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## DIVISION 1

### RULEMAKING

#### 259-001-0001

##### Right to Amend

The Board and the Department reserve the right to amend by deletion or addition to these rules at such time as deemed appropriate, pursuant to ORS 183.335.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-001-0005

##### Notice to Interested Persons on Proposals to Adopt, Amend, or Repeal any Administrative Rule Affecting Police Officers, Corrections Officers, or Parole and Probation Officers, Telecommunicators, Emergency Medical Dispatchers, Fire Service Professionals, Law Enforcement Units, and Public or Private Safety Agencies as Defined in ORS 181.610

In accordance with ORS 183.341(4), to provide a reasonable opportunity for interested persons to be notified of the proposed actions affecting police officers, corrections officers, parole and probation officers, telecommunicators, emergency medical dispatchers, fire service professionals, law enforcement units, or public or private safety agencies, the Board and the Department shall give notice of the proposed adoption, amendment, or repeal of rule(s):

(1) At least twenty-one (21) days prior to the effective date of the intended action, in the Secretary of State's Bulletin referred to in ORS 183.360.

(2) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing or furnishing a copy of the notice to the following:

- (a) Oregon State Sheriff's Association (OSSA);
- (b) Oregon Association Chiefs of Police (OACP);
- (c) Oregon Peace Officers Association (OPOA);
- (d) Oregon Criminal Justice Association (OCJA);
- (e) Oregon Department of Corrections;
- (f) United Press International;
- (g) Associated Press;
- (h) Capitol Building Press Room;
- (i) Oregon Council of Police Associations (OCPA);
- (j) Oregon Department of Justice;

- (k) Oregon State Police Officers Association (OSPOA);
- (l) Federation of Parole & Probation Officers (FPPO);
- (m) Oregon State Police Headquarters;
- (n) Oregon Emergency Management;
- (o) Oregon Chapter/Association of Public Safety Communications Officers (APCO);
- (p) Oregon Fire Chief's Association (OFCA);
- (q) Oregon Health Division, Emergency Medical Services Section;
- (r) Oregon Fire Instructors Association (OFIA);
- (s) Oregon Fire Marshals Association (OFMA);
- (t) Oregon Fire District Directors Association (OFDDA);
- (u) Oregon Volunteer Firefighters Association (OVFA);
- (v) Oregon State Firefighters Council (OSFC);
- (w) League of Oregon Cities (LOC);
- (x) Portland Police Bureau;
- (y) Oregon State Fire Marshal's Office;
- (z) Oregon State Forestry;
- (aa) Federal Bureau of Investigation — Oregon Office;
- (bb) Oregon District Attorneys Association (ODAA);
- (cc) Portland Fire Bureau.

(3) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing a copy of the notice to persons on the Board and Department mailing list established pursuant to ORS 183.335(7).

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-001-0010

##### Notice to Interested Persons on Proposals to Adopt, Amend, or Repeal any Administrative Rule Affecting Polygraph Examiners and Trainees

In accordance with ORS 183.341(4), to provide a reasonable opportunity for interested persons to be notified of the proposed actions affecting polygraph examiners and trainees, the Board and Department shall give notice of the proposed adoption, amendment, or repeal of rule(s):

(1) At least twenty-one (21) days prior to the effective date of the intended action, in the Secretary of State's Bulletin referred to in ORS 183.360.

(2) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing or furnishing a copy of the notice to the following associations:

- (a) Northwest Polygraph Examiner's Association;
- (b) Oregon State Sheriff's Association;
- (c) Oregon Association Chiefs of Police;
- (d) Oregon Peace Officers Association;
- (e) The United Press International;
- (f) Associated Press;
- (g) Capitol Building Press Room;
- (h) Oregon Council of Police Associations;
- (i) Oregon Department of Justice;
- (j) Oregon State Police Officers Association;
- (k) Oregon State Police Headquarters;
- (l) Criminal Justice Services Division of the Executive Department of Oregon;
- (m) Oregon State Bar Association;
- (n) Oregon Department of Corrections.

(3) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing a copy of the notice to persons on the Board and Department mailing list established pursuant to ORS 183.335(7).

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-001-0015****Rules of Procedure**

Pursuant to the provisions of ORS 183.341, the Board and Department adopt the Attorney General's Model Rules of Procedure applicable to proceedings for agency rulemaking under the Administrative Procedures Act as amended and in effect on September 9, 1995.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 2-1981, f. & ef. 12-18-81; PS 1-1983, f. & ef. 12-16-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-001-0020**

**Notice to Interested Persons on Proposals to Adopt, Amend or Repeal any Administrative Rule Affecting the Private Security Industry or Public Safety Agencies — [Reference 259-001-0005.]**

In accordance with ORS 183.341(4), to provide a reasonable opportunity for interested persons to be notified of the proposed actions affecting the private security industry or public or private safety agencies, the Board and Department shall give notice of the proposed adoption, amendment, or repeal of rule(s):

(1) At least twenty-one (21) days prior to the effective date of the intended action, in the Secretary of State's Bulletin referred to in ORS 183.360.

(2) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing or furnishing a copy of the notice to the following associations:

(a) All of the agencies, organizations and entities listed in OAR 259-001-0005(2);

(b) Private Security Advisory Committee;

(c) Oregon Private Security Council;

(d) National Association of Security and Investigative Regulators;

(e) American Society for Industrial Security;

(f) Northwest Retail and Loss Prevention Association;

(g) National Association of School Safety Professionals;

(h) Oregon Burglar and Fire Alarm Association;

(i) National Burglar and Fire Alarm Association;

(j) Associated Oregon Industries;

(k) Central Station Alarm Association.

(3) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing a copy of the notice to the persons on the Board and Department mailing list established pursuant to ORS 183.335(7).

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878, ORS 183.335 & ORS 183.341(4)

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**DIVISION 3****DECLARATORY RULINGS****259-003-0015****Rules of Procedure**

Pursuant to the provisions of ORS 183.341, the Board and Department adopt the Attorney General's Model Rules of Procedure applicable to proceedings for agency declaratory rulings under the Administrative Procedures Act as amended and in effect on September 9, 1995.

Stat. Auth.: ORS 181.640(5) & ORS 703.230(2)

Stats. Implemented: ORS 181.640(5) & ORS 703.23 (2)

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**DIVISION 5****CONTESTED CASES****259-005-0015****Rules of Procedure**

Pursuant to the provisions of ORS 183.341, the Board and Department adopt the Attorney General's Model Rules of Procedure applicable to contested cases under the Administrative Procedures Act as amended and in effect on September 9, 1995.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**DIVISION 8****EMPLOYMENT, TRAINING, AND CERTIFICATION****259-008-0000****Policies and Objectives**

(1) The policies of the Board and Department in response to ORS 181.630 are:

(a) The Board and Department exist to develop talented individuals into public safety providers who are:

(A) Culturally competent;

(B) Ethically, physically and emotionally fit; and

(C) Well trained, highly skilled and responsive to the needs of their communities.

(b) The Board and Department shall promote the safety, efficiency, effectiveness, self-sufficiency and competence of public safety agencies and professionals.

(c) The Board and Department shall support collaboration among public and private security, law enforcement, fire service, telecommunications and corrections organizations, the related organizations with whom they work and the interests of the communities they serve.

(d) The Board and Department shall consult with and inform each other fully on matters of public safety standards, training and certification.

(e) The Board may adopt or approve all policies, standards and minimum requirements for public safety certifications and training.

(f) The Department may administer operations and procedures and implement or apply the policies and standards of the Board.

(g) The Department is and remains a full department of the state.

(2) The objectives of the Board and Department are:

(a) To improve public safety services in Oregon by raising the level of competence of fire service professionals, police, corrections, parole and probation officers, telecommunicators, emergency medical dispatchers, and support staffs:

(A) By establishing minimum standards for all levels of career development in such matters as employment; promotion; education; physical, emotional, intellectual, and moral fitness; and such other matters that relate to the competence and reliability of persons seeking employment or promotion within the fire, police, corrections, and parole and probation services;

(B) By establishing minimum standards for the training and certification of fire, police, corrections, parole and probation officers, telecommunicators, and emergency medical dispatchers, for all levels of career development, basic through executive;

(C) By providing, sponsoring, certifying or coordinating fire, police, corrections, parole and probation, telecommunication, and emergency medical dispatch training courses.

(b) To conduct, facilitate, and promote studies and research designed to improve public safety within the state, and to assist in the implementation of Board recommendations.

Stat. Auth.: ORS 181.630 & ORS 181.640



Stats. Implemented: ORS 181.630 & ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0000; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-008-0005

### Definitions

(1) "Assistant Department Head" means an officer occupying the first position subordinate to a Department Head, and is primarily responsible for supervision of middle managers and/or supervisors.

(2) "Board" means the Board on Public Safety Standards and Training.

(3) "Casual employment" means employment that is occasional, irregular, or incidental and the employee does not receive seniority rights nor fringe benefits.

(4) "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 181.640.

(5) "Commissioned" means an authorization granting the power to perform various acts or duties of a police officer and acting under the supervision and responsibility of a county sheriff or as otherwise provided by law.

(6) "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.

(7) "Corrections Officer" means an officer or member of a law enforcement unit who is employed full-time thereby and 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; and any full-time employee of the Board who possesses requisite qualifications and is so certified pursuant to ORS 181.651.

(8) "Department" means the Department of Public Safety Standards and Training.

(9) "Department Head" means the chief of police, sheriff, chief officer of a fire department, or chief executive of a law enforcement unit or a public or private safety agency directly responsible for the administration of that unit.

(10) "Director" means the Director of the Department of Public Safety Standards and Training.

(11) "Disability leave" means leave from the law enforcement officer's certifiable position, as defined in ORS 181.610(2), (6), (7), for more than 90 days but less than two and one-half years, for pregnancy, parental leave, family medical leave, illness, or injury other than permanent disability.

(12) "Educational Credits" are credits earned for studies satisfactorily completed at an accredited post-secondary education institution recognized under 259-008-0025.

(13) "Educational leave" means leave for education or training related to the job which removes the law enforcement officer from a certifiable position, as defined in ORS 181.610(2), (6), (7), for more than 90 days, but less than two and one-half years.

(14) "Emergency medical dispatcher" means a person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.

(15) "Fire service professional" means an officer or a member of a public fire protection agency who is engaged primarily in fire investigation, fire prevention, fire safety, fire control or fire suppression or providing emergency medical services, light and heavy rescue services, search and rescue services or hazardous materials incident response. "Fire service professional" does not include forest fire protection agency personnel.

(16) "First-Level Supervisor" means a law enforcement officer, telecommunicator, or emergency medical dispatcher occupying a position between the operational level and the middle manager position 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.

(17) "Full-time employment" means the employment of a person who has the responsibilities as defined in ORS 181.610 (2), (6) and (7) and sections (8), (10) and (11) of this rule, who has the responsibility for, and is paid to perform the duties described in the above statute and administrative rule for more than 80 hours per month for a period of more than 90 consecutive calendar days.

(18) "High School" is a school accredited as a high school by the Oregon Department of Education, or 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.

(19) "Law Enforcement Officers" as used throughout this manual collectively means all police, corrections, and parole and probation officers who are included in the Public Safety Standards and Training Act as described in ORS 181.610, and 181.651.

(20)(a) "Law Enforcement Unit" means a police force or organization of the state, a city, port, school district, mass transit district, county, county service district authorized to provide enhanced law enforcement services under ORS 451.010, Indian reservation, Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, or common carrier railroad whose primary duty, 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) "Law enforcement unit" also means a police force or organization of a private entity with a population of more than 1,000 residents in an unincorporated area whose employees are commissioned by a county sheriff.

(21) "Middle Manager" means a law enforcement officer, telecommunicator, or emergency medical dispatcher occupying a position between first level supervisor and department head position and is primarily responsible for management and/or command duties. A middle manager position does not include a position with limited, or acting middle management duties.

(22) "Parole and Probation Officer" means any officer employed full-time by the Department of Corrections, a county or a court who is charged with and actually performs the duty of community protection by controlling, supervising, and providing reformatory services for adult parolees and probationers, or who performs the duty of investigation of adult offenders on parole or probation or being considered for parole or probation; and any full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.651.

(23) "Special assignment leave" is leave from the law enforcement officer's certifiable position, as defined in ORS 181.610(2), (6), (7), for more than 90 days but less than two and one-half years, for such duties as determined by the law enforcement unit administrator. Examples of such leave include, but are not limited to: strategic planning, budget preparation, special task force, or other similar duties.

(24) "Staff" are those employees occupying full-time, part-time, and/or temporary positions with the Department.

(25) "Police Officer" means an officer or member of a law enforcement unit who is employed full-time as a peace officer commissioned by a city, port, school district, mass transit district,

county, county service district authorized to provide enhanced law enforcement services under ORS 451.010, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, or the Governor, or a member of the Department of State Police who is responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security; and any full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.651.

(26) "Public or private safety agency" means any unit of state or local government, a special purpose district or a private firm which provides, or has authority to provide, fire fighting, police, ambulance or emergency medical services.

(27) "Public safety personnel" and "Public safety professional" include corrections officers, emergency medical dispatchers, parole and probation officers, police officers, telecommunications and fire service professionals.

(28) "Reimbursement" is the money allocated from the Police Standards and Training Account, established by ORS 181.690, 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.

(29) "Regulations" means written directives established by the Department or its designated staff describing training activities and student procedures at the Oregon Public Safety Academy.

(30) "Reserve Officer" means an officer or member of a law enforcement unit:

(a) Who is a volunteer or who is 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, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission or the Governor or who is a member of the Department of State Police;

(b) Who is armed with a firearm; and

(c) Who is responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

(31) "Seasonal employment" means employment that can be carried on only at certain seasons or fairly definite portions of the year.

(32) "Telecommunicator" means any person employed as an emergency telephone 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 a 9-1-1 emergency reporting system as defined in ORS 401.720.

(33) "Temporary employment" means employment that lasts for a limited time, not of long duration and is not permanent.

(34) "The Act" refers to the Public Safety Standards and Training Act (ORS 181.610 to 181.705).

(35) "Waiver" means to refrain from pressing or enforcing a rule.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0010; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 3-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-008-0010

### Minimum Standards for Employment as a Law Enforcement Officer

(1) Citizenship. No person may be employed as a police, corrections, or parole and probation officer for more than one year unless the person is a citizen of the United States.

(2) Age. No law enforcement unit in this state shall employ as a police officer, corrections officer or parole and probation officer, any person who has not yet attained the age of 21 years.

(3) Fingerprints. On or before the date of employment, each police, corrections, or parole and probation officer shall be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and shall forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(a) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(b) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(c) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section the Department shall comply with the most current requirements.

(d) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department shall be completed and returned to the Department by the applicant pending fingerprint clearance.

(4) Criminal Records. No police, corrections, or parole and probation officer shall have been convicted:

(a) While employed by a law enforcement unit in this state or any other jurisdiction, of a crime designated under the law 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 (1) year may be imposed;

(b) Of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating ORS 162.065, 162.075, 162.085, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.445, 163.465, 163.515, 163.525, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680, 163.684, 163.686, 167.007, 167.012, 167.017, 167.065, 167.070, 167.075, or 167.080 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(5) Moral Fitness (Moral Character). All law enforcement officers must be of good moral fitness as determined by a thorough background investigation.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state and/or the nation.

(b) The following are indicators of a lack of good moral fitness:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, or other document for securing certification or eligibility for certification;

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a law enforcement officer. Examples include but are not limited to: Intoxication while on duty, untruthfulness, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which would affect the officer's performance on the job which makes the officer both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the officer's ability to perform competently.

(c) If reliable evidence is received by the Board or Department that a law enforcement officer lacks good moral fitness, a rebuttable presumption will be raised that the law enforcement officer does not possess the requisite moral fitness to be a law

enforcement officer. The burden shall be upon the law enforcement officer to prove good moral fitness.

(6) Education:

(a) Applicants for the position of a law enforcement officer will be required to furnish documentary evidence of one of the following:

(A) Graduation from an accredited high school;

(B) Successful completion of the General Educational Development (GED) Test.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above shall consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(7) Physical Examination. All law enforcement officers and applicants shall be examined by a licensed physician or surgeon. The medical examination shall be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and shall conform to applicable standards of the Americans with Disabilities Act (ADA). **Title 42 USC 12101.**

(a) For police and corrections applicants, the applicant must meet the following criteria:

(A) Visual Acuity. Corrected vision shall be at least 20/30 (Snellen) in each eye. Due to the demonstrated likelihood of dislodgment or breakage, candidates who are able to wear only glasses with frames shall meet an uncorrected standard not worse than 20/100 (Snellen) in each eye. Those candidates who use soft contact lenses (SCLs) shall have vision correctable to at least 20/30 in each eye, with no uncorrected standard, provided the employing agency will monitor compliance. Replacement glasses or lenses (as appropriate) shall be on the person or readily available at all times during each work shift.

(B) Color Vision. Color vision should be perfect. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Recourse testing is available by means of the Farnsworth-Munsell 100-Hue Test. Applicants who fail either the Ishihara and/or the Farnsworth-Munsell tests can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST.

(C) Depth Perception. Depth Perception shall be sufficient to demonstrate stereo depth perception adequate to perform the essential tasks of the job. Recommended tests are Titmus, or Keystone, etc. or other recognized tests.

(D) Peripheral Vision. Visual Field Performance shall be 140 degrees in the horizontal meridian combined.

(E) Night Blindness. A history of night blindness should be evaluated to determine applicant's capacity to perform essential tasks at night or in dark or low light settings.

(b) Applicants for the position of police or corrections officer must have hearing in both ears sufficient enough to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 25 decibels (db) at the 500, 1,000, 2,000 and 3,000-Hertz levels in either ear with no single loss in excess of 40 db. If amplification device(s) is(are) necessary to meet the above criteria, or if applicant cannot meet the above criteria and wishes to pursue application, applicant must:

(A) Obtain a hearing evaluation by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) to determine current hearing aid requirement; and

(B) Achieve a Speech Reception Threshold (SRT) of no greater than 25 db for each ear; and

(C) Achieve a Speech Discrimination test score of no less than 90% utilizing a standard 50-word presentation at 80 db Hear-

ing Threshold Level (HTL). The Board may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, and throat) designated by the Board to verify that the applicant's hearing meets the Board's minimum hearing standard. The verification examination shall be at the expense of the applicant and/or the applicant's employing agency. The equipment utilized for all of these evaluations shall be calibrated annually using current ANSI standards.

(D) Hearing amplification devices used to meet the hearing standard must be the type that protects the applicant from further hearing degradation due to amplification of loud sounds.

(c) Applicants for the position of police or corrections officer must be able to use vocal chords and have significant speaking ability to perform speaking-related essential tasks. Abnormalities of the nose, throat or mouth must not interfere with the applicant's breathing or proper fitting of gas mask or similar device.

(d) Applicants for the position of police or corrections officer who have a history of organic cardio-vascular disease or a finding during the medical examination of organic cardio-vascular disease shall necessitate further medical evaluation.

(A) Resting blood pressure should be less than or equal to 160 mmHg systolic and 95 mmHg diastolic on three successive readings.

(B) Applicants shall not have a functional and therapeutic cardiac classification greater than the *Heart Association's Class A*.

(C) Failure to meet the guidelines (d), (A) and (B) requires further medical evaluation.

(D) If the applicant has controlled hypertension not exceeding the above standards and is on medication with side effect profiles, which do not interfere with performance of duty, then the condition may not be excludable.

(E) *Functional Capacity* I patients with cardiac disease may not be excludable, if they have no limitations of physical activity and ordinary physical activity does not cause discomfort and they do not have symptoms of cardiac insufficiency, nor experience angina pain.

(F) *Therapeutic Classification* A patients with cardiac disease, whose physical activity is restricted, should be evaluated thoroughly.

(G) If further medical examination is required under (d), it shall be at the expense of the applicant or hiring authority.

(e) A DPSST Medical Examination Report (**BPSST Form F2**), or a medical report completed by a licensed physician containing at a minimum the information on Form F2 and a signed statement by the examining physician that the applicant does not have any condition, physical, mental, or emotional, which, in his/her opinion, suggests further examination: Must be submitted on all law enforcement applicants. This Report will be furnished to the examining physician by the hiring agency. The physician must indicate that the applicant is or is not physically able to perform the duties of a law enforcement officer as prescribed by DPSST.

(f) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(g) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(h) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of an officer's duties, including the protection of the public and the safety of co-workers. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(i) A person or department head requesting a waiver of any physical requirement set forth in section (7) of this rule shall submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. Such supporting documents shall include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person



or department head requesting the waiver if clarification is needed. Any expense associated with providing such documentation or testimony shall be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver shall be considered void.

[ED. NOTE: Copies of the forms and publications referenced in this rule are available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1987, f. & ef. 10-26-87; Renumbered from 259-010-0015; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 4-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99

#### 259-008-0015

##### Background Investigation

(1) A personal history investigation shall be conducted by the employing agency on each law enforcement officer being considered for employment to determine if applicant is of good moral fitness.

(2) Results of the personal history investigation on all officers shall be retained by the employing agency and shall be available for review at any reasonable time by representatives of the Department.

(3) All applicants for law enforcement officer shall be interviewed personally, prior to employment, by the department head or an authorized representative.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0021; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-008-0020

##### Personnel Action Reports

(1) All law enforcement units and public or private safety agencies shall furnish to the Department on a Personnel Action Report (BPSST Form F-4) the name, address, and other pertinent information concerning any newly appointed public safety professional within ten (10) business days after employment. Upon receipt of this form, and when appropriate, a Field Training Manual will be forwarded to the department head for the specific use of the new employee.

(2) Whenever public safety personnel resign, retire, or terminate employment, are promoted, demoted, discharged, deceased, or within a law enforcement unit, or private or public safety agency, the department head shall report this information to the Department on a Personnel Action Report (BPSST Form F-4) within ten (10) business days of the action.

(3) All applicable sections of the Personnel Action Report (BPSST Form F-4) must be completed and signed by the department head or an authorized representative.

(4) All applicants shall furnish to the Department on a Personnel Action Report (BPSST Form F-4) their social security number. The social security number is used to accurately identify the applicant during computerized criminal history (CCH) and Department record checks and to verify information provided by officers under the Act in connection with revocation proceedings.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0050; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0026; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-008-0025

##### Minimum Standards for Training

(1) Basic Course:

(a) Except as provided in 259-008-0035, all law enforcement officers, telecommunicators, and emergency medical dispatchers shall satisfactorily complete the prescribed Basic Course, including the field training portion, within twelve months from the date of employment.

(b) The field training program shall be conducted under the supervision of the employing department. When the field training manual is properly completed, the sign-off pages of the field training manual shall be forwarded to the Department. Upon the approval of the Department, the employee shall receive credit toward basic certification.

(c) Law enforcement officers, telecommunicators, and emergency medical dispatchers who have previously completed the Basic Course, but have not been employed as a law enforcement officer, telecommunicator, or emergency medical dispatcher, as defined in ORS 181.610, subsections (2), (3), (6), (7) and (9), and OAR 259-008-0005, subsections (8), (10), (11), (12) and (13), during the last five (5) years or more, shall satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon a finding that the applicant has current knowledge and skills to perform as an officer.

(d) Previously employed law enforcement officers, telecommunicators, and emergency medical dispatchers may challenge the Basic Course based on the following criteria:

(A) The department head of the applicant's employing agency shall submit the "challenge request" within the time limits set forth in the Oregon Revised Statutes and Oregon Administrative Rules.

(B) The applicant shall provide proof of successful completion of prior equivalent training.

(C) The applicant shall provide documentation of the course content with hour and subject breakdown.

(D) The applicant shall obtain a minimum passing score on all written examinations for the course.

(E) The applicant shall demonstrate performance at the minimum acceptable level for the course.

(F) Failure of written examination or demonstrated performance shall require attendance of the course challenged.

(G) The applicant shall only be given one opportunity to challenge a course.

(e) All law enforcement officers, telecommunicators, and emergency medical dispatchers who have previously completed the Basic Course, but have not been employed as a law enforcement officer, telecommunicator, or emergency medical dispatcher as described in ORS 181.610(3), (4), (9), (10) and (13) and OAR 259-008-0005(8), (10), (11), (12) and (13), over two and one-half (2-1/2) but less than five (5) years shall complete a Career Officer Development Course if returning to the same discipline. This requirement may be waived after a staff determination that the applicant has demonstrated the knowledge and skills required for satisfactory completion of a Career Officer Development Course.

(f) Corrections and police officers who have not completed the Basic Course shall begin training at an academy operated by the Department within 90 days of their initial date of employment. A 30-day extension of this time period shall be granted by the Board or its designee upon receipt of a written statement of the reasons for the delay from the officer's employer. Any delays caused by the inability of the Department to provide basic training, for any reason, shall not be counted as part of the periods set forth above (refer to ORS 181.665 and ORS 181.652).

(g) Law enforcement officers, telecommunicators, or emergency medical dispatchers who have previously completed a basic training course out of state while employed by a law enforcement unit, or public or private safety agency, may, upon proper documentation of such training and with approval of the Department, satisfy the requirements of this section by successfully completing a prescribed Career Officer Development Course or other appropriate course of instruction.

(2) Career Officer Development Course:

(a) All law enforcement officers, telecommunicators, and emergency medical dispatchers who have not been employed as such for between two and one half (2 1/2) and five (5) years, shall satisfactorily complete the Career Officer Development Course approved by the Department.

(b) An officer, telecommunicator, or emergency medical dispatcher assigned to a Career Officer Development Course shall also complete the Board's field training program under the supervision of the employing department and submit to the Department a properly completed Field Training Manual. The Department may waive the Field Training Manual requirement upon demonstration by the employing agency that it is not necessary. See 259-008-0025(1)(b).

(c) The Department may also require successful completion of additional specified courses or remedial training.

