

Department of Public Safety Standards and Training

Additional Resources Needed to Strengthen Police Training and Accountability

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Audit Highlights

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Training and Accountability

Why this audit is important

- Ongoing police misconduct in Oregon and across the country has led to calls for police reform and improved accountability.
- The mission of the Department of Public Safety Standards and Training (DPSST) is to cultivate excellence in public safety by developing and delivering training and upholding established professional standards.
- DPSST is responsible for regulating all public safety professionals in Oregon, including city, county, state and Tribal police officers, and city and county corrections officers.
- Newly hired police officers must attend a four-month Basic Academy at DPSST and complete a Field Training Manual at their local agency to attain a law enforcement certification.
- Officers who fail to meet moral fitness standards may face decertification by DPSST.

What we found

1. DPSST and its board have improved administrative rules and procedures to hold police officers accountable. ([pg. 13](#)) Yet local control, narrowly defined administrative rules, and gaps in certification review limit DPSST's ability to hold more officers accountable. As a result, officers whose conduct is worthy of decertification may go undetected or unaddressed. For example, we found that in 57 Portland Police Bureau officer-involved shootings and incidents of in-custody deaths from 2004 to 2018, only one officer's actions may have met the standard for a DPSST professional standards review. ([pg. 17](#))
2. DPSST has developed and implemented a Basic Police Academy training that complies with state laws and includes evidence-based curriculum and teaching methods. ([pg. 23](#)) However, only a small proportion of law enforcement officers have received this training. The agency's ability to provide police training and to certify and decertify officers is hindered by staffing and technology constraints. ([pg. 25](#))
3. DPSST lacks oversight of the field training program. Once officers leave the academy, the local law enforcement agency, including Field Training Officers (FTO), are responsible for training. FTOs vary in experience and training. Oregon Administrative Rules do not require that FTOs receive training. ([pg. 31](#))
4. In the last two years, the Governor and the Legislature have taken steps to reform policing in Oregon, including addressing standards for conduct and regulating discipline. ([pg. 20](#))

Other pertinent information

We discuss the issues around use of deadly force data and its implications. ([pg. 35](#))

What we recommend

We made 15 recommendations to DPSST. DPSST agreed with 12 out of 15 of our recommendations. The response can be found at the end of the report.

Introduction

Recent years have been marked by much needed attention to racial injustice, inequity, and the actions of law enforcement agencies (LEAs). As the debate on police reform intensifies and with public trust in law enforcement waning, it raises questions about the ability of these agencies and the State of Oregon to hold officers accountable for misconduct.

The Department of Public Safety Standards and Training (DPSST) is the state agency responsible for regulating public safety disciplines. The purpose of this audit was to examine how DPSST and its board approach police training and accountability. Specifically, our audit examined whether DPSST could do more to identify and hold officers accountable who have engaged in misconduct. Our audit also evaluated whether the agency's approach to Basic Police training is compliant with state laws and industry leading practices.

National and local police misconduct drive calls for police reform

On May 25, 2020, George Floyd was murdered by a Minneapolis police officer while being arrested on suspicion of passing a counterfeit \$20 bill. The officer was convicted in April 2021 of unintentional second-degree murder, third-degree murder, and second-degree manslaughter. The murder of Mr. Floyd triggered protests throughout the country against racial injustice, police violence, and a lack of accountability. It also prompted efforts by many governments to reform policing practices.

In Oregon, protests were held throughout the state — including in Portland, where protesters gathered for 100 days straight, which received national media coverage. The protests themselves drew police response, which in turn fueled greater criticism of policing practices and the use of force along with criticism of protestor tactics. Some members of the public, activists, and lawmakers called for specific measures, including police officer training on equity, bans on chokeholds, the elimination of qualified immunity, and more independent oversight.¹

Independent oversight for law enforcement in Oregon is not new. From 2005 to 2006, the City of Eugene created the Police Auditor's Office and the Civilian Review Board, two independent police oversight mechanisms to ensure fair and impartial oversight and review of public complaints. Similarly, in 2007, the Corvallis City Council adopted an ordinance establishing the Community Police Review Advisory Board to review when a complainant is dissatisfied with the result of an investigation into their complaint of police officer conduct, all officer-involved fatal shootings, traffic stop data, and allegations of racial bias.

