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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 259

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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FILING CAPTION: Amending Public Safety Professional Certification Denial and Revocation Standards and Processes

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RULES:
259-008-0005, 259-008-0290, 259-008-0300, 259-008-0310, 259-008-0320, 259-008-0330, 259-008-0340, 259-008-0400

AMEND: 259-008-0005

RULE TITLE: Definitions

NOTICE FILED DATE: 02/25/2026

RULE SUMMARY: This rule provides definitions for the interpretation of the rules found in OAR Chapter 259 Division 8.

These proposed rule changes transfer several terms that are defined within OAR 259-008-0290 through 259-008-0340 to this definition rule. This change helps ensure the terms apply uniformly throughout and helps to simplify the procedural portions of the rules. The terms are inserted in alphabetical order and the remaining definitions are renumbered accordingly.

The following list identifies the definitions added to this rule and any revisions to the definitions.

(1) Aggravating Circumstances – transfers the interpretation from OAR 259-008-0290 and 259-008-0310, reorganizes content into list format, and adds two additional circumstances: the conduct is a violation of the code of ethics, and the conduct is a violation of public trust.

(10) Criminal Disposition – reorganizes content into list format and revises definition to include suspended sentences and deferred prosecution agreements, which are additional disposition outcomes that may not require an entered plea of guilt or a finding of guilt by a court.

(14) Discharged – new, adds additional interpretation focusing on the type of separation from employment, does not change the type of conduct that is considered "for cause" under OAR 259-008-0300.

(15) Discriminatory Conduct – transfers the definition found in OAR 259-008-0290 and 259-008-0300.

(16) Dishonesty - transfers the definition found in OAR 259-008-0290 and 259-008-0300 and includes revision of the definition for better clarity.

(19) Emotional Suffering – new, adds a definition to allow for distinctions between harm and emotional suffering under the context of the moral fitness violations.

(22) Gross Misconduct – transfers the definition from OAR 259-008-0290; reorganizes content into list format; and splits "conduct that causes or could cause harm" into "conduct that causes harm, could cause harm, or caused emotional suffering."

(23) Harm – new, provides interpretation for Gross Misconduct, Misconduct, and Misuse of Authority.

(25) Ineligibility period – transfers the interpretation from OAR 259-008-0290 and 259-008-0310.

(32) Misconduct - transfers the definition from OAR 259-008-0300; reorganizes content into list format; revises language addressing harm to "efficient operations of any agency;" and splits "conduct that causes or could cause harm" into "conduct that causes harm, could cause harm, or caused emotional suffering."

(33) Misuse of Authority - transfers the definition from OAR 259-008-0300 and includes revision of the definition for better clarity.

(34) Mitigating Circumstances - transfers the interpretation from OAR 259-008-0290 and 259-008-0310 and reorganizes content into list format.

RULE TEXT:
(1) "Aggravating Circumstance" means any condition, factor, or action identified by the Department or a Committee when reviewing a professional standards case that may increase the impact a moral fitness violation has on the decision to deny or revoke certification or on the length of the resulting ineligibility period. Examples of circumstances that may be considered aggravating include, but are not limited to:
(a) The conduct is a violation of the DPSST Code of Ethics (Form F-11 or F11-T);
(b) The conduct undermines the public's trust in the public safety profession or in a public safety agency;
(c) The degree of the criminal disposition;
(d) Prior misconduct or criminal dispositions;
(e) Lack of accountability;

(f) The number of persons involved in the underlying conduct;
(g) The number of separate incidents;
(h) The recentness of the incident or incidents; or
(i) Any other circumstance the Department or a Committee considers aggravating based on the specific facts and issues of the case.
(2) “Armed Parole and Probation Officer” means a parole and probation officer who is authorized by the employing public safety agency to carry a firearm while engaged in official duties.
(3) "Assistant Department Head" means a public safety officer employed in the first position subordinate to a Department Head who is primarily responsible for supervision of middle managers and supervisors.
(4) "Board" means the Board on Public Safety Standards and Training.
(5) "Casual employment" means employment that is occasional, irregular, or incidental for which the employee does not receive seniority rights or fringe benefits.
(6) "Certified Reserve Officer" means a reserve officer who has been designated by a local law enforcement unit, has received training necessary for certification and has met the minimum standards and training requirements established under ORS 181A.410.
(7) "Commissioned" means being authorized to perform various acts or duties of a police officer, certified reserve officer or reserve officer and acting under the supervision and responsibility of a county sheriff or as otherwise provided by law.
(8) "Community College" means a public institution operated by a community college district for the purpose of providing courses of study limited to not more than two years full-time attendance and designed to meet the needs of a geographical area by providing educational services, including, but not limited to, vocational or technical education programs or lower division collegiate programs.
(9) "Corrections Officer" means an officer or member employed full-time by a law enforcement unit who:
(a) Is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles;
(b) Has been certified as a corrections officer described in paragraph (a) of this subsection and has supervisory or management authority for corrections officers described in paragraph (a) of this subsection; or
(c) Is any full-time employee of the Department who possesses the requisite qualifications and is so certified pursuant to ORS 181A.570.
(10) “Criminal Disposition” means any of the following outcomes for a violation of a criminal law under the law of the jurisdiction where the disposition occurred:
(a) A conviction;
(b) A violation;
(c) An adjudication;
(d) A civil compromise;
(e) An entered plea of guilty or no contest;
(f) A suspended sentence;
(g) A deferred prosecution agreement; or
(h) A finding of guilty except for insanity, or its equivalent.
(11) "Department" and “DPSST” means the Department of Public Safety Standards and Training.
(12) "Department Head" means the chief of police, sheriff, superintendent or chief executive of a law enforcement unit or a public or private safety agency directly responsible for the administration of that unit or agency.
(13) "Director" means the Director of the Department of Public Safety Standards and Training.
(14) "Discharged" means a separation of employment that was initiated by the public safety professional’s employer, including separations such as dismissed, fired, terminated, or separated. “Discharged” does not include a separation that occurs in lieu of a dismissal, firing, termination, or discharge; as a result of a settlement agreement; or when employment is reinstated through an arbitration proceeding.