(3) Supervision Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a first-level supervisory position shall satisfactorily complete the prescribed Supervision Course within 12 months after initial promotion, appointment, or transfer to such position. This section shall apply whether the individual is promoted or transferred from within a department, or is appointed from an outside department, without having completed a prescribed Supervision Course, within the preceding five (5) years.

(4) Middle Management Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a middle management position must satisfactorily complete the prescribed Middle Management Course within 12 months after initial promotion, appointment, or transfer to such position. This section shall apply whether the individual is promoted or transferred to a middle management position within a department, or employed from outside a department and appointed to a middle manager position without having completed a prescribed middle management course within the preceding five (5) years.

(5) Specialized Courses:

(a) Specialized courses are optional and may be presented at the Academy or regionally. The curriculum is generally selected because of relevancy to current trends and needs in police, corrections, parole and probation, telecommunications, and emergency medical dispatch fields, at the local or statewide level.

(b) Specialized courses may be developed and presented by individual departments of the criminal justice system, local training districts, a college, the Department, or other interested persons. The staff may be available to provide assistance when resources are not available in the local region.

(6) Waiver. A person requesting a waiver of any course requirements is required to submit to the Department any supporting documents or pertinent expert testimony and evaluation requested. Any expense associated with providing such documentation, testimony or evaluation shall be borne by the person requesting the waiver or the requesting agency.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1982, f. & ef. 7-2-82; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0030; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 5-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-008-0030**

**Extension of the Time Limit for Course Completion**

The Department may grant an extension of time limit for completion of any course required by OAR 259-008-0025 upon presentation of evidence by a law enforcement unit or public or private safety agency that a law enforcement officer, telecommunicator, or emergency medical dispatcher was unable to complete the required course within the time limit prescribed due to illness, injury, military service, special duty assignment, or such other reasonable cause as determined by the Department, except

where such extensions are limited by ORS 181.652(2), 181.653(2), 181.665(2), and 181.644(2).

Stat. Auth.: ORS 181.644, ORS 181.651, ORS 181.653 & ORS 181.665

Stats. Implemented: ORS 181.644, ORS 181.651, ORS 181.653 & ORS 181.665

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0035; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-008-0035**

**Waiver for Equivalent Training or Experience — Reciprocity**

(1) The Board or its designee may waive the completion of any course required by OAR 259-008-0025 upon presentation of documentary evidence by a law enforcement unit or public or private safety agency that a law enforcement officer, telecommunicator, or emergency medical dispatcher has satisfactorily completed equivalent training or experience.

(2) In order to be considered for equivalency, training received in a state with laws governing or regulating training of law enforcement officers shall, if subject to such review, have been approved or certified by the employing agency in the state in which the training was received.

(3) The Department may elect to prescribe as a condition of certification successful completion of specified courses or remedial training.

(4) The Department may enter into standing reciprocity compacts or agreements with those states which by law regulate and supervise the quality of police, corrections, parole and probation, telecommunications, emergency medical dispatch, and fire service training and which require a minimum number of hours of classroom training equivalent to standards established by the Board.

Stat. Auth.: ORS 181.660

Stats. Implemented: ORS 181.660

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0045; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-008-0040**

**Period of Service**

(1) A law enforcement officer, telecommunicator, or emergency medical dispatcher not currently certified shall satisfactorily complete a period of service of not less than nine (9) months in the field in which they are employed, to be eligible for certification. This requirement shall not apply to a department head.

(2) No person shall be employed as a law enforcement officer, telecommunicator, or emergency medical dispatcher for more than one (1) year unless that officer, telecommunicator, or emergency medical dispatcher has been certified under the provisions of ORS 181.610 to 181.705 and the certification has neither lapsed nor been revoked.

(3) The Board or its designee, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in section (2) of this rule. If the Board finds that there is good cause for such failure, the Board may extend for up to one year the period that a person may serve as a law enforcement officer, telecommunicator, or emergency medical dispatcher without certification. The grant or denial of such an extension is within the sole discretion of the Board.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0020; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0047; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-008-0045**

**College Education Credits**

(1) Credit for preservice or inservice college education shall not be accepted in lieu of the Basic Course described in OAR 259-008-0025.



(2) College credits shall be combined with experience and training in determining eligibility for Intermediate, Advanced, Supervisory, Management, and Executive Certification.

(3) College credits used for certification shall have been earned at a recognized college or university listed below or under subsection (4) of this rule. The Department shall only recognize those credits awarded by an accredited, degree-granting college or a university of post secondary education which is recognized by one of the following:

(a) Middle States Association of Colleges and Schools (MSA/CHE);

(b) New England Association of Schools and Colleges (NEASC-CIHE) (NEASC-CTCI);

(c) North Central Association of Schools and Colleges (NCA);

(d) Northwest Association of Schools and Colleges (NASC);

(e) Southern Association of Colleges and Schools (SACS); or

(f) Western Association of Schools and Colleges (WASC-Sr) (WASC-J).

(4) College credits used for certification obtained in a foreign country, which certificate, credential, or degree is claimed to be comparable to a certificate, credential, or degree granted by a licensing body in the United States or US Territories must be evaluated by a credentialing agency that is a member of the National Association of Credential Evaluation Services (NACES). The Department/Board has no responsibility for obtaining and/or paying for the evaluation and arranging for an official copy to be sent by the evaluating agency to the Department. The evaluation must be approved by the Department, based upon review of an official copy sent by the evaluating agency directly to the Department, before the educational credit is accepted as equivalent.

(5) Certification Credit. Persons wishing to document college education shall furnish the Department official transcripts or a certified true copy of official transcripts. Evaluation of these credits is subject to the conditions prescribed in section (1) of this rule and OAR 259-008-0060.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0025; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0051; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 5-1999, f. & cert. ef. 7-29-99

## 259-008-0055

### Appointment of Committees

The Board may establish committees to study issues relevant to the Board's jurisdiction, and to assist in the conduct of its business. The Board may appoint individual Board members to serve as liaison to such other groups, committees, or organizations as deemed appropriate.

Stat. Auth.: ORS 181.640 & ORS 181.765

Stats. Implemented: ORS 181.640 & ORS 181.765

Hist.: PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-008-0060

### Officer Certification

(1) Basic, Intermediate, Advanced, Supervisory, Management, Executive and Instructor Certificates are awarded by the Department to law enforcement officers and telecommunicators meeting prescribed standards of training, education, experience; and the levels established by the employing law enforcement units, or public or private safety agencies. Emergency medical dispatchers may be awarded basic certification only.

(2) Basic certification is mandatory and shall be acquired by all law enforcement officers, telecommunicators, and emergency medical dispatchers within one year of employment, unless an extension is granted by the Department.

(3) To be eligible for the award of a certificate, law enforcement officers shall be full-time employees as defined by ORS 181.610 and OAR 259-008-0005(19) and (21).

(4) To be eligible for the award of a certificate, law enforcement officers shall meet the Board's prescribed minimum employment standards as established by OAR 259-008-0010.

(5) To be eligible for the award of a certificate, law enforcement officers shall subscribe to and swear or affirm to abide by the Criminal Justice Code of Ethics (**Form F11**). Telecommunicators and emergency medical dispatchers shall subscribe to and swear or affirm to abide by the Telecommunicator Code of Ethics. (**Form F-11T**).

(6) Application for certification must be submitted on **Form F7**, with all applicable sections of the form completed. The form shall be signed by the applicant. In order to insure that the applicant does or does not meet the minimum standards of employment, training, education, and experience, and is competent to hold the level of certification for which the applicant has applied, the department head or authorized representative shall sign the form recommending that the certificate be issued or withheld. If the department head chooses not to recommend the applicant's request for certification, the reason for this decision shall be specified in writing and shall accompany the Application for Certification (**Form F7**).

(7) When a department head is the applicant, the above recommendation shall be made by the department head's appointing authority such as the city manager or mayor, or in the case of a specialized agency, the applicant's superior. Elected department heads are authorized to sign as both applicant and department head.

(8) In addition to the requirements set forth above, each applicant, for the award of an Intermediate, Advanced, Supervisory, Management, or Executive Certificate, shall have completed the designated education and training, combined with the prescribed corrections, parole and probation, police or telecommunications experience.

(a) Each quarter credit unit granted by an accredited college or university which operates on a quarterly schedule shall equal one (1) education point. (Example: 15 college credits equals 15 education points.)

(b) Each semester credit unit granted by an accredited college or university operating on a semester schedule shall equal one and onehalf (1-1/2) education points. (Example: 10 semester credits equals 15 education points.)

(c) All college credits shall be supported by certified true copies of official transcripts.

(9) Training Points. Twenty (20) classroom hours of job-related training approved by the Department shall equal one (1) training point. (Example: 200 training hours equal 10 training points.)

(a) Basic, Intermediate, Advanced, Supervisory, Middle Management, Executive, or Specialized courses certified, sponsored, or presented by the Department shall be approved.

(b) The Department may award training points for departmental or other in-service training which is recorded and documented in the personnel files of the trainee's department. These records shall include the subject, instructor, classroom hours, date, sponsor, and location.

(c) Training completed in other states, military training, and other specialized training, if properly documented may be accepted, subject to staff evaluation and approval. These records shall include the subject, date, and classroom hours, and shall be certified true copies of the original.

(d) With proper documentation, instructors may claim course completion for law enforcement classes instructed. Training points for repeat instruction of the same class within a 12-month period shall not be awarded.

(e) Upon receipt of documentation which shall include the source, syllabus, number of hours, dates and successful completion of the course, the Department or its designated staff may award training points for correspondence courses.

(f) College credits earned may be counted for either training points or education points, whichever is to the advantage of the applicant. Three (3) quarter credits equals three (3) training points. Three (3) semester credits equals four point five (4.5) training points.

(10) Experience/Employment:

(a) Experience acquired as a corrections, parole and probation, or police officer employed full time with municipal, county, state, or federal agencies, may be accepted if the experience is in the field in which certification is requested and is approved by the Department. For the purpose of this rule, casual, seasonal, or temporary employment shall not qualify as experience toward certification.

(b) Experience acquired as a telecommunicator or emergency medical dispatcher employed with a public or private safety agency may be accepted if the experience is in the field in which certification is requested and is approved by the Department.

(c) Police, corrections, parole and probation, telecommunicator, or emergency medical dispatch experience in fields other than that in which certification is requested may receive partial credit when supported by job descriptions or other documentary evidence. In all cases, experience claimed is subject to evaluation and approval by the Department.

(11) The Basic Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Basic Certificate:

(a) Applicants shall have completed a period of service of not less than nine (9) months with one or more law enforcement units, or public or private safety agencies in a certifiable position, in the field in which certification is being requested.

(b) Applicants shall have satisfactorily completed the required Basic Course in the field in which certification is requested or have completed equivalent training as determined by the Department.

(c) Applicants shall have valid first aid and cardiopulmonary resuscitation (CPR) card(s).

(d) Before the eligibility date for certification, each telecommunicator and emergency medical dispatcher shall be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and shall forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(A) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(B) The Oregon State Police Identification Services Section shall notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(C) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section, the Department shall comply with the most current requirements.

(D) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department shall be completed and returned to the Department by the applicant pending fingerprint clearance.

(12) The Intermediate Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Intermediate Certificate:

(a) Applicants shall possess a Basic Certificate in the field in which certification is requested.

(b) Applicants shall have acquired the following combinations of education and training points combined with the prescribed years of police, corrections, parole and probation or telecommunications experience, or the college degree designated combined with the prescribed years of experience: [Table not included. See ED. NOTE.]

(13) The Advanced Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Advanced Certificate:

(a) Applicants shall possess or be eligible to possess the Intermediate Certificate in the field in which certification is requested.

(b) Applicants shall have acquired the following combinations of education and training points combined with the prescribed years of corrections, parole and probation, police, telecommunications experience, or the college degree designated combined with the prescribed years of experience: [Table not included. See ED. NOTE.]

(14) The Supervisory Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Supervisory Certificate:

(a) Applicants shall possess or be eligible to possess the Advanced Certificate in the field in which certification is requested.

(b) Applicants shall have satisfactorily completed no less than 45 education points as defined in section (10) of this rule.

(c) Applicants shall have satisfactorily completed the prescribed Supervision Course or an equivalent number of hours of Department approved supervisory level training within five (5) years prior to application for the Supervisory Certificate.

(d) Applicants shall be presently employed in, or have satisfactorily performed the duties associated with the position of a first level supervisor as attested to by the applicant's department head during the time such duties were performed, for a period of one (1) year. The required experience shall have been acquired within five (5) years prior to the date of application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, supervisory duties.

(15) The Management Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Management Certificate:

(a) Applicants shall possess or be eligible to possess the Supervisory Certificate in the field in which certification is requested.

(b) Applicants shall have satisfactorily completed no less than 90 education points as defined in section (10) of this rule.

(c) Applicants shall have satisfactorily completed the prescribed Middle Management Course or an equivalent number of hours of Department approved management level training within five (5) years prior to application for the Management Certificate.

(d) Applicants shall be presently employed in, and shall have served satisfactorily in a Middle Management position, as an Assistant Department Head, or as a Department Head as defined in OAR 259-008-0005, for a period of two (2) years. The required experience must have been acquired within five (5) years prior to the date of application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, management duties.

(16) The Executive Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Executive Certificate:

(a) Applicants shall possess or be eligible to possess the Management Certificate in the field in which certification is requested.

(b) Applicants shall have satisfactorily completed no less than 90 education points as defined in section (10) of this rule.

(c) Applicants shall have satisfactorily completed 100 hours of Department approved executive level training within five (5) years prior to application for the Executive Certificate.

(d) Applicants shall be presently employed in, and shall have served satisfactorily in a Middle Management position, as an Assistant Department Head, or as a Department Head as defined in OAR 259-008-0005, for a period of two (2) years. The required experience must have been acquired within five (5) years prior to the date of the application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (d) of this section, pro-

vided the employing agency demonstrates that the applicant performs, on a regular basis, the duties associated with that of a department head or assistant department head.

(17) Multi-discipline Certification. Upon receiving written request from the department head stating a justified and demonstrated need exists for the efficient operation of the employing agency, the Department may approve multi-discipline certification for law enforcement officers who meet all minimum employment, training and education standards established in OAR 259-008-0010, 259-008-0025, and this rule, in the disciplines which they are requesting certification. The officer shall meet the following requirements for the award of multi-discipline certification:

(a) Basic certification: A person who is certified in one discipline may apply for multi-discipline certification, if employed in or transferred to another discipline within the same law enforcement unit. The applicant shall demonstrate completion of all training requirements in the discipline in which certification is being requested.

(b) Higher levels of certification: Law enforcement officers who possess higher levels of certification in one discipline may, upon employment in or transfer to another discipline within the same law enforcement unit, apply for the same level of certification after completion of nine (9) months experience in the discipline in which they are requesting certification, and meeting the requirements for those higher levels of certification as outlined in this rule. This section does not apply to the EMD discipline since it only exists at the basic certification level.

(c) Retention of Multi-discipline certification. In order to maintain multi-discipline certification, each discipline in which certification is held requires successful completion and documentation of training hours by the holders of the certificates every twelve (12) months. The training must be reported to the Department, as follows:

(A) For the EMD certificate; a minimum of four (4) hours of training, specific to this discipline, must be reported annually on a Form F-15M.

(B) For the Telecommunicator certification, a minimum of twelve (12) hours of training, specific to this discipline, must be reported annually on a Form F-15M.

(C) For all other disciplines, a minimum of twenty (20) hours of training, specific to each discipline in which certification is held, must be reported annually on a Form F-15M.

(D) Failure to comply with subsection (c) of this rule shall result in the recall of the multi-discipline certification by the Board.

(E) Upon documentation of compliance with subsection (c) of this rule, a law enforcement officer may reapply for single or multi-discipline certification as outlined by this rule.

(18) Certificates Are Property of Department. Certificates and awards are the property of the Department, and the Department shall have the power to revoke or recall any certificate or award as provided in the Act.

[ED. NOTE: Copies of the Tables and Forms referenced in this rule are available from the agency.]

Stat. Auth.: ORS 181.640, ORS 181.644, ORS 181.651, ORS 181.652, ORS 181.653, ORS 181.654 & ORS 181.665

Stats. Implemented: ORS 181.640, ORS 181.644, ORS 181.651, ORS 181.652, ORS 181.653, ORS 181.654 & ORS 181.665

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055; PS 1-1990, f. & cert. ef. 2-7-90; PS 1-1995, f. & cert. ef. 3-30-95, PS 2-1995, f. & cert. ef. 9-27-95; PS 7-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 6-1999, f. & cert. ef. 7-29-99

## 259-008-0062

### Fire Service Personnel Certification

(1) A fire service professional may be certified by satisfactorily completing the requirements specified in section (2) of this rule: through participation in a fire department training program accredited by the Department; or through a course certified by the

Department; or by evaluation of experience as specified in OAR 259-008-0064. The Department may certify a fire service professional who has satisfactorily completed the requirements for certification as prescribed in section (2) of this rule, including the Task Performance evaluations if applicable.

(2) The following accreditation guides for fire service personnel are hereby adopted by reference:

(a) Fire Fighter Basic, I, II, and III (BPSST-P-2 7/96).

(b) Fire Fighter Task Performance Criteria (BPSST-P-3 9/96).

(c) The provisions of the NFPA Standard No. 1002, Edition of 1993, entitled "Fire Department Vehicle Driver/Operator Professional Qualifications", are adopted subject to the definitions and modifications hereinafter stated:

(A) "Authority having jurisdiction" shall mean the Department of Public Safety Standards and Training;

(B) Delete Section 1-3.2.

(C) 3-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 3-1 through 3-2, shall be met prior to certification as a fire department driver/operator-pumper.

(D) 4-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 4-1 through 4-2, shall be met prior to certification as a fire department driver/operator-aerial.

(E) 5-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Chapter 4 and Section 5-2, shall be met prior to certification as a fire department driver/operator-tiller.

(F) 6-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 6-1 through 6-2, shall be met prior to certification as a fire department driver/operator-wildland fire apparatus.

(G) 7-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 7-1 through 7-2, shall be met prior to certification as a fire department driver/operator-aircraft rescue and fire-fighting apparatus (ARFF).

(H) 8-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 8-1 through 8-2, shall be met prior to certification as a fire department driver/operator-mobile water supply apparatus.

(I) Delete "the requirements of NFPA 1500, Standard on Fire Department Occupational Safety and Health Program, Section 4-2" from Sections 2-3.1, 3-1.3, 4-1.3, 5-2.2, 6-1.3, 6-1.4-1.3, and 8-1.3.

(J) An applicant for certification as a Pumper Operator must complete one of the following:

(i) A Task Performance Evaluation; or

(ii) A DPSST approved Pumper Operator task book that has been signed off by the Agency Head or Training Officer.

(K) An individual who completes the requirements of Chapter 2 and is certified as a Basic Fire Fighter, or meets the requirements of Entry Level Fire Fighter, may be certified as a Fire Driver.

(d) Task Performance Criteria for Driver, Pumper Operator, Aerial Operator, Tiller Operator, Wildland Fire Apparatus Operator, Aircraft Rescue and Firefighting Apparatus Operator (DPSST-P-5 8/97).

(e) Aircraft Fire Fighter (FSAB-P-13 9/91).

(f) Fire Prevention/Investigation Officer (SFM-P-7 10/88).

(g) Public Education Specialist and Officer (SFM-P-8 10/88).

(h) Instructor I, II, III and IV (SFM-P-9 2/89).

(i) The provisions of the NFPA Standard No. 1021, Edition of 1997, entitled "Standards for Fire Officer Professional Qualifications", are adopted subject to the definitions and modifications hereinafter stated:



(A) "Authority having jurisdiction" shall mean the Department of Public Safety Standards and Training.

(B) 2-1 General: For certification at the Fire Officer Level I, the candidate shall be certified at Fire Fighter II, as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 2-2 through 2-7 of this standard.

(i) 2-1.1 General Co-requisite Knowledge: The organizational structure of the department, departmental operating procedures for administration, emergency operations, and safety; departmental budget process; information management and record keeping; the fire prevention and building safety codes and ordinances applicable to the jurisdiction; incident management system; socioeconomic and political factors that impact the fire service; cultural diversity; methods used by supervisors to obtain cooperation within a group of subordinates; the rights of management and members; agreements in force between the organization and members; policies and procedures regarding the operation of the department as they involve supervisors and members.

(ii) 2-1.2 General Prerequisite Skills: The ability to communicate verbally and in writing, to write reports, and to operate in the incident management system. These skills may be documented through the following course work:

- (I) Advanced Writing (such as WR121 or equivalent).
- (II) Advanced Speech (such as SP111 or equivalent).
- (III) Technical Writing (such as WR227 or equivalent).
- (IV) Math (such as MTH 052 or equivalent).
- (V) Physical Science (such as PH201 or equivalent).

(iii) Through December 31, 2001, an individual with 5 years experience as a chief officer shall be deemed as meeting the General Prerequisite Skills.

(iv) The following are recognized courses for portions of the training requirements 2-2 through 2-7:

- (I) Firefighter Law.
- (II) Managing Fire Personnel currently #39-13.
- (III) Increasing Personal Effectiveness & Increasing Team Effectiveness or 3 or more credit college level course in principles of supervision or NFA Leadership I, II, and III.

(IV) Firefighter Safety and Survival for Company Officers currently #61-01.

- (V) MCTO-P, D & T.
- (VI) Instructor I or equivalent.

(C)(i) 3-1 General: For certification as Fire Officer Level II, the candidate shall be certified as Fire Officer I and Fire Instructor I, as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Section 3-2 through 3-7 of this standard.

- (ii) 3-2.3 Existing Curricula:
- (I) Public Education, Relations, and Information.

(II) College Fire Codes and Ordinances or National Fire Academy Fire Inspection Principles or International Fire Codes Institute Uniform Fire Code Certificate.

(III) Fire Detection Systems & Alarms.

(IV) College or State Major Emergency Strategy and Tactics or National Fire Academy Command and Control of Fire Department Operations at Multi-Alarm Incidents or National Fire Academy Command and Control of Fire Department Operations at Target Hazards or National Fire Academy Hazardous Materials Incident Management.

(V) Incident Safety Officer.

(VI) Department of Public Safety Standards and Training Fire Instructor II or Department of Public Safety Standards and Training Instructor Development Course.

(VII) National Fire Academy Initial Fire Investigation or National Fire Academy Arson Detection for Fire Responders or College Fire Investigation Course or National Fire Academy Fire Cause Determination for Company Officers or Fire Investigation #35-10.

(VIII) Washington Oregon Interface/Northwest Coordinating Group (WOI-NWCG) – S-205 (Wildland).

(IX) College Strategy and Tactics or National Fire Academy Managing Company Tactical Operations – Tactics and Decision

Making or National Fire Academy Incident Command System or National Fire Academy Fire Command Operations.

(D) 4-1 General:

(i) For certification at the Fire Officer III/Administrator Level, the candidate shall be certified as Fire officer II as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 4-2 through 4-7 of this standard; or

(ii) For certification at the Fire Protection Administrator Level, the candidate shall be certified as either Fire Officer II, Fire Prevention Officer III, Public Education Officer III, Instructor IV, or Fire Investigator III as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 4-2 through 4-7 of this standard.

(iii) 4-1.3 Existing Curricula: Basic Institute Classes which would meet Fire Protection Administrator Course Requirements:

- (I) Inspection and investigation (new).
- (II) Emergency Service Delivery (new).
- (III) Principles of Fire Protection Management.
- (IV) Personnel Management.
- (V) Organization for Fire Protection.
- (VI) Legal Aspects.
- (VII) Fiscal Management.

(E) 5-1 General:

(i) For certification at the Fire Officer IV/Executive Level, the candidate shall be certified as Fire Officer III as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 5-2 through 5-7 of this standard; or

(ii) For certification at the Fire Protection Executive Level, the candidate shall be certified as either Fire Officer III Fire Protection Administrator as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 5-2 through 5-7 of this standard.

(iii) 5-1.2 General Co-requisite Skill: The ability to effectively apply prerequisite knowledge.

(iv) 5-1.3 Existing Curricula: Advanced Institute Classes which would meet Fire Protection Executive Course Requirements:

- (I) Master Planning.
- (II) Advanced Legal Aspects.
- (III) Advanced Fiscal Management.
- (IV) Local Government and Community Politics.
- (V) Organizational Psychology.
- (VI) Management Information Systems.
- (VII) Labor Management Relations.
- (j) Hazardous Materials Responder (BPSST-P-12 1/96).
- (k) Fire Ground Leader I and II, Fire Service Manager (BPSST-P-14 2/96).

(I) Wildland Interface Fire Fighter, Wildland Interface Engine Boss/Company Officer, Wildland Strike Team leader, Wildland Division/Group Supervisor (DPSST-P-20 10/98).

(3) Task performance evaluations, where prescribed, shall be required prior to certification. Such examinations shall be conducted in the following manner:

(a) Task performance competency shall be evaluated by three people nominated by the employing fire department's Chief Officer for approval by the Department or its designated representative.

(b) The employing department's equipment and operational procedures shall be used in accomplishing the task performance to be tested.

(c) Specific minimum testing procedures, as provided by the Department, shall be used for administration of the evaluation.

(d) The training officer for an accredited fire department training program must notify the Department or its designated representative prior to performing a Task Performance Evaluation.

(e) At the request of the fire chief, a representative of the Department will be designated to monitor the task performance evaluation for personnel from a fire department whose training program is not accredited.

(4) The following are recommendations for skills maintenance training:

(a) Certified fire personnel should annually complete the following prescribed hours of accredited education and/or training in the area in which they are certified and performing as a primary duty: [Table not included. See ED. NOTE.]

(b) An individual certified and performing duties in more than one area need only have training hours equal to the single highest requirement.

