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CHAPTER 259
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

FILING CAPTION: Relocates rules adopted by the Governor's Commission on the Law Enforcement Medal of Honor.

EFFECTIVE DATE: 03/20/2023

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RULES:
259-008-0100, 259-090-0010

AMEND: 259-008-0100

RULE TITLE: Miscellaneous Activities of the Board or Department

NOTICE FILED DATE: 01/27/2023

RULE SUMMARY: OAR 259-008-0100 outlines miscellaneous duties and functions of the Department of Public Safety Standards and Training (DPSST) and the Board on Public Safety Standards and Training (Board).

Section (6)(a) was revised to eliminate a notwithstanding clause. The reorganization and amendment do not change any criteria or processes for the Recognition of Service Award.

Section (7) -the rules adopted by the Governor's Commission on the Law Enforcement Medal of Honor- was deleted and readopted as a separate rule, OAR 259-090-0010.

RULE TEXT:
(1) The Board or Department may make or encourage studies of any aspect of corrections, parole and probation, telecommunications, regulatory specialist, emergency medical dispatch, fire, or police administration, including the stimulation of research by public and private agencies which shall be designed to improve the Criminal Justice System.
(2) The Board or Department may cooperate and consult with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, community colleges, and other institutions concerning the development of criminal justice training schools and programs or courses of instruction.
(3) The Board or Department may cooperate and consult with official bodies or individuals charged by law with the responsibility for corrections, parole and probation, regulatory specialist, telecommunications, emergency medical dispatch, fire or police selection and training standards in other states.
(4) The Board or Department may periodically publish or recommend that other governmental agencies publish curricula, manuals, lesson plans, brochures, newsletters, and other materials to aid departments in achieving the objectives of the Act.
(5) The Department may direct, operate, or sponsor training schools and set reasonable rules and regulations for the

operation and use by trainees.
(6) Recognition of Career Service. The Department may provide a recognition of service award for a certified public safety officer who has separated from their employing agency. The recognition of service award recognizes the public safety officer for their years of service to the state of Oregon as a certifiable public safety officer.
(a) The following requirements must be met in order for a public safety officer to be eligible for a recognition of service award:
(A) The employing agency must notify the Department of the public safety officer's separation from certifiable employment in accordance with OAR 259-008-0020.
(B) The employing agency must submit a request for a recognition of service award through a Department approved submission process. The request must be submitted by the certified public safety officer's last employing agency within one year following the public safety officer's separation from certifiable employment.
(C) The public safety officer must have completed a minimum of 20 years of employment in a certifiable position as a public safety officer in Oregon, or if the public safety officer sustained a permanent disability that prevents them from returning to their certifiable position, must have completed a minimum of five years of certifiable employment as a full-time public safety officer in Oregon. Years of certifiable employment are calculated using the parameters for certifiable experience and employment outlined in OAR 259-008-0060 and must be met before or on the effective date of the separation.
(b) A public safety officer whose separation from certifiable employment results in, or occurs during, a Department review pursuant to OAR 259-008-0300 is ineligible to receive a recognition of service award until a final determination has been made regarding their certification as a public safety officer. If the final determination results in denial, suspension or revocation of certification, the public safety officer will be ineligible to receive a recognition of service award.
(c) The Department will only provide one recognition of service award to a qualifying public safety officer. A public safety officer who has been issued a recognition of service award is not eligible to receive additional recognition of service awards from the Department for subsequent periods of service.
(d) The contents of a recognition of service award are determined by the Department.
(e) The provisions for a recognition of service award replace the prior provisions for the issuance of a retirement card and apply to requests for a recognition of service award received by the Department after May 1, 2018. The Department will not provide a recognition of service award to a public safety officer who has previously been issued a retirement card.

STATUTORY/OTHER AUTHORITY: ORS 181A.410

STATUTES/OTHER IMPLEMENTED: ORS 181A.410

ADOPT: 259-090-0010

RULE TITLE: Qualifications for the Law Enforcement Medal of Honor and the Law Enforcement Medal of Ultimate Sacrifice

NOTICE FILED DATE: 01/27/2023

RULE SUMMARY: OAR 259-090-0010 is adopted to transfer the rules adopted by the Governor's Commission on the Law Enforcement Medal of Honor (Commission). The Commission was established by the Legislature in 2005. The Commission is responsible for establishing the qualifications for nomination as a recipient of the Law Enforcement Medal of Honor or the Law Enforcement Medal of Ultimate Sacrifice, considering candidates for nomination, and nominating candidates. The Department of Public Safety Standards and Training (DPSST) provides the staffing for the Commission.