(15) “Discriminatory Conduct” means a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the perception of a person’s race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age or any protected class as defined by state or federal law, and would lead an objectively reasonable person to conclude that the public safety professional cannot perform the duties of office in a nondiscriminatory, fair, and impartial manner.
(16) “Dishonesty” means intentional conduct that is untruthful, including dishonesty by omission, deception, misrepresentation, falsification, or concealment of misconduct.
(17) "Educational Credits" are credits earned for studies satisfactorily completed at an accredited post-secondary education institution recognized under OAR 259-008-0045.
(18) "Emergency Medical Dispatcher" means a person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.
(19) “Emotional suffering” means significant emotional or psychological distress that an objectively reasonable person would experience as a result of conduct such as, but not limited to, stalking, menacing, harassment, humiliation, or other like or similar behavior.
(20) "First-Level Supervisor" means a public safety officer employed in a position between the operational level and the middle manager, who is primarily responsible for the direct supervision of subordinates. A first level supervisor position does not include a position with limited or acting supervisory responsibilities.
(21) "Full-time employment" means the employment of a person who has the responsibility for, and is paid to perform the duties of a public safety professional for more than 80 hours per month for a period of more than 90 consecutive calendar days. For purposes of this rule, any employment that meets the definition of seasonal, casual, or temporary employment is not considered full-time employment as a public safety professional.
(22) “Gross Misconduct” includes:
(a) Deliberate or reckless conduct that caused or could cause significant harm, or caused emotional suffering;
(b) Conduct that includes violence against another person;
(c) Conduct resulting in a criminal disposition for a sex-related offense; or
(d) Discriminatory Conduct, as defined in OAR 259-008-0005 (15).
(23) “Harm” means:
(a) Physical injury as defined in ORS 161.015;
(b) Loss of or damage to a person’s or entity’s property; or
(c) Loss or diminishment of a person’s legal rights.
(24) "High School" is a school accredited as a high school by the Oregon Department of Education, a school accredited as a high school by the recognized regional accrediting body, or a school accredited as a high school by the state university of the state in which the high school is located.
(25) “Ineligibility Period” means the length of time that the public safety professional or applicant is ineligible for public safety certifications and prohibited from performing the duties of a certifiable public safety professional after their training is denied or their certifications are denied, suspended, or revoked.
(26) “Jurisdiction” means any tribunal with authority to render a criminal disposition, including but not limited to municipal, state, federal including military, tribal tribunals, and any tribunal outside the United States or a United States owned territory where a criminal offense must be proven beyond a reasonable doubt.
(27) "Law Enforcement Officers" means police, corrections, parole and probation officers and regulatory specialists as described in the Public Safety Standards and Training Act.
(28) "Law Enforcement Unit" means:
(a) A police force or organization of the state, a city, university that has established a police department under ORS 352.121 or 353.125, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680 that employs authorized tribal police officers as defined in ORS 181A.680, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the Marshal's Office of the Judicial Department or common

carrier railroad the primary duty of which, as prescribed by law, ordinance or directive, is any one or more of the following:
(A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating to airport security;
(B) The custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined to a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or
(C) The control, supervision and reformation of adult offenders placed on parole or sentenced to probation and investigation of adult offenders on parole or probation or being considered for parole or probation;
(b) A police force or organization of a private entity with a population of more than 1,000 residents in an unincorporated area the employees of which are commissioned by a county sheriff;
(c) A district attorney's office;
(d) The Oregon Liquor and Cannabis Commission with regard to regulatory specialists; or
(e) A humane investigation agency as defined in ORS 181A.340.
(29) "Leave" means an authorized absence granted to a public safety professional by their employing public or private safety agency.
(30) "Limited Duration, Administrative Position" means a non-elected, certifiable public safety position where the primary duties relate to the administration, operation, and accountability of a public safety agency, including, but not limited to, the responsibility for command assignments and the supervision of subordinate managers.
(a) Primary duties are regular or recurring supervisory or managerial duties that are performed in a continuous manner and are the foundation of a limited duration, administrative position.
(b) Non-supervisory or non-managerial public safety duties, such as patrol, criminal investigations, or enforcement actions are not primary duties of a limited duration, administrative position.
(31) "Middle Manager" means a public safety officer working in a position that is between a first-level supervisor and a department head, who is primarily responsible for management and command duties. A middle manager position does not include a position with limited or acting middle management duties.
(32) "Misconduct" includes:
(a) Conduct that violates criminal laws;
(b) Conduct that caused or could cause harm, or caused emotional suffering;
(c) Discriminatory Conduct, as defined in OAR 259-008-0005 (15); or
(d) Conduct that negatively affects the operation, public perception, or reputation of any agency or government.
(33) "Misuse of Authority" means intentional conduct in which a public safety professional uses or attempts to use the authority or influence of their position as a public safety professional to gain an unfair personal advantage, harm another, cause emotional suffering to another, or otherwise exploit the position's inherent power.
(34) "Mitigating Circumstance" means any condition, factor, or action identified by the Department or a Committee when reviewing a professional standards case that may reduce the impact a moral fitness violation has on the decision to deny or revoke certification or on the length of the resulting ineligibility period. Examples of circumstances that may be considered mitigating include, but are not limited to:
(a) Written letters of support;
(b) Demonstrated truthfulness;
(c) Cooperation during the incident or investigation;
(d) The passage of time since the date of the incident or incidents; or
(e) Any other circumstance the Department or a Committee considers mitigating based on the specific facts and issues of the case.
(35) "Multi-disciplined Officer" or "Multi-discipline Certified" means a law enforcement officer, telecommunicator or emergency medical dispatcher who is employed by one public safety agency in more than one discipline for employment and certification purposes that support the efficient operation of the employing agency.
(36) "Part-time Employment" means the employment of a person who has the responsibility for, and is paid to perform the duties of a public safety professional for 80 hours or less per month for a period of more than 90 consecutive

calendar days.
(37) "Parole and Probation Officer" means:
(a) An officer who is employed full-time by the Department of Corrections, a county or a court and who is charged with and performs the duty of:
(A) 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
(B) Investigating adult offenders on parole or probation or being considered for parole or probation;
(b) An officer who:
(A) Is certified and has been employed as a full-time parole and probation officer for more than one year;
(B) Is employed part-time by the Department of Corrections, a county or a court; and
(C) Is charged with and performs the duty of:
(i) 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
(ii) Investigating adult offenders on parole or probation or being considered for parole or probation;
(c) 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; or
(d) A full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181A.570.
(38) "Police Officer" means:
(a) An officer, member or employee of a law enforcement unit employed full-time as a peace officer who is:
(A) Commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.121 or 353.125, the Governor or the Department of State Police; and
(B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security;
(b) An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or another state;
(c) A humane special agent commissioned under ORS 181A.340;
(d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181A.540;
(e) An authorized tribal police officer as defined in ORS 181A.680; or
(f) Any full-time employee of the Department who possesses the requisite qualifications and is so certified pursuant to ORS 181A.570.
(39) "Primary Discipline" means the discipline specified by the employing agency as the discipline that a public safety officer is assigned to for the majority of their employment functions or duties when a public safety officer is employed and certified as a multi-disciplined officer.
(40) "Public or private safety agency" means:
(a) A law enforcement unit; or
(b) A unit of state or local government, a special purpose district or a private firm that provides, or has authority to provide, police, ambulance or emergency medical services.
(41) "Public Safety Professional", "Public Safety Personnel" and "Public Safety Officer" include corrections officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, reserve officers, telecommunicators and regulatory specialists.
(42) "Regulations" mean written directives established by the Department or its designated staff describing training activities and student procedures at the Oregon Public Safety Academy.
(43) "Regulatory Specialist" means a full-time employee of the Oregon Liquor and Cannabis Commission (OLCC) who is authorized to act as an agent of the OLCC in conducting inspections or investigations, making arrests and seizures, aiding in prosecutions for offenses, issuing citations for violations and otherwise enforcing ORS Chapter 471, ORS 474.005 to