[ED. NOTE: Copies of the Table and publications referenced in this rule are available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 2-1995, f. & cert. ef. 9-27-95; PS 1-1996, f.2-27-96, cert. ef. 3-1-96; PS 8-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 4-1998, f. & cert. ef. 11-6-98; BPSST 2-1999, f. & cert. ef. 3-9-99; BPSST 8-1999, f. & cert. ef. 9-8-99

#### 259-008-0063

##### Credit for Experience

(1) A fire service professional with three years experience in a fire department may apply to be evaluated for certification based upon experience and accumulated knowledge.

(2) A fire service professional may petition for credit for prior learning. The individual shall describe in writing all experience and training pertinent to the standard being challenged. The material presented shall be reviewed by a panel of three fire service professionals, appointed by the Department or designated staff. The fire service professionals shall determine what credit, if any shall be granted to the individual.

(3) Applicants may take a written competency examination, if available. Applicants who fail written examinations for any specific requirement may not be re-examined for a period of sixty days. Applicants who fail written examinations for specific requirements of Basic Fire Fighter (3007); Fire Fighter I (3001); Fire Fighter II (3002); Driver (3008); Apparatus Operator I (3004); Apparatus Operator II (3005); and Apparatus Operator III (3006) in OAR 259-008-0062(2) may, after a sixty day interim period, apply to the Department to be re-examined by written or oral examination. Oral examinations shall be conducted by a representative of the Department.

(4) The Department may enter into a learning contract with a fire service professional for any standards that are needed. Upon successful completion of the contract the individual shall be granted credit for the competencies. The contract shall be in writing and signed by the Director or designated representative and the individual seeking credit. The contract shall include a course of study, an evaluation process and a completion date.

(5) The Department or its designated representative shall notify the applicant of the results of the evaluation within sixty (60) days.

(6) The Department or its designated representative may grant certification to the applicant when the evaluation indicates the applicant's experience and knowledge exceed the minimum established standards. (Note: See also OAR 259-008-0062)

Stat. Auth.: ORS 181.660

Stats. Implemented: ORS 181.660

Hist.: PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-008-0064

##### Maintenance of Certification for Telecommunicators and Emergency Medical Dispatchers

(1) Basic Certification:

(a) All certified telecommunicators shall annually participate in 12 hours of training. The contents of the training is determined by the public or private safety agency administrator.

(b) The employing agency shall maintain documentation of required telecommunicator training on each telecommunicator.

(c) The employing agency shall notify the Department on Public Safety Standards and Training of all telecommunicators

employed annually, and provide documentation as to the training status of all employed telecommunicators.

(2) Emergency Medical Dispatch Certification:

(a) All certified Emergency Medical Dispatchers must:

(A) Maintain CPR and minimum basic first aid certification; and

(B) Complete four (4) hours of approved in-service training in Emergency Medical Dispatch annually.

(b) The employing agency shall submit recertification forms to the Department annually.

Stat. Auth.: ORS 181.640 & ORS 181.644

Stats. Implemented: ORS 181.640 & ORS 181.644

Hist.: PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99

#### 259-008-0065

##### Lapsed Certification

(1) All levels of certification of any police, corrections or parole and probation officer shall be considered lapsed if the officer has not been employed as such for a period of three (3) consecutive months or more.

(2) Upon reemployment as a police, corrections, or parole and probation officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.690.

(3) All levels of certification of any fire service professional, telecommunicator or emergency medical dispatcher shall be considered lapsed if the individual has not been employed as such for a period of twelve (12) consecutive months or more.

(4) Upon reemployment as a fire service professional, telecommunicator or emergency medical dispatcher, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.690.

Stat. Auth.: ORS 181.652, ORS 181.653 & ORS 181.667

Stats. Implemented: ORS 181.652, ORS 181.653 & ORS 181.667

Hist.: PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-008-0070

##### Denial/Revocation

(1) Grounds for Denying or Revoking Certification of a Public Safety Professional:

(a) The Department may deny or revoke the certification of any public safety professional after written notice, and a hearing, if requested, based upon a finding that:

(A) The public safety professional falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The officer, telecommunicator, or emergency medical dispatcher has been convicted of a crime in this state or any other jurisdiction; or

(C) The fire service professional has been discharged for cause from employment as a fire service professional.

(b) The Department shall deny or revoke the certification of any police officer, corrections officer, parole and probation officer, telecommunicator, or emergency medical dispatcher after written notice and hearing, based upon a finding that:

(A) The officer, telecommunicator, or emergency medical dispatcher has been discharged for cause from employment as a police officer, corrections officer, parole and probation officer, telecommunicator, or emergency medical dispatcher;

(B) The officer, telecommunicator, or emergency medical dispatcher has been convicted while employed by a law enforcement unit, or public or private safety agency in this state or any other jurisdiction of a crime designated under the law 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;

(C) The officer, telecommunicator, or emergency medical dispatcher has been convicted of violating any law of this state or

any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug; or

(D) The officer, telecommunicator, or emergency medical dispatcher has been convicted in this state of violating ORS 162.065, 162.075, 162.085, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.435, 163.445, 163.465, 163.515, 163.525, 163.575, 163.670, 163.680, 163.684, 163.686, 167.007, 167.012, 167.017, 167.065, 167.070, 167.075 or 167.080 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(c) For purposes of this rule, “discharged for cause”, means an employer initiated termination of employment for any of the following reasons:

(A) Gross Negligence: means where the public safety professional’s act or failure to act creates a danger or risk to persons, property, or to the efficient operation of the department, recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance;

(B) Insubordination: means a refusal by a public safety professional to comply with a rule or order where the rule or order was reasonably related to the orderly, efficient, or safe operation of the public or private safety agency and where the public safety professional’s refusal to comply with the rule or order constitutes a substantial breach of that person’s duties; or

(C) Incompetence or Gross Misconduct: in determining what constitutes “incompetence or gross misconduct,” sources the Department may take into account include but are not limited to practices generally followed in the profession, current teaching at public safety training facilities, and technical reports and literature relevant to the fields of law enforcement, telecommunications, fire, or emergency medical dispatch.

(2) Scope of Revocation. Whenever the Department revokes the certification of any public safety professional, the revocation shall embrace all certificates the Department has issued to that person.

(3) Revocation and Denial Procedure.

(a) Agency Request: When the hiring authority having employed the public safety professional requests that the person’s certification be revoked or denied, it shall submit in writing to the Department the reason for the requested revocation or denial and all factual information supporting the request.

(b) DPSST or Board Initiated Request: Upon receipt of factual information from any source, and pursuant to ORS 181.662, the Department or Board may request that the person’s certification be revoked or denied.

(c) Department Staff Review: The Department shall review the request and the supporting factual information to determine if the request for revocation or denial meets statutory and administrative rule requirements. If the reason for the request does not meet the statutory and administrative rule requirements for revocation or denial the Department shall so notify the hiring authority. If the reason for the revocation or denial meets statutory and administrative rule requirements but is not supported by adequate factual information, the Department shall request further information from the requesting hiring authority or conduct its own investigation of the matter.

(d) Initiation of Proceedings: The Department shall determine if the reason for revocation or denial and supporting factual data meet the statutory and administrative rule requirements.

(e) Notice of Intent to Revoke or Deny and Opportunity to be Heard: The Department shall cause to be prepared a “Notice of Intent to Revoke or Deny and Opportunity to be Heard” in accordance with OAR 137-003-0001 of the Attorney General’s Model Rules of Procedure adopted under OAR 259-005-0015. The Department shall have a copy of the notice served on the public safety professional.

(f) Response Time: A party who has been served with the “Notice of Intent to Revoke or Deny and Opportunity to be Heard” shall have 20 days from the date of mailing or personal

service of the notice in which to file with the Department a written request for a hearing.

(g) Default Order: In the absence of a timely request for a hearing or in the event the person requesting a hearing has been properly notified of the date, time, and place of the hearing, as required in these rules, and has failed to appear at the hearing, the Department may issue a default order, based upon a prima facie case made on the record, for the relief sought in the notice.

(h) Hearing Request: When a request for a hearing is received in a timely manner, the date, time, and place of the hearing shall be set by the Director or an authorized representative and notice thereof served upon all interested parties at least 15 days in advance of the hearing date.

(i) Postponements: Any party who desires a postponement, shall upon receipt of notice of the hearing make a written request for such postponement to the hearings officer or presiding officer of the hearings panel stating the reasons therefore in detail. For good cause shown, the hearings officer or presiding officer of the hearings panel may grant such postponement, and may, at any time, order a postponement upon his/her own motion. The hearings officer or presiding officer of the hearings panel, in deciding a request for postponement, shall consider whether such request was properly and timely made.

(j) If a contested case hearing is requested by a person whose certificate the Department proposes to deny or revoke, the Director shall designate a hearings officer or appoint a hearings panel to hear a contested case. If a panel is selected, the Director may appoint one of the panel members as the presiding hearings officer.

(k) Powers of Hearings Officer or Presiding Officer of the Hearings Panel: The hearings officer or presiding officer of the hearings panel shall have power to:

(A) Administer oaths and affirmations;

(B) Examine witnesses;

(C) Rule upon offers of proof and receive evidence;

(D) Regulate the course of the hearing, including the power to eject any person who in any manner interferes with the orderly procedure of the hearing;

(E) Rule on procedural requests;

(F) Prepare and submit written finding(s) of fact, conclusion(s) of law, and a proposed final order based thereon to the Director; and

(G) Take any other action proper under these rules.

(l) Appearances: Any person who may be affected by the findings may be heard. Each such person may be represented by counsel of their own choosing and at their own expense.

(m) Standard of Conduct: Contemptuous and/or disorderly conduct by any person present at a hearing shall be grounds for their exclusion from the hearing by the hearings officer or presiding officer.

(n) Hearing Recordation: The official record of the hearing shall be stenographically or electronically recorded. The method used shall be in the discretion of the Department or its designated committee, or the officer or presiding officer.

(o) Copies of Transcripts: Except as required under ORS Chapter 183, a copy of the transcript and/or recording of the official record, when available, shall be furnished upon payment of the cost of reproduction to persons having a direct interest in the proceedings.

(p) Evidence: In addition to the rules of evidence set forth in OAR 137-003-0050 of the Attorney General’s Model Rules of Procedure, the following rules of evidence will apply in contested case hearings:

(A) Evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs shall be admissible;

(B) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded;

(C) All offered evidence, not objected to, shall be received by the hearings official/hearings panel subject to the hearings official’s/hearings panel’s power to exclude irrelevant, immaterial, or unduly repetitious matter;



(D) Evidence objected to may be received by the hearings officer/hearings panel with rulings on its admissibility or exclusion to be made at the hearing, at the time the proposed order is submitted or the final order issued;

(E) A party authorized to be heard shall have the right to present the party's case by oral, documentary, or other satisfactory evidence, and to conduct such cross-examination as may be required for a full and complete disclosure of the facts;

(F) Testimony of witnesses at a hearing shall be upon oath or affirmation administered by the hearings officer or presiding officer of the hearings panel. Such testimony shall be subject to cross-examination. Refusal of a witness to answer any question ruled to be proper shall, in the discretion of the hearings officer or presiding officer of the hearings panel, be grounds for striking all testimony previously given by the witness.

(G) Any time ten (10) days or more before a hearing, any party may serve on an applicant/certificate holder a copy of any affidavit, certificate, or other document the party proposes to introduce in evidence. Unless the applicant/certificate holder requests, in writing, cross-examination of the affiant, certificate preparer, or other document preparer or custodian, within five (5) days prior to hearing, the affidavit, certificate, or document may be offered and received with the same effect as oral testimony.

(H) If the applicant/certificate holder requests cross-examination of the affiant, certificate preparer, or other preparer or custodian as provided in paragraph (G) of this subsection and the applicant/certificate holder is informed within five (5) days prior to the hearing that the person will not appear for cross-examination, the affidavit, certificate, or other document may be received in evidence, provided the agency or hearings officer determines that:

(i) The contents of the affidavit, certificate, or other document is of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs; and

(ii) The party requesting cross-examination would not be unduly prejudiced or injured by lack of cross-examination.

(I) After first advising of intention to do so, hearings officer or presiding officer of the hearings panel may take notice of judicially cognizable facts as is provided by law.

(J) The hearings officer or presiding officer of the hearings panel may limit expert opinion evidence as a matter of discretion.

(K) The hearings officer or presiding officer of the hearings panel may limit all argument as a matter of discretion.

(q) Motions: All motions shall be in writing or, if made at the hearing, they may be stated orally on the record, and shall briefly identify the grounds for the motion and the order for relief sought. Written motions shall be filed with the hearings officer or presiding officer of the hearings panel or the Department, and shall be accompanied by proof of service of a copy thereof upon the other party to the proceeding.

(r) Subpoenas:

(A) Subpoenas for the attendance of witnesses or for the production of records or other documents in contested hearings, unless issued by the Department on its own motion, shall be issued for the parties only upon application in writing and a showing of general relevance and reasonable scope of the testimony of a witness/records or documents. The application should identify the case by title; name specific witnesses, records, and other documents for which subpoena is requested; and describe the general relevance and reasonable scope thereof. Subpoenaed witnesses shall receive fees and mileage prescribed by law for witnesses in civil proceedings, which fees and mileage shall be paid by the party who subpoenas the witness.

(B) A subpoena may be issued by the Attorney General, assistant Attorneys General and attorneys of record in the manner and form prescribed by ORS 183.440.

(C) Any party desiring to contest a subpoena issued in any hearing of the Department may do so by a "Motion to Quash" prior to the outset of a hearing on the merits.

(D) Notwithstanding the provisions of OAR 259-008-0070(3)(x), subpoenas shall be served personally on the witness or by certified or registered mail, restricted delivery (i.e. delivered to and signed for by the addressee).

(s) General Hearings Procedure:

(A) Hearing Sequence:

(i) Opening statement of the Department;

(ii) Opening statement of the applicant/certificate holder;

(iii) Presentation of Department evidence;

(iv) Presentation of the applicant/certificate holder's evidence;

(v) Department's rebuttal evidence;

(vi) Closing statement of Department;

(vii) Closing statement of the applicant/certificate holder;

(viii) Rebuttal statement of Department.

(B) Conference During Hearing: In any proceeding, the hearings officer/presiding officer of the hearings panel may, as a matter of discretion, call the parties together for a conference prior to the taking of testimony or may recess the hearing for such a conference to resolve evidentiary or procedural matters. The results of such conferences shall be stated on the record.

(C) Stipulation as to Facts: The parties to the proceeding may, by stipulation and subject to approval by the hearings officer/presiding officer of the hearings panel, agree upon the facts of any portion thereof involved in the controversy, which stipulation shall be binding upon the parties thereto and may be regarded and used as evidence at the hearing.

(D) Continuances During the Hearing: On the motion of a party or upon the hearings officer's/presiding officer of the hearings panel's own motion, the hearings officer/presiding officer of the hearings panel may continue the hearing. The date, time, and place of said continued hearing may be fixed at the time of the request or by later written notice to the parties.

(E) Exhibits:

(i) A party intending to offer exhibits shall, where practical, have them marked for identification and presented to the opposing parties prior to the hearing;

(ii) A party offering an exhibit shall provide one copy thereof to the hearings officer/presiding officer of the hearings panel and a copy thereof to opposing parties prior to seeking its admission in evidence. Except in unusual circumstances, failure to provide such copies may constitute a basis for declining to admit the exhibit;

(iii) A party seeking to offer solid objects other than documents shall provide photographs thereof which shall be received in lieu of such solid objects. A copy of the photographs must be provided to the opposing parties;

(iv) A party relying on voluminous or bulky documents shall provide the hearings officer/hearings panel with written extracts of matters therein which are being relied upon. If a party seeks submission of the whole document, the party shall bear the cost for reproducing such document if it is subsequently required as part of the record forwarded by the parties to the courts on any appeal.

(t) Finding(s) of Fact, Conclusion(s) of Law and Proposed Final Order: The hearings officer/presiding officer of the hearings panel shall prepare Finding(s) of Fact, Conclusion(s) of Law and Proposed Final Order and serve a copy on the Department and on each party.

(u) Exceptions and argument(s) to the Finding(s) of Fact, Conclusion(s) of Law and Proposed Final Order: A party shall have 14 days from date of service of the Finding(s) of Fact, Conclusion(s) of Law, and Proposed Final Order to file specific written exception(s) and argument(s) with the Department. Upon good cause shown, the Department may extend the time within which the exception(s) and argument(s) shall be filed. When the exception(s) and argument(s) are filed, the party making the exception(s) and argument(s) shall serve a copy of the exception(s) and argument(s) on all parties of record in the case and provide the Department with proof of service. A failure to so serve and provide proof of service shall in the absence of good cause shown, invalidate any such exception(s) and argument(s) as being untimely, and the Department may disregard same in making a final determination of the case.

(v) Department Review: Review by the Department of the hearings officer's/presiding officer of the hearings panel's proposed rulings on motions, evidentiary matters, finding(s) of fact,

conclusion(s) of law and proposed final order shall be confined to the record. The final order of the Department shall be in writing and shall be sent to the parties.

(w) Department's Final Order: The proposed final order shall become the final order of the Department when it is approved by the Director. Judicial review of the final order may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days from service of this order. The filing of the petition shall not stay enforcement of the Department's order, but the Department may stay the enforcement of the final order upon a showing of: irreparable injury to the petitioner and; a colorable claim of error in the order. When a petitioner makes the showing required above, the Department shall grant the stay unless the Department determines that substantial public harm would result if the order is stayed. If the Department denies the stay, the denial shall be in writing and shall specifically state the substantial public harm that would result from the granting of the stay. Additionally, if the Department grants the stay, it may impose such reasonable conditions as the giving of a bond or other undertaking and that the petitioner file all documents necessary to bring the matter to issue before the Court of Appeals within the specified reasonable periods of time. The Department's denial of a motion for stay is subject to review by the Court of Appeals.

(x) Service of Documents.

(A) Where service upon any officer, telecommunicator or emergency medical dispatcher of any notice, order or proposed order is required under these rules, such service may be accomplished by personal service or by certified mail, return receipt requested.

(B) Service of any other documents as required under these rules may be accomplished by regular mail, personal service, certified mail or by telephonic facsimile communication device.

(C) For the purpose of computing any period of time required by these rules, service by mail shall be complete on the date of mailing.

Stat. Auth.: ORS 181.640, ORS 181.661, ORS 181.662 & ORS 181.664  
Stats. Implemented: ORS 181.640, ORS 181.661, ORS 181.662 & ORS 181.664  
Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-008-0075

### Eligibility for Candidacy for Office of Sheriff

(1) A person is not eligible to be a candidate for election or appointment to the office of sheriff unless:

(a) The person is 21 years of age or older;

(b) The person has at least four years experience as a full-time law enforcement officer or at least two years experience as a full-time law enforcement officer with at least two years post-high school education; and

(c) The person has not been convicted of a felony or any other crime that would prevent the person from being certified as a police officer under ORS 181.610 to 181.670.

(2) As used in section (1) of this rule, "two years post-high school education" means four semesters or six quarters of classroom education in a formal course of study undertaken after graduation from high school in any accredited college or university. The term does not include apprenticeship or on-the-job training.

(3) If the person is not certified as a police officer by the Department at the time of accepting appointment or filing as a candidate, a person elected or appointed to the office of sheriff must obtain the certification not later than one year after taking office. A copy of the certification shall be filed with the County Clerk or the county official in charge of elections within one year after taking office.

(4) The procedure for determining whether an individual is eligible to be a candidate for election to the office of sheriff is:

(a) A potential candidate for sheriff shall submit an Application for Determination of Eligibility to Be Sheriff (**BPSST Form F-25**) to the Department not sooner than the first of July before the primary election and not later than the 70th day before the primary election (ORS 249.037).

(b) The Department shall file a copy of its determination on an individual's eligibility to be a candidate for election to the office of sheriff with the county clerk or county official in charge of elections not later than the 61st day before the date of the election.

(c) The Department shall notify the applicant in writing of the determination and decision concerning the eligibility of the applicant by certified mail, mailed to the applicant and postmarked at not later than the 61st day before the date of the election.

(5) A criminal history affidavit (**BPSST Form F-26**), provided by the Department, shall be submitted by the candidate seeking election or appointment to the office of sheriff.

(6) If any falsification is made on the application or documents submitted in support of the application, the Department may deny approval, revoke and/or rescind any approval previously given.

(7) A copy of this rule shall be provided to all persons requesting an evaluation of their eligibility to be a candidate for sheriff.

[ED. NOTE: The Forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 206.015

Stats. Implemented: ORS 206.015

Hist.: PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1982, f. & ef. 7-2-82; PS 2-1982, f. & ef. 9-7-82; PS 1-1983, f. & ef. 12-15-83; PS 2-1987, f. & ef. 10-26-87; Renumbered from 259-010-0057; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-008-0080

### Certification of Instructors

(1) The Department shall certify instructors deemed qualified to teach in any of the certified training courses.

(2) Instructors will be certified on the basis of minimum qualifications as established by the Department in the areas of education, training, and experience. It shall be the continuing responsibility of the Department to see that instructors are assigned only topics which they are qualified to teach and the instruction is evaluated on a regular basis to insure that excellence is maintained.

(3) Instructors for corrections, parole and probation, police, telecommunications, emergency medical dispatch, or fire subjects shall have a minimum of three (3) years experience in their respective professions or possess other qualifying professional experience.

(4) Review and approval of instructors shall be the responsibility of the Department.

(5) Applications for instructor certification, shall be submitted on an Instructor Certification Application (**BPSST Form F-9**) and shall be accompanied by a detailed resume of individual qualifications.

(6) If certification is denied, the requesting agency shall be notified in writing and advised of the reasons for denial.

(7) Instructor certification is not required for teaching assignments in non-Department certified courses.

(8) Review of instructor certification may be initiated upon the request of a department head, staff, or other reliable source.

(9) Instructor certification shall be valid for the term of the associated course.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.640 & ORS 181.650

Stats. Implemented: ORS 181.640 & ORS 181.650

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0060; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-008-0085****Certification of Courses and Classes**

(1) The Department shall certify courses, and classes deemed adequate to effectively teach one or more approved public safety subject(s) to police, corrections, adult parole and probation, fire service, telecommunications, and/or emergency medical dispatch.

(2) Certification shall be based on the evaluation of course curriculum or subjects for instruction, instructor qualifications, facilities for instruction, and method of instruction. The Department may cause inspections to be made pursuant to ORS 181.640 (2).

(3) Facilities and equipment used for certified training shall be accessible to all interested and qualified individuals.

(4) The Department shall certify courses at two levels: Content and Topical.

(a) Courses certified at the content level require a student demonstration of acquired knowledge, skill, or ability. Agencies, organizations, or individuals requesting course certification at the content level shall submit an Application for Certification of Course (**BPSST Form F-20**), accompanied by clearly-defined performance objectives, test questions and/or evaluation criteria, and evidence of instructor certification as provided in OAR 259-008-0080. Applications received later than thirty (30) calendar days prior to the start of the course, shall not be certified at the content level.

(b) Courses certified at the topical level are informational in nature. Agencies, organizations, or individuals requesting course certification at the topical level shall submit an Application for Certification of Course (**BPSST Form F-20**), accompanied by a detailed course outline and evidence of instructor certification as provided in OAR 259-008-0080. Applicants are encouraged to apply for certification no later than thirty (30) calendar days prior to the start of the course, to ensure adequate administrative processing time. Shorter time frames may be allowed for non-recurring, pressing circumstances.

(5) Under no circumstances shall the Department certify courses of instruction after they have been completed. Records of attendance for this training shall be maintained by the agencies, organizations, or individuals, and may be submitted to the Department on a Continuing Log of Training (**BPSST Form F-15**), when applying for certification.

(6) The Department shall notify the requester, in writing, of the denial or the granted level of course certification. If certification is granted, that notification shall be accompanied by Course Rosters (**BPSST Form F-6**).

(7) Course rosters shall be completed, indicating the actual number of hours attended by each student. If the course was certified at the content level, rosters shall also indicate whether each student passed or failed. Rosters shall be returned to the Department within thirty (30) calendar days of course completion; otherwise, the Department may decertify the course.

(8) It is the responsibility of the requesting agency, organization, or individual, to:

(a) Oversee the preparation of curriculum and to insure its compliance with the requirements of the Department;

(b) Obtain a facility and instructor(s) to be used for the course, and insure their compliance with the requirements of the Department;

(c) Develop rules and regulations governing the operation of the facility and the conduct of the trainees;

(d) Administer the course;

(e) Maintain an accurate record of attendance; and

(f) Maintain all forms required by the Department, forwarding them within the stipulated time period.

(9) Once a course is certified, it remains certified for unlimited delivery during that calendar year, unless there is a significant change in course content, number of hours or instructor(s); or unless it is decertified by the Department as provided in section (7) and (11) of this rule. The Department shall be notified of significant changes.

(10) All course certification shall expire on December 31 of each year. Agencies, organizations or individuals shall request recertification to continue a course into a new calendar year.

(11) The Department may decertify a course whenever that course is deemed inadequate. The course may be recertified by the Department when satisfactory proof has been presented to the Department that the deficiencies have been corrected.

(12) Any law enforcement unit or public or private public safety agency, or any college, university, or academy may align their training or education programs with the standards set by the Department (OAR 259-008-0025) and apply for course certification in the manner described in section (4) of this rule. In addition fire departments may accredit their training programs as provided in OAR 259-008-0087.

(13) Unless written approval is granted otherwise, any course that has been declared mandatory by the Department shall require a minimum number of training hours in each specific subject that constitutes the course, as determined and modeled by the course being offered at the Oregon Public Safety Academy.

[ED. NOTE: The Forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.640 & ORS 181.650

Stats. Implemented: ORS 181.640 & ORS 181.650

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0065; PS 1-1990, f. & cert. 2-7-91; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-008-0087****Accreditation of Fire Department Training Programs**

(1) The Department may accredit fire department training programs which meet the following requirements:

(a) The program shall be under the direction of a designated training officer.