When the Commission's rules were adopted in 2007, they were added to OAR 259-008-0100. OAR 259-008-0100 outlines miscellaneous duties and functions of the DPSST and the Board on Public Safety Standards and Training (Board). In recognition of the Commission's specific purpose and separate statutory authority, the adoption of this rule transfers the Commission's rules from OAR 259-008-0100 to OAR 259-090-0010.

In the transfer process, the Commission reviewed the rules and reaffirmed the established criteria for nomination for both medals. The Commission's review included approval of semantical and grammatical revisions throughout and updates to the application and consideration processes.

RULE TEXT:

(1) The Governor's Commission on the Law Enforcement Medal of Honor is responsible for establishing the qualifications for nomination as a recipient of the Law Enforcement Medal of Honor or the Law Enforcement Medal of Ultimate Sacrifice, considering candidates for nomination, and nominating candidates.

(2) To be awarded the Law Enforcement Medal of Honor or the Law Enforcement Medal of Ultimate Sacrifice a candidate must be a law enforcement officer.

(a) "Law enforcement officer" means:

(A) A police officer;

(B) A reserve officer;

(C) A corrections officer;

(D) A parole and probation officer; or

(E) A state, county, municipal, federal, or tribal individual who is commissioned and responsible for enforcing criminal laws in the state of Oregon.

(b) The Commission uses the definitions found in ORS 181A.355 to determine if a candidate meets this definition of "law enforcement officer."

(3) Qualifications for Nomination for the Law Enforcement Medal of Honor.

(a) The candidate must have distinguished themselves by exceptionally honorable and meritorious conduct. "Exceptionally honorable and meritorious conduct" or "conduct" means an officer has distinguished themselves conspicuously by gallantry and fortitude at the risk of their life above and beyond the call of duty. It involves risk of life and is an act of bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above their comrades.

(b) The conduct must have occurred while acting in an official capacity and performing a law enforcement function.

(c) The conduct must have occurred on or after January 1, 2006.

(4) Qualifications for Nomination for the Law Enforcement Medal of Ultimate Sacrifice.

(a) The candidate must have died while performing duties as a law enforcement officer or been killed because of employment as a law enforcement officer.

(b) The death must have occurred on or after January 1, 2011.

(5) Considering Candidates for Nomination.

(a) The Commission may consider a candidate based on submission of an application, the request of a Commission member, or a referral from the Department of Public Safety Standards and Training.
(b) The application, request, or referral for consideration must include an approval from the agency head of the candidate's employing agency.
(c) In making an eligibility determination, the Commission may consider any supporting documentation. Documentation may include but is not limited to police reports, media reports, pictures, testimonials, affidavits, or other written documentation found acceptable by the Commission.
(d) The Commission may request additional information as needed.
(6) Nomination by the Commission.
(a) The Commission will consider each candidate to determine if sufficient documentation exists to satisfy the qualifications for nomination as defined in this rule.
(b) The Commission may approve or deny the nomination of a candidate.
(c) Commission members are prohibited from voting on a candidate for nomination when the candidate is from their employing agency. When a member is required to abstain from voting under this rule, the abstention does not count against the vote requirement.
(d) Approval of a nomination for the Law Enforcement Medal of Honor requires a unanimous vote of the Commission members present.
(e) Approval of a nomination for the Law Enforcement Medal of Ultimate Sacrifice requires a majority vote of the Commission members present.
(f) Nomination for the Law Enforcement Medal of Honor or Law Enforcement Medal of Ultimate Sacrifice is a privilege and not a right. The decision of the Commission is final and non-appealable.
(7) Nominations are submitted to the Governor for approval. When approved, the Governor or the Governor's designee awards the medal.
(a) Award of the Law Enforcement Medal of Honor. The Medal of Honor may be awarded to the law enforcement officer, or posthumously to a representative of the deceased law enforcement officer, at an awards ceremony at an appropriate time determined by the Commission and approved by the Governor. The recipient of the Medal retains the option of a public or private ceremony.
(b) Award of the Law Enforcement Medal of Ultimate Sacrifice. The Medal of Ultimate Sacrifice may be awarded to the family of the deceased law enforcement officer at the time of services or memorials held in honor of the fallen officer or at an awards ceremony at an appropriate time determined by the Commission and approved by the Governor. Award of the Medal of Ultimate Sacrifice should be coordinated with the family or representative of the family. If the Medal is awarded at an awards ceremony, the recipient of the Medal retains the option of a public or private ceremony.

STATUTORY/OTHER AUTHORITY: ORS 176.260, ORS 176.262, ORS 176.267

STATUTES/OTHER IMPLEMENTED: ORS 176.260, ORS 176.262, ORS 176.267