474.095, 474.115, 475B.010 to 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655, OLCC rules and any other statutes the OLCC considers related to regulating liquor, marijuana or marijuana-derived products.
(44) "Reimbursement" is the money allocated from the Police Standards and Training Account, established by ORS 181A.665, to a law enforcement unit meeting the requirements of these regulations to defray the costs of officer salaries, relief duty assignments, and other expenses incurred while officers attend approved training courses certified by the Department.
(45) "Reserve Officer" means an officer or member of a law enforcement unit who is:
(a) A volunteer or employed less than full time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.121 or 353.125, the Governor or the Department of State Police;
(b) Armed with a firearm; and
(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.
(46) "Seasonal Employment" means employment that can be carried on only at certain seasons or fairly definite portions of the year, with defined starting and ending dates based on a seasonally determined need.
(47) "Staff" means those employees occupying full-time, part-time, or temporary positions with the Department.
(48) "Telecommunicator" means:
(a) A person employed as an emergency communications worker as defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing and transmitting public safety information received through the emergency communications system as defined in ORS 403.105; or
(b) A full-time employee of the Department who possesses the requisite qualifications and is so certified pursuant to ORS 181A.570.
(49) "Temporary employment" means employment that lasts no more than 90 consecutive calendar days and is not permanent.
(50) "The Act" refers to the Public Safety Standards and Training Act (ORS 181A.355 to 181A.670).
(51) "Waiver" means to refrain from pressing or enforcing a rule.

STATUTORY/OTHER AUTHORITY: ORS 181A.410

STATUTES/OTHER IMPLEMENTED: ORS 181A.410

AMEND: 259-008-0290

RULE TITLE: Denial of Public Safety Professional Certifications for Pre-employment Criminal Dispositions

NOTICE FILED DATE: 02/25/2026

RULE SUMMARY: This rule establishes standards and processes that apply to the review of discretionary criminal dispositions that occurred prior to employment in public safety when those criminal dispositions violate the Board's discretionary standards. These cases are reviewed by the Applicant Review Committee.

The following list provides a section by section summary of the proposed changes to this rule.

(2) includes clarifying changes to improve readability.

(3) and (4) add language that matches the full scope of the statutory authority which includes denying an application for training. Similar changes have been included throughout OAR 259-008-0290 to 259-008-0340.

(4) transfers the definitions for the categories of pre-employment discretionary moral fitness violations (Dishonesty and Gross Misconduct) to OAR 259-008-0005.

(5) deletes the automatic administrative closure process for a dismissed DUII, in recognition that even when the DUII is dismissed, the conduct that resulted in the DUII may include moral fitness violations.

(7) adds ability for staff to close cases opened in error.

(8) and (9) add an ARC approval process for administrative closures mirroring the process for administrative closures submitted to Policy Committees.

(10) adds clarifying language to link the opportunity for mitigation to the discretionary case review process. Mitigation is not requested when submitting an administrative closure recommendation to ARC.

(10)(b) deletes "in person" in recognition of the option to attend a meeting through remote access. The public safety professional must still attend the meeting to exercise the option for verbal mitigation.

(11) transfers the language providing interpretation for "Aggravating Circumstances," "Mitigating Circumstances," and "Ineligibility Period" to the definition rule. Section (11)(c) maintains the consideration of mitigating circumstances that have been identified as circumstances that must be considered in every case.

(11)(f) adds language to codify the current outcome of a case when a Committee negates and removes all of the moral fitness violations.

RULE TEXT:
(1) The Board has established moral fitness standards that it has determined are critical to upholding the public's trust in the public safety profession, protecting the public and ensuring that the conduct of a public safety professional or an applicant does not reflect adversely on the public safety profession. The Board finds by adopting this rule that a violation of these standards is substantially related to the duties performed by a certified public safety professional.
(2) This rule defines the grounds for denial and processes for review of professional standards cases where the public safety professional is an applicant and the professional standards case is based on the applicant's pre-employment criminal disposition.

(a) "Applicant" means an employed public safety professional applying for DPSST training or certification; and
(b) "Pre-employment criminal disposition" means a criminal disposition, as defined in OAR 259-008-0005, that occurred prior to any employment in any jurisdiction as a police officer, reserve officer, corrections officer, parole and probation officer, regulatory specialist, telecommunicator, or emergency medical dispatcher as those terms are defined in OAR 259-008-0005.
(3) Mandatory Grounds for Denial. The Department must deny the application for training and deny the certification of an applicant based upon a finding that the applicant has a conviction for an offense constituting mandatory grounds for denial of public safety certification as defined in OAR 259-008-0300(2).
(4) Discretionary Grounds for Denial. The Department may deny the application for training and deny the certification of an applicant based upon a finding that the applicant has a pre-employment criminal disposition, other than a conviction constituting mandatory grounds for denial as defined in OAR 259-008-0300(2), in which the criminal disposition or the underlying conduct includes either or both of the following elements:
(a) Dishonesty, as defined in OAR 259-008-0005 (16); or
(b) Gross Misconduct, as defined in OAR 259-008-0005 (22).
(5) Discretionary review of criminal dispositions applies to criminal dispositions that occurred on or after January 1, 2001. The Department will not open a case to review discretionary criminal dispositions that occurred prior to January 1, 2001.
(6) The Board delegates the review of discretionary professional standards cases for an applicant's pre-employment criminal dispositions to the Department and the Applicant Review Committee.
(a) The Department will open a professional standards case to review an applicant's pre-employment criminal disposition when the criminal disposition or underlying conduct may constitute discretionary grounds for denial as defined in section (4) of this rule.
(b) The Applicant Review Committee will review discretionary cases opened by the Department and determine whether the applicant is denied or not denied training and certification for the discretionary grounds defined in section (4) of this rule.
(7) The Department may close a professional standards case as described in OAR 259-008-0310 (4).
(8) The Department may recommend administrative closure of a professional standards case to the Applicant Review Committee when the Department determines:
(a) The conduct being reviewed does not meet the statutory and administrative rule requirements for denial;
(b) The conduct being reviewed may meet the statutory and administrative rule requirements for denial but the records are incomplete or inconclusive; or
(c) The conduct being reviewed may meet the statutory and administrative rule requirements for denial but the conduct occurred more than 10 years before the date of employment as a public safety professional.
(9) The Applicant Review Committee must approve or overturn the Department's recommendation for administrative closure.
(a) When the Applicant Review Committee approves the recommendation for administrative closure, the Department will administratively close the professional standards case and no action will be taken to deny the application for training or to deny certification.
(b) When the Applicant Review Committee overturns the recommendation for administrative closure, the Department will prepare the case for a complete review by the Committee pursuant to sections (10) and (11) of this rule.
(10) Prior to submitting a discretionary case to the Applicant Review Committee for disposition under section (11) of this rule, the Department will notify the applicant. The notification will include the deadlines for the applicant to provide evidence of factors that may support mitigation. The applicant may provide mitigation evidence by one or both of the following:
(a) Submitting documents or written statements as supporting evidence for mitigation of the conduct under review to the Department for the Applicant Review Committee to consider.
(b) Arranging with the Department to attend an Applicant Review Committee meeting and present a verbal statement.