(b) Qualified instructors shall be provided to teach the various subjects.

(c) The organizational structure of the program shall be submitted to the Department along with course outlines of subject content, instructor qualifications, and the appropriate application form for accreditation. A plan shall be included which explains how the required training hours will be provided.

(d) The training officer shall schedule and make available annually to fire service personnel the following minimum hours of acceptable education and/or training: [Table not included. See ED. NOTE.]

(e) At the conclusion or as a part of the accredited training, the training officer shall require appropriate written examination and/or task performance examination in accordance with standards and procedures adopted by the Department.

(f) Fire Service Personnel training records shall be maintained by the employing department for at least five years on the progress and amount of instruction completed by all fire service personnel in the fire department.

(g) The fire department shall possess at least one triple combination pumper that conforms to the minimum standards for automotive fire apparatus as outlined in the National Fire Protection Association (NFPA) Pamphlet #1901. Apparatus may be accepted by judgment of the Department when it is of a special fire suppression need, and/or will adequately meet the training needs of the proposed program.

(h) A written accreditation agreement shall be prepared by the Department, defining the specific requirements of accreditation, including the specific training the fire department is accredited to deliver. The agreement shall be signed by the Administrator, the Department Head of the fire department, and City Manager or Chairman of the Rural Fire Protection District Board.

(i) The Department Head shall agree as a part of the accreditation agreement to allow access by Department examiners to the fire department's personnel training records to verify training received by fire department personnel, and to monitor testing processes.



(j) The fire department shall conduct a manipulative skills evaluation of all personnel accredited at a level requiring a task performance at least once each year. Records of such evaluations shall be maintained until the next review of the training program for reaccreditation. The fire department shall provide a process of retraining individuals not able to perform the tasks.

(2) The Department Head, on behalf of the fire department, shall have the right to appeal to the Department any proposed termination of the agreement.

[ED. NOTE: The Table referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]  
Stat. Auth.: ORS 181.640 & ORS 181.650  
Stats. Implemented: ORS 181.640 & ORS 181.650  
Hist.: PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-008-0090

### Training Records

(1) Upon receipt by the Department of a Personnel Action Report (**BPSST Form F-4**), properly identifying a law enforcement officer, telecommunicator, or emergency medical dispatcher, the Department shall initiate a file for that individual and record completion of approved training, as well as other personnel information, if properly documented.

(2) Upon display of proper identification, a department head, or authorized representative, may review their employee's file as maintained by the Department. Proper identification shall also be required of individuals interested in reviewing their own file.

(3) Review and/or release of non-public information under Oregon law to other than the individual whose file is the subject of the information request or to the employing law enforcement agency, or public or private safety agency shall only be permitted by the Department upon advisement by the Attorney General, by court order, or with a signed consent from the individual whose file is the subject of the information request.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]  
Stat. Auth.: ORS 181.640  
Stats. Implemented: ORS 181.640  
Hist.: PS 12, f. & cert. ef. 12-19-77; PS 1-1983, f. & cert. ef. 12-15-83; Renumbered from 259-010-0070; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-008-0100

### Miscellaneous Activities of the Board or Department

(1) The Board or Department may make or encourage studies of any aspect of corrections, parole and probation, telecommunications, 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, 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) The Department may, on request, issue Retirement Cards to those DPSST certified law enforcement officers who have hon-

orably served the citizens of Oregon and who have retired from their agency under honorable conditions.

(a) For the purposes of this rule, "retired" means reaching the recognized retirement age with a minimum of five (5) years of full-time law enforcement experience in Oregon.

(b) An officer who has sustained a permanent disability that prevents a return to law enforcement may qualify for a Retirement Card if the officer has served a minimum of five (5) years as a full-time law enforcement officer in Oregon.

(c) The request for a Retirement Card shall be made by the agency in which the officer was last employed. The request shall be in writing.

Stat. Auth.: ORS 181.640  
Stats. Implemented: ORS 181.640  
Hist.: PS 12, f. & cert. ef. 12-19-77; PS 1-1985, f. & cert. ef. 4-24-85; Renumbered from 259-010-0080; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## DIVISION 12

### OREGON POLICE SAFETY ACADEMY

## 259-012-0005

### Attendance

(1) The Oregon Public Safety Academy is open to all eligible personnel upon application from their employing agencies. All persons attending the courses may live in the dormitories provided, or, with the permission of their department, they may commute to classes. Reasonable fees may be charged to cover operating costs of the Academy for those attending courses that are not mandatory, and for persons not defined as corrections, parole and probation, or police officers under ORS 181.610. Additionally, fees may be charged an agency under the Act if they do not adhere to minimum standards as defined in OAR 259-008-0010. Application for Training (**BPSST Form F-5**) shall be used to apply for Mandated courses. Other courses presented at the Oregon Public Safety Academy may be announced through mailed course announcements with response required prior to established deadlines.

(2) Students shall obtain permission from their employing agency before attending any optional classes offered at the Academy.

(3) Admission to the Oregon Public Safety Academy may be denied to those persons who do not meet the minimum employment standards as established by OAR 259-008-0010.

(4) Selection criteria for Academy training courses sponsored by the Department will be as follows:

(a) Mandated Basic Training:

(A) For mandated basic training, first priority for acceptance will be granted to persons from agencies which come under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665.

(B) Second priority will be granted to persons from public or private safety agencies which do not come under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665.

(C) Third priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing course content, candidates' job assignments, and following established Department policy.

(b) Supervisory and Middle Management Training:

(A) First priority for acceptance into the mandated supervisory and middle management courses will be granted to persons from agencies which come under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665. These persons must be designated as supervisors or middle managers by the assigning officials.

(B) Second priority will be granted to designated supervisors or middle managers from other public or private safety agencies.

(C) Third priority will be granted to persons from agencies which come under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665 and are not designated as supervisors or middle managers.

(D) Fourth priority will be granted to persons from other public or private safety agencies who are not designated as supervisors or middle managers.

(E) Fifth priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing candidates' job assignments and following established Department policy.

(c) Executive Level Training:

(A) First priority for acceptance into executive level courses will be granted to command officers from agencies which come under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665.

(B) Second priority will be granted to command officers from other public or private safety agencies.

(C) Third priority will be granted to persons from agencies which come under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665 and are not command officers.

(D) Fourth priority will be granted to persons from other public or private safety agencies who are not command officers.

(E) Fifth priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing candidates' job assignments and following established Department policy.

(d) Advanced and Specialized Training:

(A) First priority for acceptance into advanced and specialized courses will be granted to persons from agencies which come under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665, except as noted in paragraph (D) of this subsection.

(B) Second priority will be granted to persons from other public or private safety agencies.

(C) Third priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing candidates' job assignments and following established Department policy.

(D) Acceptance criteria for certain specialized courses will vary from these listed priorities due to the specific nature of the courses, and/or special entrance criteria established by the Department or a co-sponsoring organization or agency.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-012-0010

### Standards of Conduct

(1) All students shall report to the Academy at the time designated in the course announcement or the Department's letter accepting their attendance to the specific course, unless prior arrangements have been made with Academy staff.

(2) Students shall attend all classes as scheduled and shall not leave the Academy facility during class training sessions without first obtaining permission to be absent, from the Academy staff. Students shall fill out an absence slip and turn it in to the class coordinator prior to the absence. This slip shall include a notation of where they may be reached in the event of an emergency. Students will check in with the class coordinator and/or administrator upon their return to the Academy.

(3) Motor vehicles shall be parked within indicated parking areas only. Motor vehicles of any type parked in driveways, walkways, or other such areas will be towed away at the owner's expense.

(4) Clothing worn by students will be neat, clean, and serviceable. Students in basic police and corrections courses shall

wear uniforms issued by the Academy. Casual clothing is acceptable unless otherwise advised by Academy staff. Cut-offs, shorts of any kind, tank tops, thongs, 'tee' shirts without collars, and hats are not permitted to be worn in the classroom. Imprinted shirts or tops, or other items of apparel that may be considered extreme or in poor taste, are not permitted. Athletic or running style shoes are acceptable if they are neat, clean and in good repair. Sweat suits are allowed if it is necessary for health and fitness activities or defensive tactics training.

(5) Students shall be held responsible for any Academy and/or college property entrusted to them. A replacement fee will be assessed for any such property lost, damaged, or not returned. Non-payment of these replacement fees may be cause for the Department to withhold completion certificates or course credit.

(6) Smoking will not be permitted any place inside the Academy buildings or dormitory, in the Food Service Building, or in any other location so posted. Smoking is restricted to certain designated areas on the Academy grounds.

(7) Alcoholic beverages shall not be possessed or consumed in the dormitory or any part of the Academy, or on the Western Oregon University campus at any time. Students will refrain from consuming alcoholic beverages or using any medication at any time to the extent that it results in impairment or renders the students unfit to perform required duties, including classroom attendance and participation, while at the Academy.

(8) Students shall maintain in their possession at all times any prescription label for a controlled substance and/or any other medication prescribed by competent medical authority, and notify the appropriate Academy staff of said prescription prior to reporting to Academy training functions.

(9) Personal telephone calls by student residents are not permitted on Academy telephone lines unless of an emergency or official business nature, and the caller has prior approval from Academy staff. Students should inquire at the reception center for access to a telephone.

(10) Roofs and roof areas of all buildings are off limits to students. Safety regulations and damage to roofing materials necessitates strict adherence. Any articles or sports equipment lost on a roof will be retrieved by the maintenance staff.

(11) Students shall not bring visitors into the classroom at any time without the prior approval of Academy staff.

(12) After classroom hours, visitors are permitted in the dormitory lounge area only. All visitors must be personally supervised by the student inviting them into the dormitory building. All visitors must leave the building by 10:00 p.m. For security reasons, no persons are allowed in the sleeping areas except those persons currently enrolled in the Academy.

(13) Students shall not divulge the combination to the night lock to any person not a student at the Academy.

(14) For safety and security reasons, no outside access door leading into the Academy or any dormitory will be blocked open in any manner unless done by an Academy staff member.

(15) Students are not permitted to move into or sleep in any dormitory room other than the one assigned without prior Academy staff approval. Male students and/or residents will not be allowed in the female quarters, and the female students and/or residents will not be allowed in male quarters unless on a specific training assignment and/or with prior approval of Academy staff.

(16) Students will be responsible for cleanliness of their dormitory rooms, which are subject to inspection by Academy staff. All students shall assist in keeping the dormitory lounges, coffee room, classrooms and outside areas clean. Student clean-up and other necessary details will be assigned by the Academy staff.

(17) No tape, tacks, pins, or adhesive items of any type will be placed on walls, ceilings, doors, or woodwork. Placing items such as posters or arials on outside of buildings is not allowed. No items shall be placed on windows, window sills or the building that are within public view.

(18) The use of flammable items such as plastic or cardboard is prohibited for use as trash containers.

(19) The use of appliances for cooking or heating is prohibited in dormitory rooms. Electric blankets are also not allowed.

(20) All damage to dormitory rooms or any Academy property will be replaced or repaired by the maintenance department and the student(s) who damaged the property will be charged the full cost. No paint is to be applied to any areas by students, nor are areas to be covered with any adhesive material. The use of contact paper is also prohibited.

(21) Fire drills may be held periodically and student participation in immediate building evacuation is mandatory.

(22) The Department-assigned staff member(s) shall have authority to determine who attends any course presented at the Academy and is delegated authority to immediately terminate the attendance of any student from any such class if that student engages in disruptive behavior or prohibited activity as defined in these rules.

(23) Persons attending classes at the Academy shall abide by the rules and regulations of the student's own employing agency that are not in conflict with these Oregon Public Safety Academy Rules.

(24) Students shall not engage in any activity that would be in violation of any law of the State of Oregon or the United States.

(25) Students shall not participate in loud, boisterous, or unruly activity in or adjacent to the Academy facilities that disturbs, annoys, or causes inconvenience to any other person. "Quiet hours" will be observed in the dormitory building between 10:00 p.m. and 7:00 a.m.

(26) Students shall be courteous and respectful in all dealings with DPSST staff, instructors, fellow officers, the public, college officials and students.

(27) No student or resident shall represent themselves as an Oregon Public Safety student in order to gain special favors or consideration in the neighboring communities or at Western Oregon University (WOU).

(28) Students attending Academy classes shall, upon request, truthfully, completely, and impartially report, testify, and/or present information on all Academy related matters under inquiry by DPSST staff.

(29) In addition to these rules, all persons attending classes at the Academy shall be held accountable to the provisions of the Criminal Justice Code of Ethics or equivalent discipline specific Code of Ethics and the Student Conduct Expectations.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### **259-012-0015**

##### **Weapons**

(1) Immediately upon arrival at the Academy, all basic students will secure all weapons in their assigned gun lockers. This shall include firearms, ammunition and chemical agents such as oleocapsicum sprays. Possession of any weapon by a basic student in the dormitory building, classroom, a vehicle, or on the person is prohibited except when authorized for training purposes or by Academy training staff.

(2) Any person residing at the Academy and/or attending specialized or advanced courses is also prohibited from possessing weapons, including firearms and chemical agents, in the dormitory sleeping areas except when authorized by Academy training staff.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### **259-012-0020**

##### **Injury or Illness**

All injuries incurred at the Academy must be reported to an Academy staff member immediately. Any illness that may restrict the student's participation in training activities must also be reported.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 2-1995, f. & cert. ef. 9-27-95; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### **259-012-0025**

##### **Inspections**

Inspection of quarters will be made, as deemed necessary, by Academy staff. Personal belongings will only be inspected when the student is present.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 2-1995, f. & cert. ef. 9-27-95; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### **259-012-0030**

##### **Regulations**

The Department will compile regulations which in conjunction with these rules will describe training activities and student procedures for those persons attending classes at the Academy.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### **259-012-0035**

##### **Penalties**

(1) A person attending any course as a student or other participant, or a person residing at the Academy for any purpose, is subject to the rules which have been promulgated by the Department. The rules will be posted in a prominent location at the Academy. All persons attending the Academy will be expected to be knowledgeable of and to conform their conduct to the standards set forth in the rules.

(2) Failure to comply with the rules may result in the person being dismissed from the Academy, suspended from participating in Academy activities, or any other disciplinary action deemed appropriate. A student dismissed from the Academy or suspended from Academy participation for conduct or behavior in violation of the rules may not be given training credit or credit for completion of the course in which that student was enrolled. Any decision to withhold credit will be subject to Department approval.

(3) Any alleged violation of these rules, wherein a formal written report is made, shall be communicated to the student's department administrator by the DPSST staff. All disciplinary actions shall be made in accordance with the Oregon Public Safety Academy student discipline and due process policy.

(4) Dismissal, suspension, or other disciplinary action may be ordered by the Director, or any DPSST staff delegated that authority.

(5) Any person subject to sanctions for violation of these rules can request a hearing in accordance with OAR 259-005-0015.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## **DIVISION 15**

## **REIMBURSEMENT**

#### **259-015-0000**

##### **Eligibility for Reimbursement**

(1) Participation in the Department's reimbursement program is limited to corrections or police officers as defined in the Public Safety Standards and Training Act (ORS 181.610). Temporary or special appointees may not participate. Reimbursement programs



shall not apply to any state agencies or nongovernmental organizations.

(2) To be eligible for reimbursement, a law enforcement unit must adhere to the minimum standards for employment and training as defined in these rules.

(a) Personnel and training records maintained by the law enforcement unit must document compliance with these minimum standards.

(b) The law enforcement unit must complete and forward to the Department all necessary forms and reports requested by the Department.

(c) Corrections or police officers participating in a training course which qualifies for reimbursement shall not be required to report for duty with their employing department during the scheduled duration of the course unless an emergency exists or in normal response to a subpoena.

(3) A department employing a police or corrections officer who has successfully completed a course certified or presented by the Department, and for whom reimbursement has been legally claimed or paid, may not again claim reimbursement for repetition of the same course regardless of transfer or re-employment by another department, unless upon written application, the Department has granted prior and specific approval.

(4) If, in the judgment of the Department, a law enforcement unit has failed to adhere to the minimum standards for employment and training, the Department shall notify the law enforcement unit of said judgment and of its probable ineligibility for reimbursement and shall also request compliance. In the event that the law enforcement unit fails to comply, the Department may afford the concerned law enforcement unit's official representatives the opportunity to appear before it and present whatever arguments the law enforcement unit may deem appropriate in support of the claim. If the Department finds that the standards have not been adhered to, it will not only reject all claims for reimbursement, but will charge for training or other services normally offered free to law enforcement units. A law enforcement unit may be reinstated in the program and again become eligible for reimbursement and other benefits when, in the opinion of the Department, it has demonstrated that it will adhere to the prescribed standards. The period during which the law enforcement unit shall remain ineligible for reimbursement or other benefits shall be at the discretion of the Department.

Stat. Auth.: ORS 181.655

Stats. Implemented: ORS 181.655

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0095; PS 1-1983, f. & ef. 12-15-83; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-015-0005

##### Priorities and Course Requirements for Reimbursement

(1) Reimbursements for successful completion of courses shall be paid in the following priorities, depending upon funds available:

- (a) Basic courses;
- (b) Supervisory courses;
- (c) Middle Management courses;
- (d) Career Officer Development;
- (e) Executive courses;
- (f) Specialized courses.

(2) Courses qualifying for reimbursement must be certified in accordance with Department rules. Applications for course certification must be submitted at least 30 days prior to the beginning of the course.

(3) Schedules of allowable reimbursement will be included in announcements of course certification, individual course announcements, and otherwise published by the Department as needed or required.

(4) Upon request, the Department will furnish estimates and forecasts of reimbursement schedules if needed by law enforcement units for planning and budget preparations.

Stat. Auth.: ORS 181.655

Stats. Implemented: ORS 181.655

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; Renumbered from 259-010-0100; PS 1-1983, f. & ef. 12-15-83; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-015-0010

##### Claims for Reimbursement

(1) A law enforcement unit shall complete and submit each claim for reimbursement on a Claim for Reimbursement (**BPSST Form F-18**) no later than 21 days after completion of a course.

(2) Individual claims must be submitted for each eligible law enforcement officer for whom the law enforcement unit seeks reimbursement.

[ED. NOTE: The above referenced Form(s) is not printed in the Oregon Administrative Rules Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.655

Stats. Implemented: ORS 181.655

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0105; PS 1-1983, f. & ef. 12-15-83; PS 2-1995, f. & cert. ef. 9-27-95; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

### DIVISION 20

#### POLYGRAPH EXAMINERS LICENSING RULES

#### 259-020-0000

##### Objectives

The objectives of the Board's Polygraph Licensing Rules are: To regulate all persons who purport to be able to detect deception or to verify the truth of statements through the use of instrumentation or mechanical devices, including but not limited to lie detectors, polygraphs, and deceptographs.

(1) By establishing minimum standards for applicants for polygraph examiner's licenses.

(2) By establishing minimum qualifications for licensed polygraph examiners, including appropriate examinations to measure competency of applicants, and reexamination of the licensee should the Department deem a reexamination to be necessary.

(3) By enforcement of all provisions of the Polygraph Examiners Act.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-020-0005

##### Definitions

(1) "Board" means the Board on Public Safety Standards and Training.

(2) "Deny" is that action taken by the Department in refusing to issue a polygraph examiner trainee or general license to an applicant that has not satisfied all requirements for issuance of a license or for the same provisions in the Act or OAR for which a license may be suspended or revoked.

(3) "OAR" means Oregon Administrative Rules.

(4) "Person" means any individual, firm, association, partnership, or corporation.

(5) "Revoke" is that action taken by the Department after the trainee or polygraph examiner has had an opportunity for a hearing and the evidence supports allegations that a licensed trainee or general polygraph examiner has violated provisions of the Act or OAR and the Department concludes that the examiner should not be allowed to continue to practice.

(6) "Suspend" is that action taken by the Department when:

(a) There is evidence to support allegations that a licensed trainee or general polygraph examiner has violated provisions of the Act or the OAR; or

(b) There is a need for the licensee to submit additional evidence to refute the allegations; or

(c) Revocation proceedings are to be instituted; or

(d) The licensee failed to appear for reexamination as directed. The suspension will remain in effect until the licensee has complied with the provisions of the Act or OAR. The Department may issue an intern license to allow a suspended general polygraph examiner licensee to continue to practice while completing additional requirements to correct the identified deficiencies.

(7) "The Act" means the Polygraph Examiners Act (ORS Chapter 703).

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; PS 3-1987, f. & ef. 10-26-87; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99

## 259-020-0010

### Minimum Standards for a Polygraph Examiner Trainee License

(1) Any applicant for a license as a polygraph examiner trainee shall:

(a) Have graduated from a polygraph examiner's course approved by the Department;

(b) Be at least 18 years of age;

(c) Be a citizen of the United States;

(d) Not have demonstrated, in the preceding 10 years, a course of behavior that indicates a high degree of probability that the applicant will be unlikely to perform the duties of a polygraph examiner in a manner that would serve the interests of the public. When the Department refuses to issue a license based upon an applicant's failure to meet the requirements of this section, the Department shall follow the procedures set forth in OAR 259-020-0030.

(e) If previously convicted of a criminal offense, provide information, as required by the Department, relating to the circumstances of the conviction. ORS 670.280 is applicable when the Department considers information provided under this paragraph.

(f) Be fingerprinted and submit two (2) completed fingerprint cards to the Department for subsequent submission by the Department to the Oregon State Police, Identification Services Section. Appropriate fees shall accompany the applicant's fingerprints when submitted to the Department. Said fees are to pay the costs of the fingerprint check through the Federal Bureau of Investigation.

(A) Currently employed corrections officers, parole and probation officers, or police officers as defined in ORS 181.610, whose fingerprints are on file in accordance with OAR 259-008-0010(3), shall be exempt from the fingerprinting requirement for polygraph examiners as prescribed in this rule.

(B) Currently employed state police officers appointed pursuant to ORS 181.260 whose fingerprints are on file in accordance with OAR 259-008-0010(3), shall also be exempt from the fingerprinting requirement for polygraph examiners as prescribed in this rule.

(g) Submit a fully-completed Application for Polygraph Examiner's License (**BPST Form F-203**) as prescribed by OAR 259-020-0060, accompanied by documentation of qualifications as may be required by the Department.

(h) Submit to the Department appropriate fees as prescribed by OAR 259-020-0035.

(2) The Department prescribed requirements for internship of any person who is licensed as a trainee under this rule are:

(a) Periodic consultation with licensed general polygraph examiners of the trainee's own choice is appropriate compliance with the "personal supervision and control" requirement in accordance with OAR 259-020-0005(5);

(b) A total of 20 examinations of the first 200 examinations conducted shall be reviewed by a licensed general polygraph examiner. The following format of these reviews is mandatory:

(A) 1st series — 5 examinations reviewed of the first 20 conducted;

(B) 2nd series — 5 examinations reviewed of the second 30 conducted;

(C) 3rd series — 5 examinations reviewed of the third 50 conducted;

(D) 4th series — 5 examinations reviewed of the last 100 conducted.

(E) During each review, the general polygraph examiner shall complete a Polygraph Review Critique (**BPST Form F-203a**) on each case reviewed. The original critique shall be forwarded to the Department to be included in the trainee's individual file. One copy of the form shall be retained by the reviewer, and one copy shall be retained by the trainee. These reviews shall be completed within 30 days of the completion of each of the four (4) series of examinations shown above and forwarded to the Department.

(F) At least two (2) review series shall be completed during personal interviews with a general polygraph examiner. However, if time and distance are a distinct problem, up to two of the review series may be completed by mail. These review procedures cannot be interpreted as detracting from the trainee examiner's ability or expertise, but shall be considered as legitimate, professional consultation.

(c) When participating in this prescribed course of study, trainees may administer specific issue examinations. If the trainee conducts a test which is to be offered as evidence in a court of law, the trainee shall seek and utilize the assistance of a general polygraph examiner during the administration of the case and shall have that general polygraph examiner available for continued consultation, including joint court appearances, if necessary. Each trainee should obtain legal advice concerning all questions relating to admissibility of polygraph examination evidence.

(d) Every trainee must maintain basic records of examinations conducted pursuant to OAR 259-020-0030(1)(B)(k). A numerical log or ledger (beginning with #1) shall provide a brief record of the name of the person examined, date, time, type of examination, and results, as well as other information the trainee examiner considers pertinent. Folder or envelope "case" files containing all available test information, including notes, questions, charts, reports, and correspondence, shall be maintained and referenced alphabetically.

(e) A person may hold a license as a trainee for no more than two years. An extension of the two-year period granted for the trainee license holders may be granted by the Department if just cause is presented by the applicant. The extension shall be approved at the sole discretion of the Department.

(f) Trainees must clearly indicate their trainee status on all letterhead, business cards, advertising, signage, and any other type of written material that describes a polygraph examination or review of a polygraph examination.

[ED. NOTE: The Forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99

## 259-020-0015

### Minimum Standards for a Polygraph Examiner

(1) Any applicant for a license as a general polygraph examiner shall:

(a) Be at least 18 years of age;

(b) Be a citizen of the United States;

(c) Not have demonstrated, in the preceding 10 years, a course of behavior that indicates a high degree of probability that the applicant will be unlikely to perform the duties of a polygraph examiner in a manner that would serve the interests of the public. When the Department refuses to issue a license based upon an applicant's failure to meet the requirements of subsection (c) of this section, the Department shall follow the procedures set forth in OAR 259-020-0030;

(d) If previously convicted for a criminal offense, provide information, as required by the Department, relating to the circumstances of the conviction. ORS 670.280 is applicable when the Department considers information provided under this paragraph;

(e) Be fingerprinted and submit two (2) completed fingerprint cards to the Department for subsequent submission by the Department to the Oregon State Police, Identification Services Section. Appropriate fees shall accompany the applicant's fingerprints when submitted to the Department. Said fees are to pay costs of the fingerprint check through the Federal Bureau of Investigation. No General License shall be issued until the Department has received fingerprint clearance from the Oregon State Police Identification Services Section. Currently employed corrections officers, parole and probation officers, or police officers, as defined in ORS 181.610, whose fingerprints are on file in accordance with OAR 259-008-0010(3), shall be exempt from the fingerprinting requirement for polygraph examiners as prescribed in this rule. Currently employed state police officers appointed pursuant to ORS 181.260, whose fingerprints are on file in accordance with OAR 259-008-0010(3), shall also be exempt from the fingerprinting requirement for polygraph examiners as prescribed in this rule.

