates for the adult and child CPR and First Aid certifications to the Department through a Department-approved submission process; and¶

(C) Report the training and hours used to complete the maintenance training requirements to the Department through a Department-approved submission process. Training hours will be credited to the maintenance training category identified on the course attendance roster.¶

(b) Training hours that have been added to a law enforcement officer's DPSST training record as "passed" or "completed" may be used to meet maintenance training requirements.¶

(c) Instructor hours that have been added to a law enforcement officer's DPSST training record as "instructed"

represent the hours reported where the law enforcement officer was the instructor for the training content and will not be used to meet maintenance training requirements.¶

(d) The Department will update the law enforcement officer's DPSST training record to reflect the completion of the maintenance training and certification requirements.¶

(9) Maintenance Requirements for Law Enforcement Officers on Leave.¶

(a) The employing agency must notify the Department whenever a law enforcement officer is on leave for 91 days or more pursuant to OAR 259-008-0020.¶

(b) When a law enforcement officer is on leave, their certifications will not lapse pursuant to OAR 259-008-0067.¶

(c) A law enforcement officer who is on leave for any period up to 180 days will have the same maintenance training deadline as the date established prior to the law enforcement officer's leave.¶

(d) A law enforcement officer who is on leave for more than 180 days but less than one year will receive a one-year extension from the maintenance training deadline established prior to the law enforcement officer's leave.¶

(e) A law enforcement officer who is on leave for more than one year will receive an extension of the maintenance training deadline. The extension will be prorated, based on the duration of the law enforcement officer's leave.¶

(f) Beginning on the date a law enforcement officer returns to work from leave, a law enforcement officer will have 30 days to complete the maintenance requirements that will make their maintenance current for:¶

(A) Eight hours of Firearms or Use of Force related training to be applied to the current year's annual training requirement; and¶

(B) Current certifications in adult and child CPR and First Aid.¶

(g) Failure to complete the maintenance requirements to become current within 30 days of the law enforcement officer's return to work from leave may result in a Notice of Intent to Suspend pursuant to section (10) of this rule.¶

(10) Suspension for Failure to Meet Maintenance Requirements for Certification.¶

(a) When a law enforcement officer is identified as deficient for maintenance training requirements or a failure to maintain certifications in adult and child CPR and First Aid, a deficiency notice will be sent to the law enforcement officer and a copy of the deficiency notice will be sent to the law enforcement officer's employing agency.¶

(b) A law enforcement officer has 30 days from the date of the deficiency notice to complete the maintenance requirements identified as deficient or to request a time extension.¶

(c) When a law enforcement officer fails to complete the deficient maintenance requirement or fails to request a time extension within 30 days of the date of the deficiency notice, a Contested Case Notice of Intent to Suspend will be prepared by the Department and served on the law enforcement officer pursuant to ORS 181A.640(1)(c) and these rules. A copy of the Notice of Intent will be sent to the law enforcement officer's employing agency.¶

(d) A Notice of Intent to Suspend based on a deficiency that is only for Leadership training applies only to the law enforcement officer's supervisory, management, and executive certifications.¶

(e) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.¶

(f) A law enforcement officer who has been served with a Contested Case Notice of Intent to Suspend has 30 days from the date of mailing or personal service of the notice to provide documentation to the Department showing the completion of the maintenance requirements identified as deficient during the reporting period or to file a written request for hearing with the Department.¶

(g) Default Order. If the required training or certification is not reported to the Department or a request for hearing received by the Department within 30 days from the date of the mailing or personal service of the Notice, the Contested Case Notice will become a final order suspending certification pursuant to OAR 137-003-0672.¶

(11) Time Extensions.¶

(a) The Department may grant a time extension for a law enforcement officer to complete the deficient maintenance training requirements upon receipt of a written request from the law enforcement officer or the agency. The written request must include an action plan for completing the training requirements that were identified as deficient.¶

(b) No extension will be granted beyond December 31st of the year following the expiration date of the three-year maintenance cycle.¶

(c) Training used to complete the deficiencies for a maintenance cycle that has been granted a time extension cannot be applied toward the next maintenance cycle.¶

(d) A time extension for a deficient three-year maintenance cycle does not change the three-year period for the following maintenance cycle.¶

(e) If a law enforcement officer fails to complete the deficient maintenance requirements before the expiration of the time extension, a Notice of Intent to Suspend will be served on the law enforcement officer by the Department.¶

(12) A law enforcement officer whose basic certification has been suspended is prohibited from performing the

duties of a law enforcement officer.¶¶

(13) Recertification following a suspension:¶¶

(a) Recertification following a suspension may be obtained by submitting documentation to the Department showing completion of the maintenance requirements.¶¶

(b) Prior to reinstatement of certifications from a suspension for failure to meet certification maintenance requirements, a law enforcement officer must meet the minimum employment, training and certification requirements outlined in OAR Chapter 259 Division 008.

Statutory/Other Authority: ORS 181A.410

Statutes/Other Implemented: ORS 181A.410, ORS 181A.440, ORS 181A.442