The verbal statement is limited to a maximum of five minutes and must be presented by the applicant or their representative.
(11) The Applicant Review Committee will review the case to:
(a) Affirm, modify or negate the Department-identified moral fitness violations;
(b) Identify aggravating and mitigating circumstances unique to the case;
(c) At a minimum, consider the following as mitigating circumstances:
(A) The applicant was not employed in a certifiable position when the conduct occurred; and
(B) The applicant has been hired by a public safety agency that is aware of the applicant's criminal background;
(d) Determine how the moral fitness violations and aggravating or mitigating circumstances impact the applicant's fitness for certification; and
(e) In cases where training and certification are denied, determine the ineligibility period, which may range from zero days to a maximum of ten years.
(f) In cases where the Applicant Review Committee negates all moral fitness violations, the Committee's disposition that there were no such violations, and therefore no basis to deny, is considered an approved administrative closure of the case.
(12) The moral fitness standards defined in administrative rule in effect on the date the Department or the Applicant Review Committee determined that the applicant was unfit for certification will continue to apply until the Final Order has been issued and all appeal rights have been exhausted, regardless of any subsequent amendment or repeal of the rules.
(13) Any Department action to deny an applicant's public safety professional certification will be administered in accordance with OAR 259-008-0290 through OAR 259-008-0340 and the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

STATUTORY/OTHER AUTHORITY: ORS 181A.410, ORS 183.341, ORS 181A.640

STATUTES/OTHER IMPLEMENTED: ORS 181A.410, ORS 183.341, ORS 181A.640, ORS 181A.630, ORS 181A.650

AMEND: 259-008-0300

RULE TITLE: Grounds for Denial, Revocation or Emergency Suspension of Public Safety Professional Certifications

NOTICE FILED DATES: 02/25/2026, 05/22/2026

RULE SUMMARY: This rule defines the grounds to deny or revoke certification as a public safety professional.

The following list provides a section by section summary of the proposed changes in this rule.

Mandatory Grounds, Section (2)
(2) includes revisions of the language for convictions and discharge for cause to match ORS 181A.640(2). While ORS 181A.640(2) is specific to police officers, the OAR continues to apply to all public safety professionals based on DPSST's original adoption of these mandatory grounds under ORS 181A.640 (5) and (6).

(2)(b)(A) adds clarifying language related to a DUII conviction where the intoxicant is a controlled substance, narcotic or dangerous drug. DUII convictions remain discretionary unless there were other convictions related to the controlled substance, narcotic or dangerous drug that fall under the mandatory grounds.

(2)(g) adds convictions for stalking.

(2)(h)(G),(H), and (I) add conduct found in the ORS 181A.640 (2) discharge for cause standard.

(2)(h)(J) maintains discriminatory conduct as a discharge for cause standard for all public safety professional disciplines. The differences between a mandatory case and a discretionary case remain the same. It will be mandatory when the employer discharges the public safety professional for intentional conduct performed under the color of office. It will be discretionary when it was not a discharge, and discretionary cases are not limited to "color of office."

Discretionary Grounds, Section (3)
(3)(a) - transfers the definitions for the categories of discretionary moral fitness violations to OAR 259-008-0005.

(3)(b)(C) – adds a finding of contempt of court, violation of an extreme risk protection order, violation of a restraining order, or violation of a stalking protective order as conduct that is subject to discretionary review for moral fitness violations.

(3)(b)(E) – clarifies the Department's authority to open a professional standards case based on student dismissals from Academy training. (added as one of the additional rule changes in May 2026)

Emergency Suspension, Section (6)
(6)(a)(A) – new, adds emergency suspension for a public safety professional charged with a Measure 11 crime while their criminal case is pending.

(6)(a)(B) – clarifies intent of current emergency suspension practices related to professional standards cases.

Prior to any emergency suspension, the matter would have to be considered by a Policy Committee, the Board, or the Executive Committee. The Department would not have independent discretion or authority to issue an Emergency Suspension Order.

RULE TEXT:

(1) The Board has established moral fitness standards that it has determined are critical to upholding the public's trust in the public safety profession, protecting the public and ensuring that the conduct of a public safety professional or an applicant does not reflect adversely on the public safety profession. The Board finds by adopting this rule that a violation of these standards is substantially related to the duties performed by a certified public safety professional.
(2) Mandatory Denial or Revocation of a Public Safety Professional's Certifications. The Department must deny the application for training, or deny or revoke the certification, of a public safety professional based upon a finding that:
(a) The public safety professional has a conviction for any offense designated under the law of the jurisdiction where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;
(b) The public safety professional has a conviction in any jurisdiction for any offense involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except for offenses involving the use or possession of marijuana:
(A) Subsection (2)(b) above does not apply to convictions for driving under the influence of intoxicants if the public safety professional has no other convictions that involve the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug;
(B) Convictions for the use or possession of marijuana and convictions for driving under the influence of intoxicants are subject to review as discretionary cases under section (3) of this rule;
(c) The public safety professional has a conviction in any jurisdiction for any offense involving domestic violence, as defined in ORS 135.230;
(d) The public safety professional has a conviction in any jurisdiction for any offense involving abuse, as defined in ORS 107.705, of a child who is under 18 years of age and is a natural child, adopted child, stepchild, a child under the guardianship of, or a child who regularly resides or formerly resided in the same household as the public safety professional;
(e) The public safety professional has a conviction in any jurisdiction for a bias or hate crime;
(f) The public safety professional is a sex offender as defined in ORS 163A.005;
(g) The public safety professional has a conviction for stalking, as defined in ORS 163.732, or its statutory counterpart in another jurisdiction; or
(h) The public safety professional has been discharged for cause from employment as a public safety professional as a result of intentional conduct performed under the color of office to:
(A) Obtain false confessions;
(B) Make false arrests;
(C) Create or use falsified evidence, including false testimony, or to destroy evidence to create a false impression;
(D) Compel a person to abstain from doing, or to do, any act that the person has a legal right to do or abstain from doing;
(E) Deprive, or attempt to deprive, another person or persons of their legal rights;
(F) Gain advantage for a public or private safety agency or for personal gain;
(G) Use force that was determined to be excessive or without justification;
(H) Engage in the abuse of lawful authority;
(I) Engage in policing indicative of bias or discriminatory intent against an individual based on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability; or
(J) Engage in Discriminatory Conduct, as defined in OAR 259-008-0005 (15).
(3) Discretionary Denial or Revocation of a Public Safety Professional's Certifications.
(a) The Department may deny the application for training, or deny or revoke the certification, of a public safety professional based upon a finding that the public safety professional engaged in conduct that includes any or all of the following elements:
(A) Dishonesty, as defined in OAR 259-008-0005 (16);
(B) Misconduct, as defined in OAR 259-008-0005 (32); or