(f) Have received a baccalaureate degree from an accredited college or university; or, in lieu thereof, be a graduate of an accredited high school and have at least five years of active investigative experience before the date of the application.

(A) Active investigative experience is acquired through full-time employment as an investigator. An investigator is a person whose primary assigned duty is the investigation of actual or suspected violations of law, either criminal or civil.

(B) Administering polygraph examinations will satisfy the investigative experience requirement of this section.

(C) The Department may, upon application of an individual polygraph examiner, accept the examiner's professional experience as being equal in professional value to the five years of active investigative experience required by this section.

(g) Have graduated from a polygraph examiner's course approved by the Department and have completed at least 200 examinations, or have worked as a polygraph examiner for a period of five years for a governmental agency within the State of Oregon and have completed 200 examinations.

(h) Have successfully completed an examination conducted by the Department or the Advisory Committee as defined in OAR 259-020-0055, to determine competency to act as a polygraph examiner. The Department or the Advisory Committee shall prescribe the manner and contents of any examination conducted by the Department under provisions of the Act.

(i) Submit a fully-completed Application for Polygraph Examiner's License (**BPST Form F-203**) as prescribed by OAR 259-020-0060, accompanied by documentation of qualifications as may be required by the Department.

(j) Submit to the Department appropriate fees as prescribed by OAR 259-020-0035.

(2) Any person who has held a trainee license for longer than 12 months and who has completed the 200 exams required under OAR 259-020-0015(1)(g) prior to the effective date of this rule must take the examination described in OAR 259-020-0015(1)(h) within 12 months of completing the required exams.

(3) The following govern applicants who fail to pass the oral or written part of the examination described in OAR 259-020-0015(1)(h):

(a) An applicant who fails the first examination qualifies for a trainee license and may submit a new application for a general license no sooner than six months after the date of taking and failing the examination the first time.

(b) An applicant who fails the second examination qualifies for a trainee license and may submit a new application for a general license no sooner than twelve months after the date of the second examination.

(c) The Department shall suspend an applicant's trainee license if the applicant fails the third examination. The applicant

may submit a new application for a general license only after retaking and successfully completing a polygraph examiner's course approved by the Department.

(d) The Department or the advisory committee may prescribe requirements for the internship of an applicant who fails the first or second examination and who resides in a state other than Oregon and desires to accept a trainee license even though the applicant could not comply with the trainee license requirements set for instate residents. The requirements for the internship must be of equal professional value as those requirements set for instate trainees.

(e) Applicants who have already taken the examination and failed it prior to the effective date of this rule are allowed two additional attempts to take and pass the examination regardless of the number of previous attempts.

(4) The Director, acting on the written recommendation of the Polygraph Examiners Licensing Advisory Committee, may require a licensed general polygraph examiner to appear for reexamination as directed. Failure of the licensee to comply with the directive to appear for reexamination shall result in the suspension of the license by the Department.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99

## 259-020-0020

### Special Licenses

(1) The Department may license a person who is not a resident of this state as a polygraph examiner in accordance with the Act. However, any such person shall include with the application for a license or renewal thereof an irrevocable written consent permitting the Director to act as an agent for the service of all legal process in this state. In any action in a court of competent jurisdiction in this state, service of process may be made upon a polygraph examiner who does not reside in this state by mailing two copies of the process to the Director. The Director shall retain one copy of the process in the records and immediately send, by certified or registered mail, the other copy to the polygraph examiner at the most current address as indicated by the records of the Department.

(2) The Department may grant a license as a polygraph examiner in this State to a person who is licensed as a polygraph examiner by another state or territory of the United States, without examination, upon application by such person in the manner prescribed by the Department and upon payment to the Department of a fee of \$50, payable to the Department, if the Department finds that such person:

(a) Is at least 18 years of age;

(b) Is a citizen of the United States;

(c) Has been fingerprinted and has submitted two (2) completed fingerprint cards to the Department for subsequent submission by the Department to the Oregon State Police, Identification Services Section. Appropriate fees shall accompany the applicant's fingerprints when submitted to the Department. Said fees are to pay costs of the fingerprint check through the Federal Bureau of Investigation. No General License shall be issued until the Department has received fingerprint clearance from the Oregon State Police Identification Services Section;

(d) Was licensed pursuant to the requirements of such other state or territory that, at the date of the issuance of such license by such other state or territory, were substantially equivalent to the requirements of the Act for licensing and regulation of polygraph examiners in this state;

(e) Is licensed by another state or territory that grants reciprocity to polygraph examiners licensed in this state; and

(f) If a nonresident of this state has complied with the requirements of section (1) of this rule.



(3) The Director, acting on the written recommendation of the Polygraph Examiner Licensing Advisory Committee, may require a licensed general polygraph examiner, licensed under this section, to appear for reexamination as directed. Failure of the licensee to comply with the directive to appear for reexamination shall result in the suspension of the polygraph license by the Department.

(4) The Department may, upon application of an individual polygraph examiner, accept the examiner's professional experience as being equal in professional value to the five years of active investigative experience required by ORS 703.090(1)(E) and OAR 259-020-0015(1)(f).

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-020-0025

### Expiration and Renewal of Licenses

(1) Each polygraph examiner's license issued by the Department under provisions of the Act shall be issued for a period of one year. The Department may renew the license of a polygraph examiner, unless such license has been suspended or revoked, upon compliance by the person with such conditions as the Department may prescribe.

(2) A person whose polygraph examiner's license has expired may obtain a renewal license without examination upon application thereof within two years after the date of the expiration of such license and payment of the required fee for such renewal.

(3) A person whose polygraph examiner's license has expired while employed by any federal agency or while on active duty as a member of the Armed Forces of the United States or on active duty as a member of the National Guard of this State may obtain a renewal license, without examination, upon application therefor within two years after the date of termination of such employment or active duty and payment of the required fee for such renewal.

(4) Every two (2) years from the date of issue, all persons licensed under the Act shall successfully complete a minimum of thirty (30) hours of Department approved training specifically related to the field of polygraphy. Department approved training in this field includes but is not limited to seminars sponsored by regional and national polygraph associations.

(a) All persons licensed under this Act shall document to the Department satisfactory completion of this training. Documentation shall include but is not limited to a certificate or letter of completion.

(b) Failure to comply with this section shall result in the Department's refusal to reissue a license. This requirement becomes effective 01-01-97.

(c) Upon written application and receipt by the Department of evidence that the conditions which caused the denial have been corrected to the satisfaction of the Department, a license then shall be reissued.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-020-0030

### Denial, Suspension, or Revocation of Licenses

(1) The Department may refuse to issue, or may suspend or revoke the license of any person as a polygraph examiner or trainee, if it finds that the person:

(a) Failed to inform an individual being examined, or the individual's authorized representative, as to the nature of the examination or failed to advise the individual or authorized representative of the results of the examination;

(b) Failed to inform an individual being examined that participation in the examination is voluntary;

(c) Has used test questions that relate to sexual, religious, or political matters, unless such matters relate to the issue under investigation;

(d) Made a material misstatement in the application for an original or renewal license under provisions of the Act;

(e) Willfully disregarded or violated any provision of the Act or any rule adopted pursuant thereto, including but not limited to the willful making of a false report of a polygraph examination;

(f) Made any willful misrepresentation or employed any false or misleading advertising to obtain business or the services of a trainee;

(g) Deliberately used unclear, misleading, circuitous, or ambiguous language in describing or explaining any part of an examination, including but not limited to the results of the examination; or

(h) Has demonstrated any inability or incompetency to carry out the duties of a polygraph examiner:

(A) The following are indicators of inability or incompetence to carry out the duties of a polygraph examiner:

(i) Illegal conduct involving moral turpitude;

(ii) Conduct involving dishonesty, fraud, deceit, or misrepresentation; and

(iii) Conduct that is prejudicial to the administration of justice.

(B) If reliable evidence is received by the Department that a polygraph examiner lacks the ability or competence to carry out the duties of a polygraph examiner, a rebuttable presumption will be raised that the examiner does not possess the requisite ability and/or competence to be a licensed polygraph examiner. The burden will be upon the subject examiner to prove the examiner's ability and/or competence.

(i) Failed to appear for reexamination as directed by the Director, acting on the written recommendation of the Polygraph Examiners Licensing Advisory Committee;

(j) Has permitted a license granted under the Act or any rule adopted pursuant thereto to be used by another person;

(k) Failed to maintain all written records, along with polygraph charts or polygrams, of all polygraph examinations which they conduct. For purposes of validation, credibility, and/or accreditation, these records and charts are to be maintained in a manner consistent with State Archivist rules pertaining to reports of investigations conducted by the Oregon State Police.

(l) Has willfully aided or abetted any violation of provisions of the Act or any rule adopted pursuant thereto; or

(m) Has failed, within a reasonable time, to provide any information requested by the Director after the receipt by the Department of a complaint alleging that such person has violated a provision of the Act or any rule adopted pursuant thereto.

(2) A trainee's license will be suspended after three unsuccessful attempts to pass the oral or written portion of the examination required under OAR 259-020-0015(1)(h). The Department shall suspend the trainee's license of any person who fails to pass the oral or written portion of the examination required by OAR 259-020-0015(1)(h) after three attempts in accordance with OAR 259-020-0015(3)(c). The applicant may not reapply for internship until after retaking and successfully completing a polygraph examiner's course approved by the Department.

(3) Upon receipt of written notification of the suspension or revocation by the Department of a license, a polygraph examiner or trainee shall surrender immediately the license to the Director. The Department may restore a suspended license to the prior holder thereof, or may issue a license previously denied under subsection (1)(a) of this rule, upon written application and receipt by the Department of evidence that the conditions which caused the denial or suspension have been corrected to the satisfaction of the Department. All actions taken by the Department pursuant to this section shall be in conformance with the Oregon Administrative Procedures Act.

(4) The Department shall conduct all proceedings under the Act in accordance with ORS Chapter 183. Judicial review of an

action by the Department shall be provided in ORS 183.480 to 183.500.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99

## 259-020-0031

### Procedure for Denial, Suspension or Revocation

(1) Citizen request: When a citizen requests that the polygraph examiner's or trainee's license be denied, suspended, or revoked, the citizen shall submit in writing to the Department the reason for the requested denial, suspension, or revocation and all factual information supporting the request. It will be the responsibility of the Polygraph Examiners Licensing Advisory Committee to review, investigate, and make subsequent recommendations to the Director on all allegations against a licensed polygraph examiner.

(2) Department review: The Department shall review the request and the supporting factual information to determine if the requested denial, suspension, or revocation meets statutory and administrative rule requirements. If the reason for the request does not meet the statutory and administrative rule requirements for denial, suspension, or revocation, the Department shall so notify the citizen. If the reason for the denial, suspension, or revocation meets statutory and administrative rule requirements, but is not supported by adequate factual information, the Department shall request further information from the requesting citizen, Polygraph Examiner Licensing Advisory Committee, or conduct its own investigation of the matter.

(3) Initiation of proceedings: the Department shall determine if the reason for denial, suspension, or revocation and supporting factual data meets the statutory and administrative rule requirements, and so advise the Standards and Certification Committee.

(4) Notice of intent to deny, suspend, or revoke and opportunity to be heard: BPST staff shall cause to be prepared a "Notice of Intent to Deny, Suspend, or Revoke and Opportunity to be Heard" in accordance with OAR 137-003-0001 of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015, and have a copy of the notice served on the examiner.

(5) Response time: A party who has been served with the "Notice of Intent to Deny, Suspend, or Revoke and Opportunity to be Heard" shall have 20 days from the date of mailing or personal service of the notice in which to file with the Department a written request for a hearing.

(6) Default Order: In the absence of a timely request for a hearing or in the event the person requesting a hearing has been properly notified of the date, time, and place of the hearing as required in these rules and has failed to appear at the hearing, the Director or an authorized representative, on behalf of the Department, may issue a default order, based upon a prima facie case made on the record, for the relief sought in the notice.

(7) Hearing Request: When a request for a hearing is received in a timely manner, the date, time, and place of the hearing shall be set by the Director or an authorized representative and notice thereof served upon all interested parties at least 15 days in advance of the hearing date.

(8) Postponements: Any party who desires a postponement, shall upon receipt of notice of the hearing make a written request for such postponement to the hearings officer or presiding officer of the hearings panel stating the reasons therefore in detail. For good cause shown, the hearings officer or presiding officer of the hearings panel may grant such postponement, and may, at any time, order a postponement upon his/her own motion. The hearings officer or presiding officer of the hearings panel, in deciding a request for postponement, shall consider whether such request was properly and timely made.

(9) Powers of Hearings Officer or Presiding Officer of the Hearings Panel: The hearings officer or presiding officer of the hearings panel shall have power to:

(a) Administer oaths and affirmations;

(b) Examine witnesses;

(c) Rule upon offers of proof and receive evidence;

(d) Regulate the course of the hearing, including the power to eject any person who in any manner interferes with the orderly procedure of the hearing;

(e) Rule on procedural requests;

(f) Prepare and submit written finding(s) of fact, conclusion(s) of law, and a proposed final order based thereon to the Department; and

(g) Take any other action proper under these rules.

(10) Appearances: Any person who may be affected by the findings may be heard. Each such person may be represented by counsel of the person's own choosing and at the person's own expense.

(11) Standard of Conduct: Contemptuous and/or disorderly conduct by any person present at a hearing shall be grounds for his/her exclusion from the hearing by the hearings officer or presiding officer.

(12) Hearing Recordation: The official record of the hearing shall be stenographically or electronically recorded. The method used shall be in the discretion of the Standards and Certification Committee or the hearings officer or presiding officer.

(13) Copies of Transcripts: Except as required under ORS Chapter 183, a copy of the transcript and/or recording of the official record, when available, shall be furnished upon payment of the cost of reproduction to persons having a direct interest in the proceedings.

(14) Evidence: In addition to the rules of evidence set forth in OAR 137-003-0050 of the Attorney General's Model Rules of Procedure, the following rules of evidence will apply in contested case hearings:

(a) Evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs shall be admissible;

(b) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded;

(c) All offered evidence, not objected to, will be received by the hearings official/hearings panel subject to the hearings official's/hearings panel's power to exclude irrelevant, immaterial, or unduly repetitious matter;

(d) Evidence objected to may be received by the hearings officer/hearings panel with rulings on its admissibility or exclusion to be made at the hearing, at the time the proposed order is submitted or the final order issued;

(e) A party authorized to be heard shall have the right to present his/her case by oral, documentary, or other satisfactory evidence, and to conduct such cross-examination as may be required for a full and complete disclosure of the facts;

(f) Testimony of witnesses at a hearing shall be upon oath or affirmation administered by the hearings officer or presiding officer of the hearings panel. Such testimony shall be subject to cross-examination. Refusal of a witness to answer any question ruled to be proper shall, in the discretion of the hearings officer or presiding officer of the hearings panel, be grounds for striking all testimony previously given by the witness;

(g) Any time ten (10) days or more before a hearing, any party may serve on an applicant/certificate holder a copy of any affidavit, certificate, or other document the party proposes to introduce in evidence. Unless the applicant/certificate holder requests in writing cross-examination of the affiant, certificate preparer, or other document preparer or custodian, within five (5) days prior to hearing, the affidavit, certificate or document may be offered and received with the same effect as oral testimony;

(h) If the applicant/certificate holder requests cross-examination of the affiant, certificate preparer, or other document preparer or custodian as provided in paragraph (g) of this subsection and the applicant/certificate holder is informed within five (5) days prior to the hearing that the person will not appear for cross-examination, the affidavit, certificate, or other document may be received in evidence, provided the agency or hearings officer determines that:

(A) The contents of the affidavit, certificate, or other document is of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs; and

(B) The party requesting cross-examination would not be unduly prejudiced or injured by lack of cross-examination.

(i) After first advising of intention to do so, the hearings officer or presiding officer of the hearings panel may take notice of judicially cognizable facts as is provided by law;

(j) The hearings officer or presiding officer of the hearings panel may limit expert opinion evidence in his/her discretion;

(k) The hearings officer or presiding officer of the hearings panel may limit all argument in his/her discretion.

(15) Motions: All motions shall be in writing or, if made at the hearing, they may be stated orally on the record, and shall briefly identify the grounds for the motion and the order for relief sought. Written motions shall be filed with the hearings officer or presiding officer of the hearings panel or the Department with the proof of service of a copy thereof upon the other party to the proceeding.

(16) Subpoenas: Subpoenas for the attendance of witnesses or for the production of records or other documents in contested hearings, unless issued by the Department on its own motion, shall be issued for the parties only upon application in writing and a showing of general relevance and reasonable scope of the testimony of a witness/records or documents. The application should identify the case by title; name specific witnesses, records, and other documents for which subpoena is requested; and describe the general relevance and reasonable scope thereof. Subpoenaed witnesses shall receive fees and mileage prescribed by law for witnesses in civil proceedings, which fees and mileage shall be paid by the party who subpoenas the witness.

(a) A subpoena may be issued by the Attorney General, assistant Attorneys General, and attorneys of record in the manner and form prescribed by ORS 183.440.

(b) Any party desiring to contest a subpoena issued in any hearing of the Department may do so by a "Motion to Quash" prior to the outset of a hearing on the merits.

(c) Notwithstanding the provisions of OAR 259-020-0030 (w), subpoenas shall be served personally, on the witness, or by certified or registered mail, restricted delivery (i.e. delivered to and signed for by the addressee).

(17) General Hearings Procedure:

(a) Hearing Sequence:

(A) Opening statement of the Department.

(B) Opening statement of applicant/examiner.

(C) Presentation of Department evidence.

(D) Presentation of officer's evidence.

(E) Department's rebuttal evidence.

(F) Closing statement of Department.

(G) Closing statement of applicant/examiner.

(H) Rebuttal statement of Department.

(b) Conference During Hearing: In any proceeding, the hearings officer/presiding officer of the hearings panel may, in his/her discretion, call the parties together for a conference prior to the taking of testimony or may recess the hearing for such a conference to resolve evidentiary or procedural matters. The results of such conferences shall be stated on the record.

(c) Stipulation as to Facts: The parties to the proceeding may, by stipulation and subject to approval by the hearings officer/presiding officer of the hearings panel, agree upon the facts of any portion thereof involved in the controversy, which stipulation shall be binding upon the parties thereto and may be regarded and used as evidence at the hearing.

(d) Continuances During the Hearing: On the motion of a party or upon the hearings officer's/presiding officer of the hearings panel's own motion, the hearings officer/presiding officer of the hearings panel may continue the hearing. The date, time, and place of said continued hearing may be fixed at the time of the request or by later written notice to the parties.

(e) Exhibits:

(A) A party intending to offer exhibits shall, where practical, have them marked for identification and presented to the opposing parties prior to the hearing.

(B) A party offering an exhibit shall provide one copy thereof to the hearings officer/presiding officer of the hearings panel and a copy thereof to opposing parties prior to seeking its admission in evidence. Except in unusual circumstances, failure to provide such copies may constitute a basis for declining to admit the exhibit.

(C) A party seeking to offer solid objects other than documents shall provide photographs thereof which shall be received in lieu of such solid objects. A copy of the photographs must be provided to the opposing parties.

(D) A party relying on voluminous or bulky documents shall provide the hearings officer/hearings panel with written extracts of matters therein which are being relied upon. If a party seeks submission of the whole document, the party shall bear the cost for reproducing such document if it is subsequently required as part of the record forwarded by the parties to the courts on any appeal.

(E) Finding(s) of Fact, Conclusion(s) of Law and Proposed Final Order: The hearings officer or presiding officer of the hearings panel shall prepare Finding(s) of Fact, Conclusion(s) of

Law and Proposed Final Order and serve a copy on the Department and on each party.

(F) Exception(s) and argument(s) to the Finding(s) of Fact, Conclusion(s) of Law and Proposed Final Order: A party shall have 14 days from date of service of the Finding(s) of Fact, Conclusion(s) of Law, and Proposed Final Order to file specific written exception(s) and argument(s) with the Department. Upon good cause shown, the Department may extend the time within which the exception(s) and argument(s) shall be filed. When the exception(s) and argument(s) are filed, the party making the exception(s) and argument(s) shall serve a copy of the exception(s) and argument(s) on all parties of record in the case and provide the Department with proof of service. A failure to so serve and provide proof of service shall in the absence of good cause shown, invalidate any such exception and argument as being untimely, and the Department may disregard same in making a final determination of the case.

(G) Department Review: Review by the Department of the hearings officer's or presiding officer's of the hearings panel's proposed rulings on motions, evidentiary matters, finding(s) of fact, conclusion(s) of law and proposed final order shall be confined to the record. The final order of the Department shall be in writing and shall be sent to the parties.

(H) Department's Final Order: The proposed final order shall become the final order of the Department when it is approved by the Director. Judicial review of the final order may be obtained by filing a petition for review within 60 days from service of this order with the Oregon Court of Appeals. The filing of the petition shall not stay enforcement of the Department's order, but the Department may stay the enforcement of the final order upon a showing of:

(i) irreparable injury to the petitioner; and

(ii) a colorable claim of error in the order. When a petitioner makes the showing required above, the Department shall grant the stay unless the Department determines that substantial public harm would result if the order is stayed. If the Department denies the stay, the denial shall be in writing and shall specifically state the substantial public harm that would result from the granting of the stay. Additionally, if the Department grants the stay, it may impose such reasonable conditions as the giving of a bond or other undertaking and that the petitioner file all documents necessary to bring the matter to issue before the Court of Appeals within the specified reasonable periods of time. The Department's denial of a motion for stay is subject to review by the Court of Appeals.

(18) Service of Documents.

(a) Where service upon any officer, telecommunicator or emergency medical dispatcher of any notice, order of proposed order is required under these rules, such service may be accom-



plished by personal service or by certified mail, return receipt requested.

(b) Service of any other documents as required under these rules may be accomplished by regular mail, personal service, certified mail or by telephonic facsimile communication device.

(c) For the purpose of computing any period of time required by these rules, service by mail shall be complete on the date of mailing.

Stat. Auth.: ORS 181.640(5) & ORS 703.230(2)

Stats. Implemented: ORS 181.640(5) & ORS 703.230(2)

Hist.: PS 3-1987, f. & ef. 10-26-87; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-020-0035

##### License Fees

The following fees shall be charged by the Department in carrying out provisions of the Act:

(1) The fee of \$50 for the issuance of each original license as a general polygraph examiner.

(2) The fee of \$50 for the annual renewal of a license as a general polygraph examiner.

(3) The fee of \$50 for examination by the Department to determine the competency of an applicant as a polygraph examiner.

(4) The fee of \$35 for the issuance of a trainee license.

(5) The fee of \$35 for the annual extension or renewal of a trainee license.

(6) The fee of \$5 for issuance by the Department of a duplicate polygraph examiner or trainee license upon satisfactory proof that the original license has been lost or stolen.

(7) All fees, moneys, or other revenues received or collected by the Department under the Act shall be deposited in the Police Standards and Training Account.

Stat. Auth.: ORS 181 & ORS 703

Stats. Implemented: ORS 181 & ORS 703

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-020-0040

##### License Display and Registry

(1) A polygraph examiner shall display prominently the license at the place of business or employment, and a trainee shall display prominently the license at the place of internship.

(2) A polygraph examiner shall notify the Director in writing of any change in the principal place of business within 30 days after the date of such change. Upon discovery by the Director of failure by a licensee to comply with this section, the Director shall suspend immediately such license.

(3) Each polygraph examiner shall register with the county clerk of each county in which a business address is maintained. The county clerk shall maintain a list of all the polygraph examiners registered in the county.

Stat. Auth.: ORS 181 & ORS 703

Stats. Implemented: ORS 181 & ORS 703

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-020-0045

##### Polygraph Instruments

(1) All instruments or mechanical devices that are used to test or question individuals for the purpose of detecting deception or of verifying the truth of statements made by the individuals at least shall record visually, permanently, and simultaneously the cardio-vascular pattern, the respiratory pattern, and the galvanic skin response of each such individual. The patterns of other physiological changes of any such individual also may be recorded.

(2) No person may use any instrument or mechanical device to test or question individuals for the purpose of detecting deception or verifying the truth of statements made by the individuals

that does not comply with the minimum requirements therefor under section (1) of this rule. The Department, in consultation with the Board, may, in the name of the State of Oregon, initiate and maintain appropriate judicial proceeding, in the manner provided by law for such proceedings, to enjoin the use of any instrumentation or mechanical device that does not comply with the minimum requirements specified in section (1) of this rule.

Stat. Auth.: ORS 181 & ORS 703

Stats. Implemented: ORS 181 & ORS 703

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-020-0050

##### Penalties

Violation of any provision of the Act or of any rule adopted thereunder is a Class A Misdemeanor.

Stat. Auth.: ORS 181 & ORS 703

Stats. Implemented: ORS 181 & ORS 703

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-020-0055

##### Polygraph Examiners Licensing Advisory Committee

(1) The Department may appoint a polygraph examiners licensing advisory committee whose function shall be to assist and advise the Department concerning the administration of the Act. The advisory committee's duties may include, but not be limited to, providing advice and assistance to the Department in matters of content and procedures for required examinations, evaluation, and selection of polygraph examiners courses to be approved by the Department; evaluation of applications received for polygraph examiners licenses; examination and approval of instruments; investigation of complaints which could lead to license denial, suspension, or revocation; and general enforcement of all provisions of the Act.