(C) Misuse of Authority, as defined in OAR 259-008-0005 (33).
(b) For the purposes of this rule, conduct subject to discretionary review includes, but is not limited to:
(A) A criminal disposition when the criminal disposition is not a conviction constituting mandatory grounds as defined in section (2) of this rule;
(B) Conduct related to an arrest, a criminal citation to appear or its equivalent, or a criminal disposition;
(C) Conduct related to a finding of contempt of court, violation of an extreme risk protection order, violation of a restraining order, or violation of a stalking protective order;
(D) Conduct related to circumstances concurrent to a separation of employment from a certifiable position such as, but not limited to, investigation, settlement agreement or allegations of misconduct;
(E) Conduct related to a dismissal from a basic training course pursuant to OAR 259-012-0035 for a violation of the standards of student conduct defined in OAR 259-012-0010;
(F) Falsification of any information on any documents submitted to the Board or the Department. This does not apply to information that the Department determines was submitted incorrectly or in error; or
(G) Conduct identified through receipt or discovery of information that would lead an objectively reasonable person to conclude that the public safety professional violated Board established employment, training, or certification standards for public safety professionals.
(c) Review of discretionary criminal dispositions applies to criminal dispositions that occurred on or after January 1, 2001. The Department will not open a case to review discretionary criminal dispositions that occurred prior to January 1, 2001.
(4) The Department will not open a case for a criminal disposition or conduct that was previously reviewed by the Department, a Policy Committee or the Board and determined not to violate standards for public safety professional certification or resulted in no action to deny training, or deny or revoke certification, using the administrative rules in effect at the time of the review.
(a) Nothing in this rule precludes the Department from opening a case upon discovery of additional mandatory or discretionary grounds for denial or revocation.
(b) Nothing in this rule precludes the Department, a Policy Committee or the Board from considering previous criminal dispositions or conduct as an aggravating circumstance in a separate discretionary case review.
(5) The moral fitness standards defined in administrative rule in effect on the date the Department or the Board determined that the applicant or public safety professional was unfit for certification will continue to apply until the Final Order has been issued and all appeal rights have been exhausted regardless of whether the moral fitness standards have been subsequently amended or repealed.
(6) Emergency Suspension. The Department must issue an Emergency Suspension Order immediately suspending a public safety professional's certifications when a Policy Committee, the Board or the Board's Executive Committee finds that there is a serious danger to public safety.
(a) A Policy Committee, the Board, or the Board's Executive Committee may find that there is a serious danger to public safety when:
(A) A public safety professional has been charged in this state of a crime listed in ORS 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime listed in ORS 137.700; or
(B) Under circumstances involving egregious conduct where, regardless of the public safety professional's employment status, allowing the individual to remain certified while the Department completes the mandatory or discretionary administrative procedures for revocation would pose a threat to the public, to the public safety professional, or to others, or undermine public trust in the public safety profession.
(b) Pursuant to OAR 259-008-0320, issuance of an Emergency Suspension Order prohibits the public safety professional from continuing to perform the duties of a public safety professional while the Department completes the administrative procedures for revoking certification.
(c) The Emergency Suspension Order will remain in effect until a Final Order revoking certification is issued or the Emergency Suspension Order is withdrawn.

(7) Any Department action to deny, revoke or emergency suspend a public safety professional's certifications will be administered in accordance with OAR 259-008-0300 through OAR 259-008-0340 and the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

STATUTORY/OTHER AUTHORITY: ORS 181A.410, ORS 183.341, ORS 181A.640

STATUTES/OTHER IMPLEMENTED: ORS 181A.410, ORS 181A.630, ORS 181A.640, ORS 181A.650, ORS 183.341

AMEND: 259-008-0310

RULE TITLE: Denial/Revocation - Initiation and Review of a Professional Standards Case

NOTICE FILED DATES: 02/25/2026, 05/22/2026

RULE SUMMARY: This rule includes procedures for Department review, Policy Committee review, and Board review of professional standards cases.

The following list provides a section by section summary of the proposed changes in this rule.

(4) (deleted) removes the automatic administrative closure process for a dismissed DUII, in recognition that even when the DUII is dismissed, the conduct that resulted in the DUII may include moral fitness violations.

(4) (added) adds ability for staff to close cases opened in error and cases when the person is deceased. These closures do not require Committee approval.

(5)(b) adds language to recognize current practice to recommend administrate closure of a case when records are incomplete or inconclusive.

(6)(a) adds language that codifies the outcome of an administrative closure that has been approved by a Policy Committee.

(8) Arbitration Language: This section was added as one of the additional rule changes in May 2026 and revised following public comment.

(8) (a) and (b) add language recognizing current procedures.

(8) (c) adds language to distinguish between employer allegations of misconduct and DPSST professional standards moral fitness violations.

(8) (c)(C) replaces “will recommend administrative closure” with “may recommend administrative closure.”

(8) (d) adds language clarifying the Department’s and Board’s independent authority to review conduct for moral fitness violations.

(8)(d)(A) adds that DPSST may proceed with discretionary review when substantial evidence of a moral fitness violation exists.

(8)(d)(B) maintains current practice for DPSST to proceed when new information concerning the employer’s allegations is discovered that was not available during arbitration.

(9) adds clarifying language to link the opportunity for mitigation to the discretionary case review process. Mitigation is not requested when submitting an administrative closure recommendation to a Policy Committee.

(9)(b) deletes “in person” in recognition of the option to attend a meeting through remote access. The public safety professional must still attend the meeting to exercise the option for verbal mitigation.

(10)(a) adds language providing interpretation for ORS 181A.630(2)(a) "… the policy committee in the relevant discipline and the Board shall review [discretionary cases]."

(10)(b)(D) shows relocation of the ineligibility period ranges, includes the following reductions and increases for minimum and maximum ineligibility periods:
Dishonesty – minimum reduced to one year, maximum remained lifetime.
Discriminatory Conduct – minimum reduced to one year, maximum remained lifetime.
Misuse of Authority – minimum reduced to one year, maximum increased to 20 years.
Misconduct (that does not include Discriminatory Conduct) – maximum increased to 20 years.
Misconduct without any findings of Dishonesty, Misuse of Authority, or Discriminatory Conduct – minimum reduced to zero days. If the findings did include any of the other moral fitness violations, the ineligibility period range would default to the one year minimum and the maximum corresponding to the other applicable moral fitness violation categories.

(10)(c) adds language to codify the current outcome of a case when a Policy Committee negates and removes all of the moral fitness violations.

(10)(c) and (d) (deleted) transfers the language providing interpretation for "Aggravating Circumstances," "Mitigating Circumstances," and "Ineligibility Period" to the definition rule.

(11) adds process clarification here and in (9)(a) to clearly indicate that a public safety professional's mitigation is collected and submitted to the Policy Committee. The public safety professional does not have additional opportunities to submit mitigation to the Board after the Committee has reviewed the case and made its recommendation to the Board. The Board will continue to receive a copy of all of the mitigation that was submitted to the Committee and the Committee's recommendation to the Board includes the factors that the Committee identified as aggravating and mitigating when making their recommendations.

RULE TEXT:
(1) When the Department receives information from any source that a certifiable public safety professional or an applicant may not meet the established standards for public safety professionals, the Department will review the information to determine if substantial evidence exists to support denial, revocation or emergency suspension of certifications under the statutory and administrative rule requirements for public safety professional certification.
(2) In professional standards cases where the Department has determined that the conduct being reviewed violates the moral fitness standards established by the Board as mandatory grounds for denial or revocation as defined in OAR 259-008-0300(2), the Department will administratively process the denial or revocation.
(3) The Department will defer review of professional standards cases for individuals who have not been certified and are not currently employed as a public safety professional until the individual is re-employed as a certifiable public safety professional except when the Department has the authority to proceed pursuant to ORS 181A.640 (10).
(4) The Department may close a professional standards case if it determines the case was opened in error or if it receives notice that the public safety professional is deceased.
(5) The Department may recommend administrative closure of a discretionary professional standards case to a Policy Committee when the Department determines that the conduct being reviewed:
(a) Does not meet the statutory and administrative rule requirements for denial or revocation; or
(b) May meet the statutory and administrative rule requirements for denial or revocation but the records are incomplete or inconclusive.
(6) When the Department recommends administrative closure of a discretionary professional standards case to a Policy Committee, the Policy Committee must either approve or overturn the Department's recommendation.
(a) When the Policy Committee approves the recommendation for administrative closure, the Department will

administratively close the professional standards case and no action will be taken to deny the application for training, or to deny or revoke certification.
(b) When the Policy Committee overturns the recommendation for administrative closure, the Department will prepare the case for a complete review by the Policy Committee pursuant to sections (9) and (10) of this rule.
(7) In professional standards cases where the Department has determined that the conduct being reviewed may meet the statutory and administrative rule requirements for denial or revocation but is not supported by adequate factual information, the Department may request further information from the employer pursuant to ORS 181A.670 or conduct its own investigation of the matter.
(8) Professional Standards Cases Involving Employment Arbitration.
(a) The Department may stay its review of a professional standards case after receiving notice that the separation from employment is under arbitration.
(b) After the arbitration is complete, the Department will proceed with review of the professional standards case pursuant to this rule.
(c) When an arbitrator orders reinstatement of employment, the Department will proceed with a discretionary review of the case as follows:
(A) If the arbitrator's opinion finds that underlying facts supported the employer's allegations of misconduct, the Department will proceed with review of the professional standards case pursuant to this rule.
(B) If the arbitrator has ordered employment reinstatement after a separation of employment without a finding related to whether the employer alleged misconduct occurred, the Department will proceed with review of the professional standards case pursuant to this rule.
(C) If the arbitrator's opinion finds that underlying facts did not support the employer's allegations of misconduct, the Department may recommend administrative closure of the professional standards case to a Policy Committee.
(d) Subparagraph (8)(c)(C) does not limit the Department's authority to proceed with a discretionary professional standards case:
(A) When the Department determines there is factual information that provides substantial evidence to support denial of training or denial, revocation, or emergency suspension of certification under the statutory and administrative rule requirements for public safety professional certification; or
(B) Upon receipt or discovery of additional information that would lead an objectively reasonable person to conclude that the public safety professional has violated Board established employment, training, or certification standards for Oregon public safety professionals.
(9) Before submitting a discretionary professional standards case to a Policy Committee for disposition under section (10) of this rule, the Department will notify the public safety professional. The notification will include the deadlines for the public safety professional to provide evidence of factors that may support mitigation. A public safety professional may provide mitigation evidence by one or both of the following:
(a) Submitting documents or written statements as supporting evidence for mitigation of the conduct under review to the Department for the Policy Committee to consider.
(b) Arranging with the Department to attend a Policy Committee meeting and present a verbal statement. The verbal statement is limited to a maximum of five minutes and must be presented by the public safety professional or their representative.
(10) Policy Committee Review of Discretionary Professional Standards Cases.
(a) In professional standards cases where the Department has determined that the conduct being reviewed violates the moral fitness standards established by the Board as discretionary grounds for denial or revocation as defined in OAR 259-008-0300(3), the Department will submit its findings to the Policy Committee in the relevant discipline for disposition. The Policy Committee's disposition will be submitted as a recommendation to the Board for approval. The relevant discipline is determined in the following order:
(A) If the conduct occurred while the person was employed as a public safety professional, the discipline in which they were employed at the time of the conduct.

(B) If the conduct occurred after employment as a public safety professional, the discipline in which they were previously employed.
(C) If the conduct occurred before employment as a public safety professional and is not subject to OAR 259-008-0290, and if the person has not been previously employed as a public safety professional, the discipline in which they are currently employed.
(D) If multi-discipline employment or certification applies, use the agency designated primary discipline as defined in OAR 259-008-0005 (39). However, if the conduct occurred during employment in a single discipline, use the discipline active at the time of the conduct.
(b) The Policy Committee will review the professional standards case to:
(A) Affirm, modify or negate the Department-identified moral fitness violations;
(B) Identify aggravating and mitigating circumstances unique to the professional standards case;
(C) Determine how the moral fitness violations and aggravating or mitigating circumstances impact the public safety professional's fitness for certification; and
(D) In cases where an application for training is denied, or certification is denied or revoked, determine the ineligibility period based on the ranges corresponding with the identified moral fitness violations:
(i) Dishonesty: One year to a maximum of lifetime.
(ii) Misconduct involving Discriminatory Conduct: One year to a maximum of lifetime.
(iii) Misuse of Authority: One year to a maximum of 20 years.
(iv) Misconduct without any findings of Dishonesty, Misuse of Authority, or Discriminatory Conduct: Zero days to a maximum of 20 years.
(v) When there is a combination of identified moral fitness violations, the highest ineligibility range applies to all of the violations.
(c) In cases where a Policy Committee negates all moral fitness violations, the Committee's disposition that there were no such violations, and therefore no basis to deny or revoke, will be the recommendation submitted to the Board for approval.
(11) Board Review of a Professional Standards Case. The Board will review the professional standards case, the mitigation submitted by the public safety professional to the Policy Committee, and the Policy Committee's recommendations to determine whether or not to approve all or part of the Policy Committee's recommendations.
(a) Upon initial consideration, the Board may either approve the recommendation in its entirety or defer a decision and return the recommendation to the Policy Committee.
(b) The Board may approve the Policy Committee recommendation by a majority vote of the members present.
(c) The Board, by a majority vote of the members present, may defer its decision and return the recommendation with instructions to the Policy Committee to reconsider the recommendation. The Board may also instruct the Department to obtain further information and revise the case for a second review and recommendation by the Policy Committee. The Board may return a recommendation only once.
(A) The Policy Committee must reconsider its recommendation, along with the Board's instructions and any new information the Department submits to the Policy Committee.
(B) The Policy Committee will submit a revised or renewed recommendation to the Board.
(d) The Board will review the revised or renewed recommendation to decide whether to approve all or part of the recommendation. The Board may approve the recommendation by a majority vote of the members present and may disapprove the recommendation by a two-thirds vote of the total voting members. A failure to achieve a two-thirds vote to disapprove a recommendation will result in the approval of the recommendation.
(A) When the Board disapproves a recommendation that proposes no action be taken to deny training, or to deny or revoke certification, the Board must make its own determination as to whether the public safety professional has engaged in conduct that violates the discretionary grounds for denial or revocation of certifications. The Board's review of the case must follow the process for Policy Committee review as outlined in section (10) of this rule.
(B) The Board may identify their own findings or adopt all or any part of the Policy Committee's findings as the basis for

the determination.
(C) If the Board review results in a determination to deny training, or to deny or revoke certification, the Department will issue a Notice of Intent pursuant to OAR 259-008-0340. Where the Board review results in no action to deny training, or to deny or revoke certification, the issued Notice of Intent will be withdrawn and the professional standards case will be closed.