(2) The advisory committee shall consist of a minimum of five members to be appointed by the Director, each appointment to be subject to ratification by the Board at its next regular meeting. Members of the committee shall be initially appointed each for a two-year term.

(3) The advisory committee shall select one of its members to serve as chairman, one to serve as vice-chairman, and one to serve as secretary.

(4) The advisory committee shall coordinate its activities and scheduling of regular or special meetings with the Director and submit written reports as requested by the Director.

(5) Membership of the advisory committee shall consist of at least four persons qualified as general examiners; one a member of the Oregon Department of State Police, one a member of a county sheriff's department, one a member of a city police agency, and one from the private sector. Additional members of the committee may be selected on the basis of special qualifications to be determined by the Director, subject to the provisions of section (2) of this rule.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-020-0060

##### Applications

(1) Applications for polygraph examiner trainee licenses and general polygraph examiners licenses shall be submitted on an Application for Polygraph Examiners License (BPST Form F-203).

(2) Applications for polygraph examiners licenses shall be accompanied by copies of certificates and such other documents as may be specified and required by the Board.

(3) Applications for polygraph licenses shall be accompanied by a check or money order payable to Department of Public Safe-

ty Standards and Training in the amount specified in OAR 259-020-0035.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## 259-020-0065

### Licenses

Polygraph examiners trainee licenses and general polygraph examiners licenses will be issued on forms approved by the Department. Each license will:

- (1) Clearly designate the type of license awarded;
- (2) Display the licensee's name;
- (3) List the expiration date for the licensee; and
- (4) Bear the signature of the Director.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## DIVISION 25

### FEES FOR PUBLISHING, PRINTING, OR COPYING AND OTHER SERVICES

## 259-025-0000

### Fees

(1) Material printed by the Department may have a unit price appearing in the publication. In the absence of any such printed price, fees charged for in-stock publications, pamphlets or outlines will be as listed below.

- (a) 1-10 pages — \$ 5.00;
- (b) 11-25 pages — \$ 7.50;
- (c) 26-50 pages — \$ 10.00;
- (d) 51-100 pages — \$15.00;
- (e) Over 100 pages — \$15.00, plus twenty-five cents (\$.25) per page for each additional page over 100.

(2) Records retrieved from archives will be charged \$.50 per copy.

(3) Documents other than publications will be charged at the rate of \$.50 per page.

(4) No charge will be made for furnishing normal and necessary records or publications to public safety officers, or public safety agencies.

(5) Training which is not under the purview of the Department, shall be charged at the room and board charge fixed by Western Oregon University cost plus \$100.00 per week for instructors and materials.

(6) The Department may charge for the use of facilities at the Public Safety Academy.

(7) The Department may charge replacement cost for lost or damaged keys, equipment, or meal cards.

(8) Personal use of the copy machine will be charged at a rate of \$.05 per copy.

Stat. Auth.: ORS 181.640(5) & ORS 703.230(2)

Stats. Implemented: ORS 181.640(5) & ORS 703.230(2)

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## DIVISION 30

### DIRECTOR

## 259-030-0000

### Director

(1)(a) The Director of the Department shall be appointed by and hold office at the pleasure of the Governor pursuant to the provisions of ORS 181.635.

(b) The person appointed as Director shall be selected from among three or more candidates recommended to the Governor by the Board. The candidates shall be well qualified by training and experience to perform the functions of the office.

(c) The appointed Director of the Department shall receive such salary as is provided by law or, if not so provided, as is fixed by the Governor.

(d) The Board shall annually evaluate the Director's implementation of policies, standards and minimum requirements for public safety certifications and training, reporting to the Governor the results of the evaluation.

(2) Duties and Authority:

(a) The Director, with the approval of the Governor and after consulting the Board for advice, shall organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department properly.

(b) The Director shall be responsible to the Governor for the administration and management of the agency's activities and operation of the Oregon Public Safety Academy.

(c) With the approval of the Governor, the Director may appoint a Deputy Director, who shall serve at the pleasure of the Director, not be subject to the State Personnel Relations Law and have full authority to act for the Director, subject to the control of the Director. The appointment of the Deputy Director shall be by written order, filed with the Secretary of State.

(d) The Director, or the Director's designee, shall serve as Executive Secretary to the Board, but shall not be a member of the Board.

(e) The Director, subject to applicable provisions of the State Personnel Relations Law, shall appoint all subordinate officers and employees of the Department, prescribe their functions and fix their compensation.

Stat. Auth.: ORS 181.635 & ORS 181.640

Stats. Implemented: ORS 181.635 & ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1981, f. 9-26-81, ef. 11-2-81; Renumbered from 259-010-0090; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## DIVISION 40

### COMPLIANCE

## 259-040-0000

### Compliance

(1) The Department may conduct inspections of records and procedures of public and private safety agencies that are under the purview of the Public Safety Standards and Training Act in order to verify adherence to any applicable rule.

(2) The Department may initiate administrative and/or court action to enforce compliance with the provisions of ORS 181.610 to 181.705 and the rules promulgated thereunder.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

## DIVISION 45

### FORMS

## 259-045-0010

### Forms

The Department hereby adopts by reference the following forms:

- (1) F1 Form Order Blank.

- (2) F2 Medical Examination Report.
  - (3) F4 Personnel Action Report.
  - (4) F5 Application for Training.
  - (5) F6 Course Roster.
  - (6) F7 Application for Certification.
  - (7) F8 Documentation of Successful Completion of Basic Firearms Training Requirements.
  - (8) F9 Instructor Certification Application.
  - (9) F10B Record of Equipment Issued.
  - (10) F11 Criminal Justice Code of Ethics.
  - (11) F-11T Telecommunicators Code of Ethics.
  - (12) F12 Notice of Officer Certification Action.
  - (13) F15 Continuing Log of Training.
  - (14) F-15M Multi-Discipline Maintenance Log.
  - (15) F-15T Certification Maintenance Log.
  - (16) F18 Claim for Reimbursement.
  - (17) F20 Application for Certification of Course.
  - (18) F24 Field Training Manual Police.
  - (19) F24C Field Training Manual Corrections.
  - (20) F-24E Field Training Manual — Emergency Medical Dispatcher.
  - (21) F24P Field Training Manual Parole and Probation.
  - (22) F-24T Field Training Manual — Telecommunicator.
  - (23) F24A Administrative Report Field Training Manual Insert.
  - (24) F25 Application for Determination of Eligibility to Be Sheriff.
  - (25) F26 Criminal History Affidavit.
  - (26) F203 Polygraph Examiners License Application.
  - (27) F203A Polygraph Review Critique.
- Stat. Auth.: ORS 181.640  
 Stats. Implemented: ORS 181.640  
 Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 6-1999, f. & cert. ef. 7-29-99

## DIVISION 60

### PRIVATE SECURITY SERVICES PROVIDERS RULES

#### 259-060-0005

##### Objectives

(1) The objectives of the Department's Private Security Standards and Certification Rules are to improve the private security industry services in Oregon by raising the level of competence of private security personnel, individually and collectively:

(a) By establishing and maintaining minimum standards and qualifications for the training and certification of private security officers and private security officer—alarm monitors;

(b) By establishing and maintaining minimum standards and qualifications for the training and licensing of proprietary security managers and security contractors;

(c) By establishing and maintaining minimum standards for all training courses and testing required of private security officers, private security officer—alarm monitors, proprietary security managers and security contractors;

(d) By establishing and maintaining minimum standards and qualifications for all instructors providing the required training and testing; and

(e) By maintaining uniform compliance with all provisions of ORS 181.870 through 181.991, hereinafter referred to as the Private Security Service Providers Act, including the use of criminal records checks utilizing computerized criminal history information and fingerprint comparisons.

(2) The delineation of scope of authority and duties between the Board and the Department, as it relates to joint rulemaking, is the same as ORS 181.640(4)(5)(6).

Stat. Auth.: ORS 181.878(4)

Stats. Implemented: ORS 181.875, ORS 181.878 & ORS 181.880

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

#### 259-060-0010

##### Definitions

(1) "Advisory Committee" means the Private Security Advisory Committee created by ORS 181.889.

(2) "Armed Private Security Officer" means a private security officer who is at any time in possession of a firearm while performing duties as a private security officer.

(3) "Board" means the Board on Public Safety Standards and Training.

(4) "Certification" means recognition by the Department that a private security officer or private security officer—alarm monitor or fingerprint technician meets all the qualifications listed in ORS 181.875 and the rules set forth in this Division.

(5) "Certified Private Security Instructor" as used in ORS 181.883, and "instructor" as used in ORS 181.878, means recognition by the Department that a person meets the minimum qualifications as specified in OAR 259-060-0135.

(6) "Certified Private Security Firearms Instructor" means recognition by the Department that a person meets the minimum qualifications of a private security firearms instructor as specified in OAR 259-060-0135.

(7) "Conviction" or "Convicted" means a finding of guilt in a court of competent jurisdiction by a plea, a jury verdict or a determination by a judge sitting as a trier of fact at a trial. Conviction shall not require a final judgment or sentence. A person shall be considered to have been convicted of an offense for purposes of these rules even if the conviction is an offense for which the person has been pardoned or has had civil rights or firearms privileges restored. A person shall also be considered to have been convicted of an offense for purposes of these rules even if the conviction has been expunged or set aside pursuant to the laws of any jurisdiction other than Oregon, provided, however, that a person shall not be considered convicted of an offense committed in Oregon if the conviction has been set aside and the records of arrest and conviction have been ordered sealed pursuant to ORS 137.225. "Convicted of a felony" means a conviction of any offense that was a felony at the time it was committed, notwithstanding that the conviction may have been reduced to a misdemeanor by a court or by operation of law.

(8) "Contract security services" means the performance of at least one of the following:

(a) The observation and reporting of any unlawful activity.

(b) The prevention of theft or misappropriation of any goods, money or other items of value.

(c) The protection of individuals or property, including, but not limited to, proprietary information, from harm or misappropriation.

(d) The control of access to premises being protected.

(e) The secure movement of prisoners.

(f) The maintenance of order and safety at athletic, entertainment or other public activities.

(g) Providing canine services for guarding premises or for the protection of unlawful devices or substances.

(9) "Denial" or "Deny" is that action taken by the Department in refusing to issue a license or certification to an applicant who has not satisfied all requirements for issuance of a license or certification.

(10) "Department" means the Department of Public Safety Standards and Training.

(11) "Director" means the Executive Director of the Department.

(12) "Direct Supervision of new hire" means actively monitoring the work of a new hire by the ongoing and uninterrupted presence of a certified private security officer, certified private security officer—alarm monitor, or a licensed proprietary security manager or security contractor. The person being monitored shall not make decisions regarding any course of action independent of the person providing the direct supervision.

(13) "Employee" means an individual who renders personal services wholly or partly in this state to an employer who pays or agrees to pay the individual at a fixed rate. "Employee" includes an applicant for employment to perform security services.



(14) “Employer” means a proprietary security manager or security contractor.

(15) “Executive Manager” means a proprietary security manager (including a designee of the manager) or a security contractor (including a designee of the security contractor) who has responsibility and authority in the areas of hiring and terminating employees providing security services, as well as budgetary or policy setting responsibility. An executive manager has authority to issue Temporary Work Permits and has access to confidential information involving the certification of private security officers within the chain of supervision. An Executive Manager for a company or entity shall have ultimate responsibility for compliance with ORS 181.870-181.991.

(16) “License” means recognition by the Department that an employer meets the requirements necessary to provide security services.

(17) “Primary responsibility” means an activity that occupies at least 51 percent of a person’s work time.

(18) “Private security officer—alarm monitor” means an individual who monitors alarm systems designed to detect unauthorized intrusion. This definition shall apply to all persons who monitor commercial or residential sites in Oregon, regardless of whether the monitoring center is located in or out of this state.

(19)(a) “Private security officer” means an individual who performs, as the individual’s primary responsibility:

(A) Contract security services for consideration as an independent contractor or as an employee of an independent contractor, whether armed or unarmed, full time or part time or in uniform or plain clothes; or

(B) Proprietary security services for consideration.

(b) Private security officer does not include those persons exempt from regulation under Division 60 of these administrative rules as set forth in OAR 259-060-0015(2).

(20) “Private Security Services Provider”, as defined in ORS, means any person who performs the functions of “Contract Security Services”, “Employer”, or “Proprietary Security Services”, as described in ORS 181.870 subsections (4), (7), and (12), or “Instructor” as described in ORS 181.878 and 181.883.

(21) “Proprietary security manager” means an individual employed by a person or entity, other than a security contractor, whose responsibilities include implementing proprietary security services provided by a private security officer or a private security officer—alarm monitor.

(22) “Proprietary security services” means the performance of at least one of the activities listed in subsection (8) of this section if the person performing the activity:

(a) Wears a uniform readily identifiable by a member of the public as that worn by a private security officer or a law enforcement officer;

(b) Wears clothing that bears words such as “security” that would cause a member of the public to reasonably believe that the person is a private security officer;

(c) Carries a dangerous or deadly weapon, as those terms are defined in ORS 161.015, or a stun gun, pepper mace or night stick; or

(d) Has as one of the person’s primary purposes taking enforcement action by detaining persons or placing persons under arrest under ORS 133.225.

(23) “Revocation” or “Revoke” is that action taken by the Department after the licensee or certificate holder has had an opportunity for a hearing and the evidence supports allegations that the licensee or certificate holder has violated provisions of these administrative rules resulting in a Department order concluding that the licensee or certificate holder should not be allowed to continue to provide or implement security services.

(24) “Suspension” or “Suspend” is that action taken by the Department in temporarily depriving the holder of a license or certification of the authorization to provide or implement security services.

(25) “Security contractor” means any person who provides the services of one or more private security officers or private security officer—alarm monitors for consideration.

(26) “Supervisory Manager” means a proprietary security manager (including a designee of the manager) or a security contractor (including a designee of the security contractor) who has responsibility and authority in the areas of supervising persons providing security services. A supervisory manager has authority to issue Temporary Work Permits but not to access confidential information involving the certification of private security officers.

Stat. Auth.: ORS 181.870 & ORS 181.878

Stats. Implemented: ORS 181.870 & ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0015

### Prohibited Acts

(1) It is unlawful:

(a) For a person to engage in the business of, or perform any service as, a private security officer or private security officer—alarm monitor, or to offer services in such capacity unless the person has obtained a certificate under ORS 181.878 and these rules.

(b) For a person to engage in the business of, or perform any service as, a proprietary security manager or security contractor, or to offer services in such capacities unless the person has obtained a license under ORS 181.878 and these rules.

(c) Except as otherwise provided in ORS 181.873(2) and OAR 259-060-0120(1)(b)(c) (relating to temporary assignments), for a proprietary security manager or security contractor to assign a person to perform security services unless the person is certified as a private security officer, or private security officer—alarm monitor under ORS 181.878 and these rules.

(d) For purposes of Division 60 Administrative Rules, this applies to any business, employer, or entity which provides within this state, contract security services, proprietary security services, or the monitoring of alarm systems designed to detect unauthorized intrusion, regardless of whether the business, employer, or entity is located in or out of this state.

(2) Exemptions: The following persons are exempt from regulation as private security providers under Division 60 of these administrative rules:

(a) Persons holding a current Department certification as a police officer;

(b) A law enforcement officer of the United States while performing duties as a law enforcement officer;

(c) A person while on active duty as a member of the United States armed forces while performing duties assigned by the military;

(d) An officer or employee of this state or the United States while performing duties in connection with such office or employment;

(e) A person appointed or commissioned by the Governor to perform law enforcement or security services while performing such duties;

(f) An attorney practicing law in this state while performing duties as an attorney;

(g) An insurance adjuster licensed in this state while performing duties authorized by the license;

(h) A person who monitors fire alarm systems and other alarm systems that are not designed to detect unauthorized intrusions, while performing such duties;

(i) A person while protecting the person’s property;

(j) A person who repairs and installs intrusion alarms while performing such tasks;

(k) A person providing private investigation services, including investigations of persons, crimes, or property, while performing such duties;

(l) A person referred to as “firewatch”, as regulated by the Oregon Department of Forestry pursuant to ORS 477.665 and OAR 629-043-0030, whose primary duty is to protect forest lands or rangelands and, coincidentally, to protect logging-related equipment, from fires or natural disasters, and who only intermit-

tently may observe and report unlawful behavior. This exemption only applies while the person is performing firewatch duties.

(m) Banking officials employed to handle money transactions or to oversee money transactions, such as bank managers, loan officers or tellers, while performing such duties;

(n) A person employed by the retail industry whose primary responsibility is that of clerk, cashier or stockperson, and who only intermittently may observe or report unlawful behavior or detain, while performing such retail industry responsibilities; and

(o) A person employed as an apartment manager or motel manager whose primary responsibilities are to register and assist the patrons of the residential environment, and who only intermittently may observe or report unlawful behavior, while performing such management duties.

(p) An injured worker who has filed a claim under ORS Chapter 656 and has been placed on a temporary assignment with the employer at the time of the injury or aggravation while unable to perform the worker's regular duties, subject to the following conditions:

(A) The person shall not wear a uniform readily identifiable by a member of the public as that worn by a private security officer or a law enforcement officer;

(B) The person shall not wear clothing that bears words such as "security" that would cause a member of the public to reasonably believe that the person is a private security officer;

(C) The person shall not carry a dangerous or deadly weapon, as those terms are defined in ORS 161.015, or a stun gun, pepper mace or night stick; or

(D) The person shall not, as one of the person's primary purposes, take enforcement action by detaining persons or placing persons under arrest under ORS 133.225.

(q) A person performing crowd management or guest services including, but not limited to, a person described as a ticket-taker, usher, or parking attendant, who is not armed, does not wear a uniform or clothing described in ORS 181.870 (12)(a) or (b) and is not hired for the purpose of taking enforcement action as described in ORS 181.870(12)(d).

(r) A person who performs security services at a facility regulated by the United States Nuclear Regulatory Commission and the facility is operated by the person's employer.

Stat. Auth.: ORS 181.873, ORS 181.871 & ORS 181.878

Stats. Implemented: ORS 181.873, ORS 181.871 & ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0020

### Minimum Standards for Certification or License

(1) Age.

(a) An applicant for certification as a private security officer, private security officer—alarm monitor or private security instructor shall be:

(A) At least 18 years of age to receive certification as an unarmed security officer, private security officer—alarm monitor, or unarmed private security instructor; and

(B) At least 21 years of age to receive certification as an armed security officer or armed private security instructor.

(b) All applicants for licensing as a proprietary security manager or security contractor shall be at least 18 years of age.

(2) Training. An applicant for certification or licensing shall satisfactorily complete the applicable training requirements as specified in ORS 181.883 and OAR 259-060-0060, 259-060-0065, 259-060-0070, 259-060-0075, 259-060-0080, 259-060-0085 and 259-060-0135.

(3) Criminal History. An applicant for certification or licensing must not have been:

(a) Convicted of a felony against a person. "Felony against a person" is a felony listed in OAR 213-003-0001(14), or described in OAR 213-004-0011, as those Rules are in effect on 12-15-98, except for Assault in the second or third degree in this or any

other jurisdiction. Felony against a person shall also include any felony involving the death of any person.

(b) Within the 10-year period prior to applying for certification or license incarcerated, placed on probation or paroled as the result of conviction of any felony, other than those described in subsection (a) of this section in this, or any other, jurisdiction;

(c) Convicted of violating ORS, 162.075, 162.085, 163.415, 163.435, 163.672 (1993 Edition), 163.673 (1993 Edition), 163.677 (1993 Edition), 163.680 (1993 Edition), 167.007, 167.062, 167.065, 167.070, 167.075, 167.080, 167.087 or a crime with similar elements in another jurisdiction;

(d) Convicted of any law of this, or another jurisdiction, involving the unlawful use, possession, delivery or manufacture of a controlled substance; or

(e) Within the 10-year period prior to applying for certification or license Convicted of the following misdemeanors, or a misdemeanor with similar elements, in this or any other jurisdiction: ORS 162.315 (Resisting Arrest), 162.335 (Compounding a Felony), 162.365 (Criminal Impersonation), 162.369 (Possession of False Law Enforcement Identification Card), 162.375 (Initiating a False Report), 163.190 (Menacing), 163.208 (Assaulting a Public Safety Officer), 163.465 (Public Indecency, only to include subsection (1)(c) involving acts of exposing genitals of the person with the intent of arousing the sexual desire of the person or another person), 163.686 (Encouraging Child Sexual Abuse in the Second Degree), 163.687 (Encouraging Child Sexual Abuse in the Third Degree), 163.732 (Stalking), 163.750 (Violating Court's Stalking Protective Order), 164.045 (Theft in the Second Degree), 164.125 (Theft of Services, Class A), 164.369 (Interfering With Police Animal), 165.007 (Forgery in the Second Degree), 165.055 (Fraudulent Use of a Credit Card), 165.065 (Negotiating a Bad Check), 166.115 (Interfering With Public Transportation), 166.155 (Intimidation in the Second Degree), 166.350 (Unlawful Possession of Armor Piercing Ammunition), 167.262 (Adult Using Minor in Commission of Controlled Substance Offense)

(f) Within the 10-year period prior to applying for certification or license, convicted of a "misdemeanor crime of Domestic Violence", in this or any jurisdiction. A "misdemeanor crime of domestic violence" means a misdemeanor under the law of any jurisdiction involving the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is co-habiting with or has co-habited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or a guardian of the victim.

(g) Within the 7-year period prior to applying for certification or license, convicted of the following misdemeanors, or a misdemeanor of similar elements, in this or any jurisdiction; ORS 162.145 (Escape in the Third Degree), 162.355 (Simulating Legal Process), 164.043 (Theft in the Third Degree), 164.125 (Theft of Services, Class C), 166.250 (Unlawful Possession of Firearms).

(4) Armed Private Security Officer Restrictions.

(a) Criminal History. An applicant for armed private security officers shall comply with restrictions of Sub (3) of this Rule.

(b) Firearms restrictions. An applicant for armed private security officer certification shall not be eligible for certification if the applicant:

(A) Has been committed to the Mental Health and Development Disability Services Division under ORS 426.130, or similar order in another jurisdiction;

(B) Has been found to be mentally ill and subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

(C) Is prohibited under US Code Title 18, Section 922(g)(8) (relating to civil restraining orders including stalking or harassment) from possessing a firearm in interstate commerce; or

(D) Is prohibited under any law of this state or any federal law from purchasing, owning or possessing a firearm.

(c) Additional Armed Security Requirements: In the event a certified armed private security officer, or an applicant for such certification, should at any time fail to meet the requirements of

subsections (4)(a) and (b) herein, the certificant/applicant, or the manager, employer or supervisor of the certificant/applicant, shall:

(A) Notify the Department or its designee within 48 hours, in writing, of the circumstance making the certificant/applicant ineligible to purchase, own or possess a firearm. The notification shall list all facts known, including any written documentation, and shall identify a person whom the Department may contact to obtain additional information; and

(B) Transfer the employee to an unarmed position until a determination has been made by the Department regarding the compliance of the certificant/applicant with the requirements and restrictions of subsections (4)(a) and (b); and

(C) Retrieve any issued weapons and ammunition.

(5) ADA Compliance. Individual employers or entities shall be expected to conform to federal ADA guidelines as they relate to physical fitness standards.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 181.875 & ORS 181.878

Stats. Implemented: ORS 181.875 & ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0060

### Eight-Hour Basic Classroom Instruction

(1) The training requirements for certification as an unarmed private security officer or private security officer—alarm monitor, or license as a manager are:

(a) Eight hours of basic classroom instruction based upon a curriculum consistent with the content requirements of ORS 181.883(1)(a) and approved by the Board or its designated staff. For purposes of Division 60 Rules, classroom instruction includes use of audio, visual or actual classroom instruction. Private security managers shall utilize a management-specific training manual approved by the Board or designated staff, and review the training in a self-study environment.

(b) Four hours of additional on-the-job training and assessment as specified in ORS 181.883(1)(c) and detailed in OAR 259-060-0075. Managers will complete a 4-hour management-specific assessment under the direction of the Department's designee rather than a certified private security instructor.

(c) Successful completion of a written examination mandated by ORS 181.882(1)(b) and administered in compliance with OAR 259-060-0065. Managers will complete the written examination utilizing the management-specific training manual provided as a resource by the Department. The written examination will be reviewed at the manager's 4-hour assessment for grading by the Department's designee.

(2) All required training shall be conducted by a certified private security instructor OAR 259-060-0135(2). Except as provided in Sub (1) of this rule pertaining to managers.

(3) It shall be the responsibility of the applicant to obtain a completed **FORM PS-6** sealed in an approved tamper-proof envelope and to submit this sealed envelope to the Department.

(4) The Department or its designated staff may cause inspections of training methods and instructors to be made pursuant to ORS 181.878(1)(b), 181.878(2)(c), and OAR 259-060-0135(6).

[ED. NOTE: The form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878 & ORS 181.883

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0065

### Written Examinations

(1) Written examinations covering the required classroom instructional materials shall be prepared by the Board or its designated staff.

(2) An instructor certified pursuant to Division 60 of these administrative rules shall administer the applicable written examination.

(3) The applicant shall achieve a minimum of 70% correct answers on general test questions.

(4) An instructor certified pursuant to Division 60 of these administrative rules shall review each incorrect test question with the applicant, explaining the principle behind the question, the correct answer and the basis for the correct answer. Based upon the oral responses of the applicant and the instructor's assessment of whether the applicant understands the underlying principles and the appropriate answer, the instructor then has the option of:

(a) Remediating the incorrect test responses (i.e. counting as correct the initially incorrect test answers) if the score is 50% - 99% correct; or

(b) Advising the applicant to repeat those portions of the training applicable to the missed questions and to retake the applicable sections of the written examination if the score is under 50%.