STATUTORY/OTHER AUTHORITY: ORS 181A.410, ORS 181A.640, ORS 183.341

STATUTES/OTHER IMPLEMENTED: ORS 181A.410, ORS 181A.640, ORS 181A.630, ORS 181A.650, ORS 183.341

AMEND: 259-008-0320

RULE TITLE: Scope of Denial/Revocation/Emergency Suspension and Eligibility for Certification Following Denial/Revocation

NOTICE FILED DATE: 02/25/2026

RULE SUMMARY: This rule defines eligibility and reapplication following actions to deny, revoke, or suspend certification.

The following list provides a section by section summary of the proposed changes in this rule.

(2) adds language that recognizes Emergency Suspension.

(5) includes clarifying revisions for interpretation and application of the start date of an ineligibility period.

(6) replaces the current "eligibility to reapply" language with a more direct process statement.

RULE TEXT:
(1) When the Department denies the training, or denies, revokes, or immediately suspends the certification, of a public safety professional pursuant to OAR 259-008-0290 through OAR 259-008-0340, the denial, revocation, or suspension will encompass all of the public safety professional certifications subject to OAR Chapter 259 Division 8.
(2) An individual who is issued an Emergency Suspension Order is prohibited from performing the duties of a certifiable public safety professional until the Department withdraws the Emergency Suspension Order.
(3) An individual denied or revoked for mandatory grounds is prohibited from performing the duties of a certifiable public safety professional and the individual is permanently ineligible for certification as a public safety professional.
(4) An individual denied or revoked for discretionary grounds is prohibited from performing the duties of a certifiable public safety professional and ineligible for public safety professional certifications until the prescribed ineligibility period has been satisfied.
(5) The first day of a discretionary denial or revocation ineligibility period is determined by the following circumstances:
(a) For moral fitness violations that occurred before employment or after separation from employment as a public safety professional, the first date of the ineligibility period is that date of the criminal disposition.
(A) When there is more than one criminal disposition determined to be a moral fitness violation, the most recent disposition will be used to determine the first day of the ineligibility period; or
(B) For cases without a criminal disposition, the first day of the ineligibility period is the date the Department opened the professional standards case;
(b) For moral fitness violations that occur while employed and concurrent to a separation from employment as a public safety professional, the first day of the ineligibility period is the date of the separation from the certifiable position as reported to the Department pursuant to OAR 259-008-0020; or
(c) For moral fitness violations that occur while employed as a public safety professional and the public safety professional is employed in a certifiable position at the time of the Board's review, or for any moral fitness violations that do not fit the circumstances of paragraphs (a) or (b) above, the first day of the ineligibility period is the date that the Board makes the final determination to deny or revoke.
(A) Periods of separation from a certifiable position as a result of the moral fitness violation will be applied to the satisfaction of the ineligibility period.
(B) A period of separation includes the number of days that have passed beginning from the date of separation from a certifiable position to the date of Board approval, or if the person was hired in a certifiable position before the Board approval, from the date of separation to the date of hire.
(C) To apply the period of separation toward the satisfaction of the ineligibility period, the Department will subtract the

period of separation from the ineligibility period to determine when the individual may reapply for training or certification.
(6) Reapplication for Certification. After the end of the ineligibility period, an individual may apply for training or certification. To be approved for training or issued certification the individual must meet all of the minimum requirements for employment, training, and certification as defined in OAR Chapter 259 Division 008.
(7) Any application for training or certification submitted by an individual whose ineligibility period has not been satisfied will be denied pursuant to OAR 259-008-0340.

STATUTORY/OTHER AUTHORITY: ORS 181A.410, ORS 181A.640, ORS 183.341

STATUTES/OTHER IMPLEMENTED: ORS 181A.410, ORS 181A.640, ORS 181A.630, ORS 181A.650, ORS 183.341

AMEND: 259-008-0330

RULE TITLE: Surrendering Certifications

NOTICE FILED DATE: 02/25/2026

RULE SUMMARY: This rule describes the process for surrendering certifications.

The following list provides a section by section summary of the proposed changes in this rule.

(2) includes a minor edit for clarification on how the rule is interpreted and applied.

RULE TEXT:
(1) A public safety professional may request that the Department accept the surrender of their public safety certifications.
(2) In considering whether to accept the request to surrender public safety certifications, the Department may request further information from the present or prior employer pursuant to ORS 181A.670 or conduct its own investigation to determine if any minimum standards for certification have been violated and proceed with initiation and review of a professional standards case pursuant to OAR 259-008-0290 through 259-008-0340.
(3) If an administrative proceeding has commenced pursuant to OAR 259-008-0340, the Department may, in its discretion, withdraw its Notice of Intent and accept the individual's surrender of the public safety certifications.
(4) The public safety professional will remain certified until the Department accepts the surrender.
(5) Once the surrender has been accepted by the Department, the individual may no longer perform the duties of a certifiable public safety professional.
(6) The Department will enter a Final Order permanently revoking the certifications of a public safety professional.
(7) An individual with public safety professional certifications revoked pursuant to this rule is permanently ineligible for certification as a public safety professional.

STATUTORY/OTHER AUTHORITY: ORS 181A.410, ORS 181A.640, ORS 183.341

STATUTES/OTHER IMPLEMENTED: ORS 181A.410, ORS 181A.640, ORS 181A.630, ORS 181A.650, ORS 183.341

AMEND: 259-008-0340

RULE TITLE: Issuance of Notice of Intent/Request for Hearing and Contested Case Procedures

NOTICE FILED DATE: 02/25/2026

RULE SUMMARY: This rule includes the Notice and Contested Case Procedures for denial or revocation of public safety professional certifications. The Board and the Department have adopted the Attorney General's Model Rules for Contested Case Procedures therefore, the timelines and notices that are outlined are predetermined by the Model Rules but included in the Board/DPSST rules for information and accessibility for anyone.

The following list provides a section by section summary of the proposed changes in this rule.

(2)(b) includes minor edits to recognize processes that include denial of training, providing better alignment with statutory authority language.

RULE TEXT:
(1) Upon a determination to proceed with an emergency suspension or a denial or revocation, the Department will prepare and serve a Notice of Intent on the individual or public safety professional.
(2) Response Time:
(a) A party who has been served with an Emergency Suspension Order has 90 days from the date of mailing or personal service of the Order to file a written request for a hearing with the Department.
(b) A party who has been served with a Notice of Intent to Deny Training or a Notice of Intent to Deny Certification has 60 days from the date of mailing or personal service of the Notice to file a written request for a hearing with the Department. The Department may combine these Notices when both training and certification are subject to denial.
(c) A party who has been served with a Notice of Intent to Revoke Certification has 20 days from the date of mailing or personal service of the Notice to file a written request for a hearing with the Department.
(3) Default Orders. If the Department does not receive a timely request for a hearing, the Notice of Intent will become a Final Order denying or revoking certification pursuant to OAR 137-003-0672.
(4) Hearing Request. If the Department receives a timely request for a hearing, it will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.
(5) Proposed and Final Orders. When a hearing is requested, Proposed Orders, Exceptions, and Final Orders will be issued pursuant to the applicable provisions of the Attorney General’s Model Rules of Procedures adopted under OAR 259-005-0015.
(6) Notice and Hearing Procedures Specific to Professional Standards Cases.
(a) When a Policy Committee recommends denial or revocation of public safety professional certifications, the Department will serve the Notice of Intent on the individual or public safety professional prior to the Board’s review.
(b) Department-proposed amendments to a Proposed Order issued by an Administrative Law Judge in a case that was originally reviewed by a Policy Committee and the Board must be considered by the Policy Committee and the Board before a Final Order can be issued.
(c) The administrative law judge presiding at a contested case hearing may not adjust the ineligibility period approved by the Board under OAR 259-008-0310 or the Applicant Review Committee under OAR 259-008-0290.
(d) If the Department does not receive a timely request for a hearing in cases heard by a Policy Committee, the Notice of Intent will become a Final Order denying or revoking certification pursuant to OAR 137-003-0672 upon final approval by the Board.

STATUTORY/OTHER AUTHORITY: ORS 181A.410, ORS 181A.640, ORS 183.341

STATUTES/OTHER IMPLEMENTED: ORS 181A.410, ORS 181A.640, ORS 181A.630, ORS 181A.650, ORS 183.341

AMEND: 259-008-0400

RULE TITLE: DPSST Review of Complaints Involving Public Safety Professionals

NOTICE FILED DATE: 02/25/2026

RULE SUMMARY: This rule outlines DPSST processes for receipt and review of complaints submitted to DPSST about a public safety professional.

This rule change is presented as a re-write. The addition of definitions and the rewrite of sections (2) through (5) are intended to improve readability and provide more process information when members of the public are reviewing this rule. The following provides additional section by section summary of the proposed rule changes.

(4) and (5) continue to defer investigation of complaints to the employing agency. The changes to the agency response requirements are based on recommendations found in the 2021 Secretary of State Audit. The audit findings recommended that DPSST require agencies to include a brief synopsis of what they did with complaints forwarded by DPSST, including whether there was an investigation, whether the underlying allegations were substantiated, and whether any discipline was imposed.

(6) maintains DPSST's discretionary ability to review complaints under specified circumstances.

(7) updates DPSST processes to collect the documentation or records related to the complaint before determining if the complaint needs to be reviewed by a policy committee.

(8) clarifies DPSST discretionary authority to close the complaint if review of the available mitigation, documentation, and records shows that there isn't substantial evidence of a violation.

(9) and (10) update the committee review process to follow the same steps for a discretionary professional standards case. Because DPSST will be collecting the information before submitting it to the policy committee and reviewing it for substantial evidence, complaints submitted to the policy committee for review will be reviewed to determine whether or not the public safety professional's certification should be denied or revoked.

RULE TEXT:
(1) Definitions. In addition to the terms defined in OAR 259-008-0005, the following terms apply to this rule.
(a) "Disciplinary action" means a personnel action against a public safety professional such as a written reprimand, suspension without pay, reduction in salary, demotion, or termination of employment.
(b) "Employing Agency" means:
(A) The public or private safety agency that is the current employer of the public safety professional who is the subject of a complaint; or
(B) When the subject of the complaint is the department head of the public or private safety agency, the person or persons directly responsible for hiring or appointing the department head. This does not apply to the Office of Sheriff.
(c) "Jurisdictional Complaint" means allegations that, if proven, would lead an objectively reasonable person to determine that the public safety professional violated the employment, training, or certification standards for public safety professionals found in ORS Chapter 181A and OAR Chapter 259 Divisions 8 and 12.
(d) "Non-jurisdictional Complaint" means allegations that, whether proven or not, are:
(A) Outside the scope of the employment, training, or certification standards for public safety professionals found in ORS Chapter 181A and OAR Chapter 259 Divisions 8 and 12; or
(B) Against someone who is not employed or certified as a public safety professional.
(2) When the Department receives any complaint against a public safety professional, the Department will review the

complaint to determine if the allegations contained in the complaint, if proven, are jurisdictional or non-jurisdictional.
(3) When the Department determines that a complaint is non-jurisdictional, the complaint will be closed.
(a) The Department will notify the complainant of the determination.
(b) If the public safety professional is currently employed, the Department will notify their employing agency of the complaint and the Department's determination.
(4) When the Department determines that a complaint is jurisdictional, the Department will forward the complaint to the public safety professional's employing agency. The Department defers investigation of the complaint to the employing agency.
(5) When the Department forwards a jurisdictional complaint to the employing agency, the employing agency must submit a written response to the Department.
(a) Upon receiving a forwarded jurisdictional complaint, the employing agency must acknowledge receipt of the complaint. The acknowledgment must include the agency's attestation that it will submit a written response in accordance with section (5) of this rule.
(b) The written response must be submitted after:
(A) The employing agency's completion of an investigation, if applicable; and
(B) Satisfaction of any employment due process requirements, if applicable.
(c) The written response must state:
(A) Whether the jurisdictional allegations in the complaint have been reviewed;
(B) Whether the jurisdictional allegations in the complaint resulted in an investigation;
(C) Whether any of the jurisdictional allegations in the complaint were substantiated by a finding; and
(D) Whether any of the findings resulted in disciplinary action.
(d) The written response is not required to identify the form of any disciplinary action taken.
(e) When a forwarded complaint includes both jurisdictional and non-jurisdictional allegations, the written response requirements only apply to the jurisdictional allegations.
(6) The Department may review a jurisdictional complaint when:
(a) An employing agency fails to respond to the reporting requirements found in section (5) of this rule;
(b) The complaint is against a certified public safety professional who is not currently employed in a certifiable position; or
(c) The complaint is against a public safety professional holding the Office of Sheriff. This is in recognition that the Office of Sheriff is an elected official, and as an elected official the office does not have an employing agency for the Department to defer to for investigation of the complaint.
(7) When conducting a review under section (6) of this rule, the Department will:
(a) Provide the subject of the complaint with a copy of the complaint and an opportunity to submit written mitigation; and
(b) Request records related to the complaint.
(8) The Department may close the complaint without any action when the Department finds that there is no substantial evidence to support a finding that the public safety professional violated the employment, training, or certification standards for public safety professionals found in ORS Chapter 181A and OAR Chapter 259 Divisions 8 and 12. Lack of substantial evidence includes incomplete or inconclusive records.
(9) The Department may submit a jurisdictional complaint to a Policy Committee for disposition when the Department finds substantial evidence to support a finding that the public safety professional violated the employment, training, or certification standards for public safety professionals found in ORS Chapter 181A and OAR Chapter 259 Divisions 8 and 12.
(10) Jurisdictional complaints submitted to a Policy Committee for disposition will be administered following the processes for discretionary professional standards cases under OAR 259-008-0310.

STATUTORY/OTHER AUTHORITY: ORS 181A.410

STATUTES/OTHER IMPLEMENTED: ORS 181A.410