(5) An instructor certified pursuant to Division 60 of these administrative rules shall complete **FORM PS-6** affirming that the applicant's identity was confirmed and that the integrity of the examination process was maintained.

(6) An instructor certified pursuant to Division 60 of these administrative rules shall enclose and seal **FORM 6** in the approved tamper-proof envelope and present the form(s) to the applicant to be sent to the Department along with **FORM PS-1**.

(7) Private Security managers will complete the written examination utilizing the management-specific training resource manual provided by the Department. The written examination will be taken to the 4-hour assessment for grading by the Department's designee.

(8) The applicant may also elect to complete **FORM PS-7** for submission to the Department together with the other application materials. The instructor has no authority to view this completed form.

[ED. NOTE: The forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878 & ORS 181.883

Stats. Implemented: ORS 181.878 & ORS 181.883

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0070

### 15-Hour Firearms Course and Marksmanship Qualifications

(1) The training requirements for certification as an armed private security officer are:

(a) Satisfactory completion of the training requirements set forth in OAR 259-060-0060;

(b) An additional fifteen hours of instruction based upon a curriculum consistent with the content requirements of ORS 181.883(2)(b) and approved by the Board or its designated staff;

(c) Successful completion of an additional written examination, administered in accordance with OAR 259-060-0065, covering additional firearms instructional materials, as mandated by ORS 181.883(2)(b); and

(d) A minimum marksmanship qualification score of 70 percent on a firearms qualification course and target approved by the Board or its designated staff.

(2) The firearms instructional course and marksmanship qualification shall be administered by a certified private security firearms instructor.

(3) It shall be the responsibility of the applicant to obtain a completed **FORM PS-6** sealed in an approved tamper-proof envelope and to submit this sealed envelope to the Department.

(4) The Department or its designated staff may cause inspections of training methods or the instructors to be made pursuant to ORS 181.878(1)(b), 181.878(2)(c), and OAR 259-060-0050(7).

[ED. NOTE: The form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878 & ORS 181.883



Stats. Implemented: ORS 181.878 & ORS 181.883

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

#### 259-060-0075

##### Four-Hour “On-The-Job” Training (Assessment)

(1) For purposes of the Division 60 Administrative rules, “on-the-job” training as set forth in ORS 181.883(1)(c) means a list of activities and assessment criteria approved by the Board or its designated staff and administered by a certified private security instructor. Managers will complete the 4-hour assessment under the direction of the Department’s designee rather than a certified private security instructor.

(2) The required activities shall include applicant completion of task-related skills based on classroom curriculum.

(3) It shall be the responsibility of the applicant to obtain a completed **FORM PS-6** and forward this to the Department.

(4) It is not necessary for a prospective applicant to be employed as a private security provider to receive the classroom training and 4-hour “on-the-job” training.

[ED. NOTE: The form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878 & ORS 181.883

Stats. Implemented: ORS 181.878 & ORS 181.883

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

#### 259-060-0080

##### Annual Refresher Courses of Instruction

(1) In addition to the training requirements set forth in OAR 259-060-0060, 259-060-0070 and 259-060-0075:

(a) Persons certified as unarmed private security officers or private security officer—alarm monitors, or licensed as executive or supervisory managers shall successfully complete annually a four-hour refresher course based upon a curriculum consistent with the requirements of ORS 181.883(1)(a) and approved by the Board or its designated staff;

(b) Persons certified as armed private security officers shall successfully complete annually, in addition to the four-hour refresher course required of unarmed private security officers, a refresher course based upon a curriculum consistent with the requirements of ORS 181.883(2)(b) and approved by the Board or its designated staff, and shall requalify annually in firearms marksmanship as provided in OAR 259-060-0085; and

(c) Persons certified as unarmed private security officers, private security officer—alarm monitors, armed private security officers or licensed as executive or supervisory managers shall successfully complete annually a written examination based upon the content of the required refresher course(s) and administered in accordance with OAR 259-060-0065.

(2) The four-hour annual refresher course shall be administered by a certified private security instructor and additional refresher course instruction required of armed private security officers shall be administered by a certified private security firearms instructor.

(3) It shall be the responsibility of the holder of the certification or license to obtain a completed and sealed **FORM PS-6** and to forward the documentation to the Department.

(4) The person taking the examination may also elect to complete **FORM PS-7** for submission to the Department.

(5) The holder of the certification or license shall complete (as required) the annual four-hour refresher course, firearms instruction, marksmanship qualification and written examination not more than 90 days prior to the anniversary date of the certification or license.

(6) Failure to comply with the requirements of this rule may result in suspension or revocation of the certificate or license.

[ED. NOTE: The forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878 & ORS 181.883

Stats. Implemented: ORS 181.878 & ORS 181.883

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

#### 259-060-0085

##### Annual Firearms Marksmanship Requalifications

(1) The annual firearms marksmanship requalification, required only of armed private security officers, shall be administered by a certified private security firearms instructor.

(2) The standards and safeguards shall be in conformity with those specified in OAR 259-060-0135(3)(b) and 259-060-0070.

(3) It shall be the responsibility of the holder of the certification to obtain a completed and sealed **FORM PS-6** and to forward this sealed envelope to the Department.

(4) The person seeking requalification shall complete the annual firearms marksmanship requalification not more than 90 days prior to the anniversary date of the certification.

(5) Failure to comply with the requirements of this rule shall result in the suspension or revocation of the certification.

[ED. NOTE: The form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878 & ORS 181.883

Stats. Implemented: ORS 181.878 & ORS 181.883

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

#### 259-060-0090

##### Challenge of Classroom Instruction

(1) Private security Providers Training Challenge.

(a) A person may challenge the eight hour basic classroom instruction component of the training requirement as described in OAR 259-060-0060 if the person:

(A) Has two or more years of experience in the field of law enforcement, military police or private security; or

(B) Has received any private security or law enforcement training.

(C) For purposes of this statute, private security includes alarm monitoring.

(b) The applicant shall only be given one opportunity to challenge the mandated basic classroom instruction course by successfully completing the required written examination administered by a certified private security instructor in accordance with OAR 259-060-0065.

(A) The applicant shall submit to the Department **FORM PS-6**, sealed in the approved tamper seal envelope, and the completed Application packet.

(B) Failure to obtain a passing score on the challenged examination shall require attendance at the mandated basic classroom instruction course and successful completion of the examination.

(C) A person who successfully challenges the basic classroom instruction component of the training:

(i) Is required to successfully complete applicable state certified on-the-job training; and

(ii) Must be given a private security student workbook, at his or her own expense, that contains the curriculum of the basic classroom instruction component to serve as a resource for the person.

(2) This provision is intended to recognize formal education and work experience.

[ED. NOTE: The form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878 & ORS 181.883

Stats. Implemented: ORS 181.878 & ORS 181.883

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

**259-060-0095**

**Training Records**

(1) It is the sole responsibility of the applicant or holder of the license or certification to maintain his or her training records.

(2) It is the sole responsibility of the applicant or holder of the license or certification to submit **FORM PS-6** as specified in these rules.

(3) Upon receipt of a report of annual training completed by a licensee or certificate holder, the Department or its designated staff, shall record the training records.

[ED. NOTE: The form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.875, ORS 181.878, ORS 181.880 & ORS 181.883

Stats. Implemented: ORS 181.878 & ORS 181.880

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

**259-060-0115**

**Restrictions on Vehicles; Restrictions on Description of Security Services and Officers**

(1) In compliance with the provisions of Oregon Vehicle Code and Oregon Revised Statutes chapter 401 relating to Emergency Management Services, vehicles owned and operated by non-public entities are not considered emergency vehicles as defined in ORS 801.260. Private vehicles are prohibited from:

(a) Being equipped with blue lights under ORS 816.350(4);

(b) Being equipped with red lights under ORS 816.350(11); and

(c) Being equipped with flashing lights as prohibited under ORS 816.350(12).

(d) Being equipped with audible devices such as sirens as prohibited under ORS 815.225.

(2) Except as otherwise provided herein or when mandated by Federal security contracts, private security officers, private security officer—alarm monitors, private security alarm responders, supervisors, managers, employers, and all private security business entities are prohibited from the use of the words “police,” “patrolman,” “public safety,” “sheriff,” “deputy,” “trooper,” “highway patrol,” “wildlife officer,” “marine patrol officer,” “public defender,” “Marshall,” “constable,” when the use of any such words or combinations thereof could deceive a reasonable person into believing that such person is a law enforcement officer or entity. Private security officers, supervisors, managers, employers, and all private security business entities are specifically prohibited from the use of such words on any badge, vehicle, or uniform or the use of such words in conjunction with a title or name of a business.

(a) Exemption: Security staff and security sections of governmental or publicly-owned entities, such as community colleges, universities, zoos and transit systems, are permitted to use the words “public safety.”

(b) Exemption: Security staff and security sections of colleges or universities (whether public or private) are permitted to use the words “campus public safety.”

(3) Violation of this rule may result in the suspension and/or revocation of a license and/or certification.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

**259-060-0120**

**Private Security Officer or Private Security Officer—Alarm Monitor Certification**

(1) Under ORS 181.873(1)(a), it is unlawful for a person to engage in the business of, or perform any service as, a private security officer or private security officer—alarm monitor, or to offer services in such capacity unless the person has obtained a

certification as an armed or unarmed private security officer or private security officer—alarm monitor in accordance with these rules.

(a) Exemption: A law enforcement officer holding a current Department certification is not required to obtain the private security certification required under these rules.

(b) A Department-licensed executive manager may temporarily assign a person who is not certified as required by these rules to perform security services within this state for a period of time not to exceed 90 days if:

(A) The person is employed in another state;

(B) The person holds a private security officer—alarm monitor or private security officer’s certification or license from another state; and

(C) The certification or licensing standards of the other state meet or exceed the standards of this state.

(D) The intent of this provision is to allow a company to transfer its employees to this state for the purpose of temporary assignment.

(E) A Department-licensed executive manager shall complete **FORM PS-9**, a triplicate form; the original shall be mailed to the Department or its designated staff, one copy shall be retained by the employer, and one copy shall be retained by the employee. The employee copy of this form shall be carried on the employee’s person at all times while performing security services in this state or while on duty and shall be presented to any law enforcement officer upon demand and shall be displayed to any other person upon reasonable request.

(F) The reciprocity packet shall bear a postmark on or before the first day the applicant performs security services in this state.

(c) A Department-licensed executive manager may temporarily assign a person, whose application for certification as a private security officer or private security officer—alarm monitor is being processed, to perform security services within this state for a period of time not to exceed 120 days under the following conditions:

(A) The applicant has completed all the requirements under this section;

(B) The Department-licensed executive manager or supervisory manager have completed and signed the applicable portions of **FORM PS-20**, affirming the above requirements have been met;

(C) The Department-licensed executive manager or supervisory manager have attached the original of **FORM PS-20** to **FORM PS-1**; and

(D) The Department-licensed executive manager has mailed to the Department each of the items in this section, as a complete packet. The temporary permit packet shall bear a postmark on or before the first day the applicant performs security services.

(E) If an applicant has not completed each step of the application process, including training, the applicant shall not perform unsupervised security services. Such persons may only provide security services under the direct supervision of a certified private security officer or licensed proprietary security manager, or security contractor. The person being monitored shall not make decisions regarding any course of action independent of the person providing the direct supervision. The duration for direct supervision for an applicant is no more than 21 calendar days, during which the applicant must be under the uninterrupted presence of a certified private security officer or certified private security officer—alarm monitor.

(F) The intent of the Temporary Work Permit provision is to allow a company to employ and deploy a private security officer or private security officer—alarm monitor while the application is being processed.

(G) The Temporary Work Permit will last no longer than 120 days and in any event, shall end upon written notice from the Department to the applicant that the Temporary Work Permit has been administratively terminated under subsection (1)(c)(H) of this rule.

(H) Upon written notice from the Department to the applicant and the manager who signed the Temporary Work Permit, a TEM-

PORARY WORK PERMIT may be administratively terminated for the following reasons:

(i) The Department has reason to believe that a person with the applicant's name and birth date has been convicted of a disqualifying crime listed in OAR 259-060-0020.

(ii) The application is incomplete or the Department has been unable to verify application information to its satisfaction due to non-response or non-compliance of the applicant.

(iii) Applicant has violated any private security administrative rule or condition imposed by the TEMPORARY WORK PERMIT.

(iv) the fingerprint card of applicant has been rejected under subsection 5(b) of this rule.

(I) Upon notification from the Department that the TEMPORARY WORK PERMIT has been administratively terminated, the manager who signed the TEMPORARY WORK PERMIT shall notify applicant that he or she may not perform security services until the deficiencies are corrected and either a new TEMPORARY WORK PERMIT or an appropriate certification has been issued. A manager may not issue a new TEMPORARY WORK PERMIT until notified by the Department that the deficiencies are corrected.

(J) The Temporary Work Permit is neither a license nor a certification, and a termination of the TEMPORARY WORK PERMIT is neither a revocation, nor a suspension, of as certification, and the contested case hearing procedures set forth in OAR 259-060-0300 are not applicable.

(d) The Department or its designated staff may administratively terminate the application process if the Department is unable to complete the certification process due to non-response or non-compliance of the applicant after exhausting the following efforts:

(A) A letter shall be mailed by the Department to the applicant, and the last known employer of the applicant, identifying the deficiencies in the **PS-1**, or the rejection of the fingerprint card of applicant subsection (5)(b) of this rule.

(B) The applicant and any manager supervising the applicant shall have 14 calendar days from the date of mailing to bring the applicant into compliance and to notify the Department that the deficiencies are corrected. The Department may, in its discretion, elect to extend the time for compliance upon good cause shown by the applicant or its manager.

(C) If the Department is unable to determine a current address for the applicant, or if the applicant or manager does not respond and correct the deficiencies within 14 calendar days, or such additional time authorized by the Department, the Department shall list the applicant's status as "administratively terminated". The Department shall notify the applicant at his or her last known address, and notify the last known employer of the applicant, that the Department has administratively terminated the application process.

(D) Once the application process has been administratively terminated, the applicant will be required to submit a new **PS-1**, with full fees. An applicant whose application process has been administratively terminated shall not be eligible to perform security services until a new, complete application and fees are submitted to the Department.

(2) The requirements for certification as an unarmed private security officer or private security officer- alarm monitor are as follows:

(a) Compliance with the minimum standards for certification under OAR 259-060-0020;

(b) Successful completion of the mandatory 8-hour basic classroom instruction required under OAR 259-060-0060, including successful completion of the written examination;

(c) Successful completion of the mandatory 4-hour "on-the-job" training and assessment required under OAR 259-060-0075; and

(d) Submission to the Department of the completed Application packet as required under Sub (5) of this rule, together with the appropriate fees.

(3) The requirements for certification as an armed private security officer are as follows:

(a) Compliance with the minimum standards for certification under OAR 259-060-0020;

(b) Successful completion of the mandatory 8-hour basic classroom instruction required under OAR 259-060-0060, including successful completion of the written examination;

(c) Successful completion of the mandatory 4-hour "on-the-job" training and assessment required under OAR 259-060-0075;

(d) Successful completion of the mandatory 15-hour firearms course and marksmanship qualification required under OAR 259-060-0070, including successful completion of the written examination and satisfaction of marksmanship requirements; and

(e) Submission to the Department of the completed Application packet as required under Sub (5) of this rule, together with the appropriate fees.

(4) A certified private security officer or private security officer—alarm monitor shall carry the certification on his or her person at all times while performing security services or while on duty. The certification shall be presented to any law enforcement officer upon demand and shall be displayed to any other person upon reasonable request.

(5) The Application packet for certification as a private security officer or private security officer—alarm monitor shall include:

(a) A completed **FORM PS-1**;

(b) A completed fingerprint packet. The Department shall accept fingerprint cards rolled by certified police or corrections officer, or public safety agency personnel designated to roll fingerprints, or a person who is currently certified or licensed under ORS 181.870 – 181.991, in any category. These fingerprint cards must be submitted on the pre-printed FBI fingerprint cards supplied by the Department. Fingerprint training resources are available through the Department. There shall be a fee charged for fingerprint rejected by either the Oregon State Police, Federal Bureau of Investigations, or the Department, as having insufficient ridge detail to classify:

(A) A fingerprint packet shall include two fingerprint cards, **FORM PS-4**.

(B) The person rolling the fingerprints shall complete **FORM PS-4**.

(C) The person rolling fingerprints shall enclose the two completed fingerprint cards, along with the **FORM PS-4** in the tamper proof envelope, seal it, and return it to the applicant.

(D) When the application and completed fingerprint packet are received, the Department will assign a Private Security Identification number to the applicant, record that number on the fingerprint cards and forward the fingerprint cards to Oregon State Police. The State Police shall process one set of the prints and send the other set of prints to the Federal Bureau of Investigation (FBI) for processing;

(E) The applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section and the FBI;

(F) The Oregon State Police Identification Services Section or LEDS (Law Enforcement Data Systems) will notify the Department or its designated staff of any criminal record disclosed through processing the applicant's fingerprint cards which would disqualify the applicant; and

(G) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section the Department shall comply with the most current requirements.

(c) The original of **FORM PS-6** sealed by the instructor in the approved tamper-proof envelope;

(d) A completed **FORM PS-7** (optional);

(e) The original of completed **FORM PS-20** (if applicable).

(6) The applicant shall submit the nonrefundable certification fee (including the fingerprint-processing fee) to the Department or its designated staff, along with the Application packet. The application will be rejected unless the certification fee is paid by busi-



ness check, money order or cashiers check or through a pre-authorized business account. No personal checks will be accepted.

(7) The completed Application packet shall be mailed to the Department or its designated staff prior to the applicant performing any security services.

(8) Renewal of certification shall occur every two years subject to the following conditions:

(a) The certificate holder shall complete and submit a completed **FORM PS-21**.

(b) The applicant shall submit the nonrefundable renewal fee to the Department or its designated staff. The renewal application will be rejected unless the renewal fee is paid by business check, money order or cashiers check or through a pre-authorized business account. No personal checks will be accepted.

(c) The renewal documents shall be received by the Department not more 90 days prior to the anniversary date of the certification or license to allow for processing of the forms and criminal history check.

(d) Failure to comply with renewal requirements shall result in the expiration of certification or license.

(A) Persons reapplying within six months of expiration shall complete the **PS-21**, and shall submit full renewal fees.

(B) Persons reapplying after six months of expiration shall complete the **PS-21**, and shall submit full renewal fees. Applicants shall also submit a new set (2) of fingerprint cards as described in (5)(b) of this section, unless waived, along with the criminal history fee of \$39.00.

(C) Persons continuing to provide private security services, after the certification has expired shall be subject to penalties as provided for in ORS 181.991.

(9) Any applicant, certified private security officer, or private security officer—alarm monitor who is arrested or charged criminally shall notify the Department or its designated staff within 48 hours of the arrest or charge. The initial notification may be by telephone, but must be immediately followed by written notification. The notification shall include the specific charges, the county and state where the charges are pending, the investigating agency (if known), and the date of the charges.

(10) The applicant or certificate holder shall notify the Department or its designated staff within 14 calendar days of any change of address by using **FORM PS-23**.

[ED. NOTE: The forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.873 - ORS 181.878 & ORS 181.883 - ORS 181.885

Stats. Implemented: ORS 181.873 - ORS 181.878 & ORS 181.883 - ORS 181.885

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0130

### Licensing of Proprietary Security Managers and Security Contractors

(1) Under ORS 181.873(1)(b) it is unlawful for a person to engage in the business of, or perform any service as a proprietary security manager or security contractor, or to offer services in such capacities unless the person has obtained a license in accordance with these rules.

(2) Each business, employer, or entity with a private security officer or private security officer—alarm monitor staff of at least one person shall obtain an Executive Manager License. This provision shall apply to any business, employer, or entity which provides within this state, contract security services, proprietary security services, or the monitoring of alarm systems designed to detect unauthorized intrusion, regardless of whether the business, employer, or entity is located in or out of this state. In the event contract security is utilized, and the business or entity is not engaged in providing security services, there is no requirement for that business or entity to obtain a license under these rules.

(3) The Department shall issue two classifications of license to proprietary security managers or security contractors: Executive Manager or Supervisory Manager.

(a) Issuance of an executive manager license requires that the applicant meet the qualifications set forth in OAR 259-060-0010. This license authorizes the holder to distribute Temporary Work Permits and to access confidential information involving the certification of private security officers within the chain of supervision.

(b) Issuance of a supervisory manager license requires that the applicant meet the qualifications set forth in OAR 259-060-0010. This license authorizes the holder to distribute Temporary Work Permits but not to access confidential information involving the certification of private security officers.

(4) The requirements for licensing as an executive manager or supervisory manager are as follows:

(a) Compliance with the minimum standards for licensing under OAR 259-060-0020;

(b) Successful completion of training required under OAR 259-060-0060, including successful completion of the written examination and assessment under OAR 259-060-0065, and OAR 259-060-0075. The training and assessment module specific to managers is required; and

(c) Submission to the Department of the completed Application packet as required under subsection (6) of this rule, together with the appropriate fees. Because the manager training is completed through self-study, the training manual shall be mailed to the manager by the Department upon receipt of the **PS-1**, the fingerprint packet, and the appropriate fees. To complete the application process, the manager must complete the training program and attend the mandated manager assessment.

(5) The Application packet for licensing as an executive manager or supervisory manager shall include:

(a) A completed **FORM PS-1**;

(b) A completed fingerprint packet as described in OAR 259-060-0120(5)(b);

(c) The original of **FORM PS-6** issued by the Department's designee upon completion of manager assessment.

(6) The applicant shall submit the nonrefundable license fee (which includes the fingerprint-processing fee) to the Department or its designated staff, along with the Application packet. The application will be rejected unless the certification fee is paid by business check, money order or cashiers check or through a pre-authorized business account. No personal checks will be accepted.

(7) The completed Application packet shall be mailed to the Department or its designated staff prior to the performance by the applicant of any services as an executive manager or supervisory manager.

(8) Renewal of license shall occur every two years subject to the following conditions:

(a) The license holder shall complete and submit **FORM PS-21**.

(b) The applicant shall submit the nonrefundable renewal fee to the Department or its designated staff. The renewal application will be rejected unless the renewal fee is paid by business check, money order or cashiers check or through a pre-authorized business account. No personal checks will be accepted.

(c) The renewal documents shall be received by the Department not more than 90 days prior to the expiration of the current license, to allow for processing of the forms and criminal history check.

(d) Failure to comply with renewal requirements shall result in the expiration of license.

(A) Persons reapplying within six months of expiration shall complete the **PS-21**, and shall submit full renewal fees.

(B) Persons reapplying after six months of expiration shall complete the **PS-21**, and shall submit full renewal fees. Applicants shall also submit a new set (2) of fingerprint cards as described in (5)(b) of this section, unless waived, along with the criminal history fee of \$39.00.

(C) Persons continuing to provide private security services, after the license has expired shall be subject to penalties as provided for in ORS 181.991.

(9) During the two-year certification period, in the event of a staff change of executive manager(s) or supervisory manager(s), the company or entity shall retain the license position, notify the Department of the staff change on **FORM PS-23**, and submit the administrative transfer fee. The Department shall transfer the license to the replacement manager provided he or she meets all requirements for licensing as set forth in these rules. If the previous Executive Manager remains in the private security field, he or she shall make application for the appropriate certification with the most recent employer.

(10) An executive manager or supervisory manager may perform unarmed security services or alarm monitoring services without being required to obtain or maintain an unarmed private security officer certification or alarm monitoring certification if he or she has demonstrated knowledge by completing the certified classroom training in the respective fields. If an executive manager or supervisory manager is to perform armed security services during any portion of any shift, the manager shall be required to obtain an armed private security officer certification prior to the performance of the duties.

(11) An applicant or person may hold a Temporary Work Permit as an executive manager or supervisory manager for up to 120 days under the following conditions:

(a) A company or entity has newly established a private security workforce over whom the person will command, or an existing licensed executive or supervisory manager is suddenly unable to perform such duties due to death, termination or other unexpected circumstance.

(b) The person seeking a Temporary Work Permit as an executive manager or supervisory manager or security contractor must hold at least one of the following qualifications:

(A) Be certified in this State as a private security officer; or

(B) Hold a management position which, in the chain of supervision, is equal to, or higher than, the person who vacated the licensed position.

(c) **FORM PS-20** shall be completed and forwarded to the Department or its designated staff prior to performing any duties as an executive manager or supervisory manager relating to providing security services in this state.

(d) The Temporary Work Permit shall last no longer than 120 days, and in any event, shall end upon written notice from the Department to the applicant that the TEMPORARY WORK PERMIT has been administratively terminated under subsection (1)(c)(H) of this rule.

(e) Upon written notice from the Department to the applicant and the manager who signed the Temporary Work Permit, a TEMPORARY WORK PERMIT may be administratively terminated for the following reasons:

(A) The Department has reason to believe that the person with the applicant's name and birth date has been convicted of a disqualifying crime listed in OAR 259-060-0020.

(B) The Department has been unable to verify applicant information to its satisfaction due to non-response or non-compliance of the applicant.

(C) Applicant has violated any private security administrative rule or condition imposed by the TEMPORARY WORK PERMIT.

(D) The fingerprint card of the applicant has been rejected under subsection (5)(b) of this rule.

(f) Upon notification from the Department that the TEMPORARY WORK PERMIT has been administratively terminated, the manager who signed the TEMPORARY WORK PERMIT shall notify applicant that he or she may not perform security services until the deficiencies are corrected and either a new TEMPORARY WORK PERMIT or an appropriate license has been issued. A manager may not issue a new TEMPORARY WORK PERMIT until notified by the Department that the deficiencies are corrected.

(g) The TEMPORARY WORK PERMIT is neither a license or certification, and a termination of the TEMPORARY WORK PERMIT is neither a revocation, nor a suspension, of a certification, and the contested case hearing procedures set forth in OAR 259-060-3400 are not applicable.

(h) The temporary executive manager or supervisory manager shall have only limited access authority to certification and licensing records maintained by the Department or its designated staff.

(i) If the person seeking a Temporary Work Permit as an executive manager or supervisory manager has not completed each step of the Temporary Work Permit process, the person shall not have oversight responsibilities for security services or staff, and the business or entity shall not provide security services.

(j) The intent of this Temporary Work Permit provision is to allow a business or entity to employ an executive manager or supervisory manager and to provide security services while the recruitment is in process.

(k) An executive manager or supervisory manager may also be temporarily assigned to provide security services under the provisions of OAR 259-060-0120(1)(a).

(12) The Department or its designated staff may administratively terminate the application process if the Department is unable to complete the license process due to non-response or non-compliance of the applicant after exhausting the following efforts:

(a) A letter shall be mailed by the Department to the applicant, and the last known employer of the applicant, identifying the deficiencies in the **PS-1**, or the rejection of the fingerprint card of applicant subsection (5)(b) of this rule.

(b) The applicant and any manager supervising the applicant shall have 14 calendar days from the date of mailing to bring the applicant in to compliance and to notify the Department that the deficiencies are corrected. The Department may in its discretion, elect to extend the time for compliance upon good cause shown by the applicant or manager.

(c) If the Department is unable to determine a current address for the applicant, or if the applicant or manager does not respond and correct the deficiencies within 14 calendar days, or such additional time authorized by the Department, the Department shall list the applicant's status as "administratively terminated." The Department shall notify the applicant at his or her last known address, and notify the last known employer of the applicant that the Department has administratively terminated the application process.

(d) Once the application process has been terminated, the applicant will be required to submit a new **PS-1**, with full fees. An applicant whose application process has been administratively terminated shall not be eligible to perform security services until a new, complete application and fees are submitted to the Department.

(13) An applicant or license holder shall notify the Department or its designated staff within 14 calendar days of any changes of address by using **FORM PS-23**.

[ED. NOTE: The forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.873 - ORS 181.878 & ORS 181.883 - ORS 181.885

Stats. Implemented: ORS 181.873 - ORS 181.878 & ORS 181.883 - ORS 181.885

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0135

### Certification of Private Security Instructors

(1) The Department or its designated staff shall certify instructors deemed qualified to teach in any required private security training courses.

(2) Certified Private Security Instructor - Unarmed or Private Security Officer—Alarm Monitor

(a) The minimum requirements for certification as a private security instructor are as follows:

(A) High School Diploma or GED;

(B) Minimum of two years work experience in the private security, alarm monitoring, military, or law enforcement fields, or, has worked as an instructor within the past 24 months, or a combination thereof; and

(C) Compliance with the criminal history and age requirements under ORS 181.875(3) and OAR 259-060-0020(1)(a)(A), (3).

(b) A certified private security instructor is authorized to:

(A) Provide the 8-hour “basic” instruction based on the approved private security course content and materials provided by the Department or its designated staff as specified in OAR 259-060-0060;

(B) Provide the 4-hour “on-the-job” training and assessment based on the approved private security course content, materials and assessment criteria provided by the Department or its designated staff as specified in OAR 259-060-0075;

(C) Provide the annual refresher training and testing based on the approved private security course content and materials provided by the Department or its designated staff as specified in OAR 259-060-0080; and

(D) Administer the applicable written examination(s) as specified in OAR 259-060-0065.

(c) The certified private security instructor shall conduct all instruction, training and testing required by the Department in accordance with these rules.

(3) Certified Private Security Firearms Instructor.

(a) The minimum requirements for certification as a private security firearms instructor are as follows:

(A) Compliance with the criminal history, age, and firearms restriction requirements of OAR 259-060-0020(1)(a)(B), (3) and (4);

(B) Compliance with the requirements in OAR 259-060-0135(2)(a); and

(C) Hold one or more of the following certifications:

(i) A current certification through the National Rifle Association Law Enforcement Firearms Instructor Development School;

(ii) A current certification as a firearms instructor through the Federal Law Enforcement Training Center;

(iii) A current certification from a Department-certified law enforcement or criminal justice firearms instructor course; or

(iv) A current certification as a firearms instructor through the Federal Bureau of Investigation.

(b) A certified private security firearms instructor is authorized to:

(A) Provide firearms instruction based on the approved course content and materials and administer firearms marksmanship qualifications as provided by the Department, or its designated staff, as specified in OAR 259-060-0070;

(B) Provide the annual firearms classroom instruction and firearms requalification as specified in OAR 259-060-0085;

(C) Administer required armed written examination as specified in OAR 259-060-0065; and

(D) Terminate the firearms instruction or firearms marksmanship qualification if, in the instructor’s opinion, the applicant is unfit to proceed, taking into consideration poor judgment of the applicant, unsafe practices of the applicant, abnormal behavior of the applicant, or other relevant factors. The instructor shall immediately notify the applicant of the reason for termination of training and shall also notify the Department or its designated staff within 48 hours in writing, using **FORM PS-6**.

(c) A certified private security firearms instructor shall conduct all instruction, training, qualification and testing required by the Department in accordance with these rules.

(4) Applications for instructor certification shall be submitted on **FORM PS-1**, and shall be accompanied by a detailed resume of the applicant’s qualifications, including a copy of a firearms instructor certificate (if applicable), and a fingerprint packet completed and sealed in compliance with OAR 259-060-0120(5)(b).

(5) If instructor certification is denied, the requesting applicant shall be notified in writing and advised of the reasons for denial.

(6) Review of instructor certification may be initiated upon the request of a private security provider, the Department or its designee, or other reliable source.

(7) Instructor certification shall be valid for two years. The certification will be renewed upon payment of a nonrefundable renewal fee and proof of at least 4 hours of refresher course-work relating to any of the specific subjects being taught or generally improving instructor skills. Failure to comply with renewal requirements shall result in the expiration of certification.

(a) Persons reapplying within six months of expiration shall complete the **PS-21**, and shall submit full renewal fees.

(b) Persons reapplying after six months of expiration shall complete the **PS-21**, and shall submit full renewal fees. Applicants shall also submit a new set (2) of fingerprint cards as described in (5)(b) of this section, unless waived, along with the criminal history fee of \$39.00.

(c) Person continuing to provide private security services, after the certification has expired shall be subject to penalties as provided for in ORS 181.991.

[ED. NOTE: The forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878 & ORS 181.883

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0150

### Process for Adding License or Certification Types

To add a license or certification, the applicant shall:

(1) Submit a completed **FORM PS-1** to the Department with the specific request marked, together with the nonrefundable upgrade fee as specified in OAR 259-060-0500; and

(2) Meet the following criteria:

(a) To change a private security officer certification from unarmed to armed, the applicant shall submit a completed **FORM PS-6**, sealed in an approved tamper-proof envelope, together with the required fee. A Computer Criminal History check will be conducted to determine if there are any convictions or other conditions under OAR 259-060-0020 that would disqualify the applicant. Because the unarmed training is a prerequisite to the armed certification, it is not necessary to apply for both certifications.

(b) To add a private security officer or private security officer—alarm monitor certification or manager license to an Unarmed Private Security Instructor Certification, the applicant shall submit proof of qualifications as specified in OAR 259-060-0135(2)(a) together with the required fee.

(c) To add a private security officer certification or manager license to an Armed Private Security Instructor Certification, the applicant shall submit proof of qualifications as specified in OAR 259-060-0135(3)(a) together with the required fee.

(d) To add a private security officer or private security officer—alarm monitor certification to a Supervisory Manager license or an Executive Manager license, the applicant shall submit to the Department proof of responsibilities and authority as required under these rules.

(e) To add a Supervisory Manager license to an Executive Manager license, the applicant shall submit the required fee as specified in OAR 259-060-0500 and provide proof of responsibilities and authority as required under these rules.

(f) To add either private security officer to private security officer—alarm monitor, the applicant shall submit proof of training as required in OAR 259-060-0140 together with the required fee.

[ED. NOTE: The forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878 & ORS 181.880

Stats. Implemented: ORS 181.873, ORS 181.875, ORS 181.878 & ORS 181.880



Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

**259-060-0300**

**Denial/Suspension/Revocation**

(1) Grounds for Denying, Suspending or Revoking the Certification(s) of a Private Security Officer (armed or unarmed), Private Security Officer—Alarm Monitor, Instructor or the License of an Executive or Supervisory Manager:

(a) The Department may suspend, revoke or deny a license or certification after written notice, and a hearing, if requested, based upon a finding that:

(A) The applicant or holder of the certificate or license falsified any information submitted on the application for certification or licensing or on any documents submitted to the Department;

(B) The license holder or applicant for license has violated the temporary assignment provisions of OAR 259-060-0120(1);

(C) The applicant or holder of the certificate or license has failed to timely submit properly completed forms, documentation or fees required under these rules;

(D) The applicant or holder of the certificate or license has violated the provisions of OAR 259-060-0115; or

(E) The applicant or holder of the certificate or license has violated any provision of ORS 181.870 through 181 or these administrative rules or has failed to perform any acts required by these rules.

(b) The Department shall revoke or deny a license or certification after written notice, and a hearing, if requested, based upon a finding that:

(A) The applicant or holder of the certification or license at any time fails to meet the criminal history requirements of OAR 259-060-0020(3) and ORS 181.875(3);

(B) The holder of an armed security officer certification or firearms instructor certification, or an applicant for such certification(s), fails to meet the minimum qualifications and requirements set forth in OAR 259-060-0020(4);

(C) The holder of an armed security officer certification or firearms instructor certification, or an applicant for such certifications, suffers any disqualification, condition or circumstance which, under federal law or the law of this state, would disqualify the person from owning, possessing or purchasing a firearm; or

(c) The Department may suspend a license or certification after written notice, and a hearing, if requested, based upon a finding that:

(A) The holder of the certification or license has been arrested for or charged with any crime listed in OAR 259-060-0020(3) or (4);

(B) The holder of the certification or license has failed to successfully complete or timely report the annual refresher training and examination(s) required in OAR 259-060-0080; or

(C) The holder of the armed private security officer certification has failed to successfully complete or timely report the annual firearms marksmanship requalification required under OAR 259-060-0085.

**(2) Denial, Suspension and Revocation Procedure**

(a) Employer Request: When the employer of the private security officer, private security officer—alarm monitor, private security manager, instructor requests that the person's certification be denied, suspended or revoked, it shall submit in writing to the Department or its designated staff the reason for the requested suspension, revocation or denial and all factual information supporting the request.

(b) Department Initiated Request: Upon receipt of factual information from any source, and pursuant to ORS 181.878, the Department or its designated staff may request that the person's certification or license be suspended, revoked or denied.

(c) Department Staff Review: The Department or its designated staff shall review the request and the supporting factual information to determine if the request for suspension, revocation or denial meets statutory and administrative rule requirements. If

the reason for the request does not meet the statutory and administrative rule requirements for suspension, revocation or denial, the Department or its designated staff shall so notify the employer. If the reason for the suspension, revocation or denial meets statutory and administrative rule requirements, but is not supported by adequate factual information, the Department or its designated staff shall request further information from the requesting employer or conduct its own investigation of the matter.

(d) Initiation of Proceedings: The Department or its designated staff shall determine if the reason for suspension, revocation or denial and supporting factual data meet the statutory and administrative rule requirements and so advise the Department or its designated committee.

(e) Notice of Intent to Suspend, Revoke or Deny and Opportunity to be Heard: The Department or its designated staff shall cause to be prepared a "Notice of Intent to Suspend, Revoke or Deny and Opportunity to be Heard" in accordance with OAR 137-003-0001 of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015. The Department or its designated staff shall have a copy of the "Notice" served on the person whose certification or license is being affected.

**(f) Response Time:**

(A) Revocation or Denial: If the Department is seeking revocation or denial of a license or certification, a party who has been served with the "Notice of Intent to Suspend, Revoke or Deny and Opportunity to be Heard" shall have 20 calendar days from the date of mailing or personal service of the notice in which to file with the Department a written request for a hearing.

(B) Suspension: If the Department is seeking suspension of a license or certification, a party who has been served with the "Notice of Intent to Suspend, Revoke or Deny and Opportunity to be Heard" shall have 10 calendar days from the date of mailing or personal service of the notice in which to file with the Department a written request for a hearing.

(g) Default Order: In the absence of a timely request for a hearing or in the event the person requesting a hearing has been properly notified of the date, time and place of the hearing, as required in these rules, and has failed to appear at the hearing, the Director or an authorized representative, on behalf of the Department, may issue a default order, based upon a prima facie case made on the record, for the relief sought in the "Notice."

(h) Hearing Request: When a request for a hearing is received in a timely manner, the date, time, and place of the hearing shall be set by the Director or an authorized representative and notice thereof served upon all interested parties at least 15 days in advance of the hearing date.

(i) Postponements: Any party who desires a postponement shall, upon receipt of notice of the hearing, make a written request for such postponement to the hearings officer or presiding officer of the hearings panel stating the reasons therefore in detail. For good cause shown, the hearings officer or presiding officer of the hearings panel may grant such postponement, and may, at any time, order a postponement upon motion of the hearings officer or presiding officer. The hearings officer or presiding officer of the hearings panel, in deciding a request for postponement, shall consider whether such request was properly and timely made.

(j) If a contested case hearing is requested by a person whose certification or license the Department proposes to suspend, revoke or deny, the Department or its designated committee may delegate to the staff of the Department the authority to designate, as appropriate, either an individual hearings officer or a hearings panel to hear the contested case. If a panel is selected, the chairperson may delegate to the staff of the Department the authority to appoint one of the panel members as the presiding hearings officer.

(k) Powers of Hearings Officer or Presiding Officer of the Hearings Panel: The hearings officer or presiding officer of the hearings panel shall have power to:

(A) Administer oaths and affirmations;

(B) Examine witnesses;

(C) Rule upon offers of proof and receive evidence;

(D) Regulate the course of the hearing, including the power to eject any person who in any manner interferes with the orderly procedure of the hearing;

(E) Rule on procedural requests;

(F) Prepare and submit written finding(s) of fact, conclusion(s) of law, and a proposed final order based thereon to the Department; and

(G) Take any other action proper under these rules.

(I) Appearances: Any person who may be affected by the findings may be heard. Each such person may be represented by counsel of their own choosing and at their own expense.

(m) Standard of Conduct: Contemptuous and/or disorderly conduct by any person present at the hearing shall be grounds for their exclusion from the hearing by the hearings officer or presiding officer.

(n) Hearing Recordation: The official record of the hearing shall be stenographically or electronically recorded. The method used shall be at the discretion of the Department, its designated committee, the hearings officer or the presiding hearings officer.

(o) Copies of Transcripts: Except as required under ORS Chapter 183, a copy of the transcript and/or recording of the official record, when available, shall be furnished upon payment of the cost of reproduction to persons having a direct interest in the proceedings.

(p) Evidence: In addition to the rules of evidence set forth in OAR 137-003-0050 of the Attorney General's Model Rules of Procedure, the following rules of evidence will apply in contested case hearings:

(A) Evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs shall be admissible.

(B) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(C) All offered evidence, not objected to, shall be received by the hearings officer or hearings panel subject to the power of the hearings officer or hearings panel to exclude irrelevant, immaterial, or unduly repetitious matter.

(D) Evidence objected to may be received by the hearings officer/hearings panel with rulings on its admissibility or exclusion to be made at the hearing, at the time the proposed order is submitted or when the final order issued.

(E) A party authorized to be heard shall have the right to present the party's case by oral, documentary, or other satisfactory evidence, and to conduct such cross-examination as may be required for a full and complete disclosure of the facts.

(F) Testimony of witnesses at a hearing shall be upon oath or affirmation administered by the hearings officer or presiding officer of the hearings panel. Such testimony shall be subject to cross-examination. Refusal of a witness to answer any question ruled to be proper shall, in the discretion of the hearings officer or presiding officer of the hearings panel, be grounds for striking all testimony previously given by the witness.

(G) Any time ten (10) days or more before a hearing, any party to the proceeding may serve on the parties a copy of any affidavit, certificate or other document the party proposes to introduce in evidence. Unless a party requests, in writing, cross-examination of the affiant, certificate preparer, or other document preparer or custodian, within five (5) days prior to hearing, the affidavit, certificate, or document may be offered and received with the same effect as oral testimony.

(H) If a party to the proceeding requests cross-examination of the affiant, certificate preparer, or other preparer or custodian as provided in paragraph (G) of this subsection and that party is informed within five (5) days prior to the hearing that the person will not appear for cross-examination, the affidavit, certificate, or other document may be received in evidence, provided the agency or hearings officer determines that:

(i) The contents of the affidavit, certificate, or other document is of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs; and

(ii) The party requesting cross-examination would not be unduly prejudiced or injured by lack of cross-examination.

(I) After first advising of the intention to do so, the hearings officer or presiding officer of the hearings panel may take notice of judicially cognizable facts as is provided by law.

(J) The hearings officer or presiding officer of the hearings panel may limit expert opinion evidence as a matter of discretion.

(K) The hearings officer or presiding officer of the hearings panel may limit all argument as a matter of discretion.

(q) Motions: All motions shall be in writing or, if made at the hearing, they may be stated orally on the record, and shall briefly identify the grounds for the motion and the order for relief sought. Written motions shall be filed with the hearings officer or presiding officer of the hearings panel or the Department or its designated staff, and shall be accompanied by proof of service of a copy thereof upon the other party to the proceeding.

(r) Subpoenas:

(A) Subpoenas for the attendance of witnesses or for the production of records or other documents in contested hearings, unless issued by the Department on its own motion, shall be issued for the parties only upon application in writing and a showing of general relevance and reasonable scope of the testimony of the witness, records or documents. The application should: identify the case by title; name specific witnesses, records, and other documents for which a subpoena is requested; and describe the general relevance and reasonable scope thereof. Subpoenaed witnesses shall receive fees and mileage prescribed by law for witnesses in civil proceedings, which fees and mileage shall be paid by the party who subpoenas the witness.

(B) A subpoena may be issued by the Attorney General, Assistant Attorneys General and attorneys of record in the manner and form prescribed by ORS 183.440.

(C) Any party desiring to contest a subpoena issued in any hearing of the Department may do so by a "Motion to Quash" prior to the commencement of a hearing on the merits.

(D) Notwithstanding the provisions of OAR 259-008-0070(3)(x), subpoenas shall be served personally on the witness or by certified or registered mail, restricted delivery (i.e., delivered to and signed for by the addressee).

(s) General Hearings Procedure:

(A) Hearing Sequence:

(i) Opening statement of the Department;

(ii) Opening Statement of the applicant or certificate/license holder;

(iii) Presentation of Department evidence;

(iv) Presentation of the applicant or certificate/license holder's evidence;

(v) Department's rebuttal evidence;

(vi) Closing statement of Department;

(vii) Closing statement of the applicant or certificate/license holder;

(viii) Rebuttal statement of Department.

(B) Conference During Hearing: In any proceeding, the hearings officer or presiding officer of the hearings panel may, as a matter of discretion, call the parties together for a conference prior to the taking of testimony or may recess the hearing for such a conference to resolve evidentiary or procedural matters. The results of such conferences shall be stated on the record.

(C) Stipulation as to Facts: The parties to the proceeding may, by stipulation and subject to approval by the hearings officer or presiding officer of the hearings panel, agree upon the facts of any portion thereof involved in the controversy, which stipulation shall be binding upon the parties thereto and may be regarded and used as evidence at the hearing.

(D) Continuances During the Hearing: On the motion of a party or upon the motion of the hearings officer or presiding officer of the hearings panel, the hearings officer or presiding officer of the hearings panel may continue the hearing. The date, time, and place of said continued hearing may be fixed at the time of the request or by later written notice to the parties.

(E) Exhibits:

(i) A party intending to offer exhibits shall, where practical, have them marked for identification and presented to the opposing parties prior to the hearing.

(ii) A party offering an exhibit shall provide one copy thereof to the hearings officer or presiding officer of the hearings panel and a copy thereof to opposing parties prior to seeking its admission in evidence. Except in unusual circumstances, failure to provide such copies may constitute a basis for declining to admit the exhibit.

(iii) A party seeking to offer solid objects other than documents shall provide photographs thereof which shall be received in lieu of such solid objects. A copy of the photographs must be provided to the opposing parties.

(iv) A party relying on voluminous or bulky documents shall provide the hearings officer or hearings panel with written extracts of matters therein which are being relied upon. If a party seeks submission of the whole document, the party shall bear the cost for reproducing such document if it is subsequently required as part of the record forwarded by the parties to the courts on any appeal.

(t) The standard of proof in a proceeding to revoke, deny or suspend is by a preponderance of the evidence, or by clear and convincing evidence in a proceeding based on fraud or misrepresentation.

(u) Findings of Fact, Conclusions of Law and Proposed Final Order: Unless a majority of all Department members hears a case, the hearings officer or presiding officer of the hearings panel shall prepare Findings of Fact, Conclusions of Law and Proposed Final Order and serve a copy on the Department members and on each party. If a majority of all Board members hear the case, the Chairman of the Department shall designate one of its members to prepare Findings of Fact, Conclusions of Law and Proposed Final Order. The Department will serve a copy of the Findings of Fact, Conclusions of Law and Proposed Final Order on the parties.

(v) Exceptions and Arguments to the Findings of Fact, Conclusions of Law and Proposed Final Order: A party shall have 14 days from the date of service of the Findings of Fact, Conclusions of Law and Proposed Final Order to file specific written exceptions and arguments with the Department. Upon good cause shown, the Department may extend the time within which the exceptions and arguments shall be filed. When the exceptions and arguments are filed, the party making the exceptions and arguments shall serve a copy of the exceptions and arguments on all parties of record in the case and provide the Department with proof of service. A failure to so serve and provide proof of service shall, in the absence of good cause shown, invalidate any such exceptions and arguments as being untimely, and the Department may disregard same in making a final determination of the case.

(w) Department Review: Review by the Department of the proposed rulings on motions, evidentiary matters, findings of fact, conclusions of law and proposed final order prepared by the hearings officer or presiding officer of the hearings panel's shall be confined to the record. The final order of the Department shall be in writing and shall be sent to the parties.

(x) Department's Final Order: The proposed final order shall become the final order of the Department when it is approved by the Department. Judicial review of the final order may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days from service of this order. The filing of the petition shall not stay enforcement of the Department's order, but the Department may stay the enforcement of the final order upon a showing of irreparable injury to the petitioner and a colorable claim of error in the order. When a petitioner makes the showing required above, the Department shall grant the stay unless the Department determines that substantial public harm would result if the order is stayed. If the Department denies the stay, the denial shall be in writing and shall specifically state the substantial public harm that would result from the granting of the stay. Additionally, if the Department grants the stay, it may impose such reasonable conditions as deemed appropriate by the Department, such as the giving of a bond or an undertaking, and may require that the petitioner file all documents necessary to bring the matter to issue before the Court of Appeals within the specified reasonable periods of time. The Department's denial of a motion for stay is subject to review by the Court of Appeals.

(y) Service of Documents:

(A) Where service upon any license holder, certificate holder or applicant of any notice, order or proposed order is required under these rules, such service may be accomplished by personal service or by certified mail, return receipt requested.

(B) Service of any other documents as required under these rules may be accomplished by regular mail, personal service, certified mail or by telephonic facsimile communication device.

(C) For the purpose of computing any period of time required by these rules, service by mail shall be complete on the date of mailing.

Stat. Auth.: ORS 181.878, ORS 181.882 & ORS 181.885

Stats. Implemented: ORS 181.878 & ORS 181.885

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0450

### Compliance

(1) The Department or its designated staff may cause inspections of records and procedures of proprietary security managers or security contractors, instructors, private security officers and private security officer—alarm monitors, relating to the minimum employment standards and training standards that are mandated by the Private Security Service Providers Act, as well as those records and procedures which are under the purview of OAR 259-060-0000 to 259-060-0500, in order to verify adherence to and compliance with any applicable rule or statute.

(2) The Department or its designated staff may cause any administrative proceeding and/or court action to be initiated to enforce compliance with the provisions of ORS 181.870 to 181.991 and the administrative rules promulgated thereunder.

(3) Persons providing proprietary security services must come into compliance by September 30, 1997. All Certifications issued pursuant to the time extension granted by this section expire on June 30, 1999.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0500

### License Fees

The following fees shall be charged by the Department in carrying out the provisions of the Act:

(1) The fee of \$50 for the issuance of each 2 year certification as a private security officer or private security officer—alarm monitor.

(2) The fee of \$39 will be charged to each applicant for fingerprint filing.

(3) The fee of \$50 for the issuance of each 2 year license as a private security supervisory manager.

(4) The fee of \$250 for the issuance of each 2 year license as a private security executive manager.

(5) The fee of \$80 for the issuance of each 2 year certification as a private security instructor.

(6) The fee of \$20 for the issuance of each duplicate or replacement certification or license.

(7) The fee of \$20 for the issuance of each new card issued including but not limited to name change.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 1-1997(Temp), f. 2-21-97, cert. ef. 2-24-97; PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99

## 259-060-0600



**Forms**

The Department hereby adopts by reference the following forms:

(1) PS-1 Application for License or Certification of Private Security Services Provider.

(2) PS-2 Private Security Fingerprinting Instructions.

(3) PS-3 Private Security Order Forms Sheet.

(4) PS-4 Affidavit of Person Rolling Fingerprints.

(5) PS-6 Private Security Provider Testing Results and Affidavit.

(6) PS-7 Private Security Instructor Evaluation.

(7) PS-9 Private Security Waiver for Reciprocity.

(8) PS-20 Private Security Services Provider Temporary Work Permit.

(9) PS-21 Renewal of Private Security Services License or Certification.

(10) PS-23 Private Security Services License or Certification.

(11) PS-27 Private Security Code of Ethics.

[ED. NOTE: The forms referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99