The Portland City Auditor's Independent Police Review Division, established in 2001, is an independent civilian oversight agency that intakes, reviews and responds to public complaints, as well as investigates and monitors allegations of misconduct into Portland Police Bureau's officers. However, the Independent Police Review is limited in its powers; investigators do not have direct access to records, cannot subpoena police officers to testify, and nearly all details of decisions are kept

¹ Qualified immunity is a doctrine that shields government officials from being held personally liable for money damages for constitutional violations.

confidential and not publicly available. In the 2020 local election, Portland voters decided to replace the Independent Police Review with a new oversight board with expanded powers.

In Portland, the debate on police reform is centered on how officers engage with people of color and people experiencing mental illness. In response to the 2003 death of Kendra James, a 21-year-old Black woman who was shot by a white police officer, a coalition of community groups and Black leaders urged the Portland Police Bureau to adopt 24 reforms. In 2012, the U.S. Department of Justice found that the bureau “has engaged in an unconstitutional pattern or practice of excess force against people with mental illness.” The City of Portland and the U.S. Department of Justice agreed to measures addressing use-of-force policies; increasing capacity for crisis intervention; identifying gaps in policy, training, and supervision; expediting investigations of misconduct; and increasing community oversight of reforms.

In addition to these efforts, Oregon legislators took up numerous bills on police reform in the 2020 and 2021 legislative sessions. In the June 2020 legislative special session, six criminal justice reform bills were passed. The bills banned some police behavior, such as chokeholds and specific crowd control tactics, and required oversight bodies like DPSST and the Legislature to make changes, including a statewide database to track when certifications are revoked.

In July 2020, the Oregon Governor convened a task force of diverse Oregonians to develop recommendations for improving training and certification practices for Oregon law enforcement officials. The audit team attended several of the task force’s early meetings. Efforts stemming from the 2021 legislative session are discussed in greater detail in the Audit Results section of this report.

Innovation in policing has gained popularity

In 1989, the Eugene Police Department teamed up with the White Bird Clinic CAHOOTS (Crisis Assistance Helping Out on the Streets) team to offer mobile crisis intervention for people experiencing mental health crises. The intent is to offer the type of support and medical help needed with limited police involvement. In 2019, CAHOOTS handled 15,879 calls for service in the Eugene area. This model is gaining interest nationwide.

DPSST and its board regulate public safety professionals in Oregon

Each state has a Peace Officer Standards and Training Commission or equivalent that establishes standards and training requirements. Most oversee certification, decertification, and on-going training for peace officers. In 1961, Oregon created the Advisory Board on Police Standards and Training to serve as Oregon’s equivalent agency and held Oregon’s first Basic Police Class. Over the years, the Advisory Board has grown in scope and is now known as the Board on Public Safety Standards and Training. DPSST was created in 1997 and provides basic and ongoing training, certifies officers, and monitors compliance with professional standards established by the board for all public safety disciplines.

DPSST’s mission is to cultivate excellence in public safety by developing and delivering training and upholding established professional standards. The agency’s divisions are divided into training, professional standards, and operations. The training division includes academy training, the Center for Policing Excellence (CPE) and the regional training program. The CPE was created in 2013 by the Legislature to develop and promote updated skills in policing among officers, managers, and

administrators, and to make use of the body of knowledge of effective and efficient methods in the criminal justice system. Its focus was on leadership training.

The regional training program provides advanced regional training and coordination to local LEAs and county corrections facilities, parole and probation, and telecommunications in Oregon. Regional training coordinators partner with local agencies to identify training needs and resources, provide training for local trainers, and coordinate and facilitate skills-based and specialized training.² Because many local public safety functions — like corrections, police, and 911 emergency response — can be housed under one roof, regional coordinators must be creative and resourceful to adequately coordinate training response.

The agency is guided by the 26-member Board on Public Safety Standards and Training. The board approves all policies, standards, and minimum requirements for public safety certification and training. The composition of the board is outlined in statute: it includes leaders in most public safety disciplines, all of whom are appointed by the Governor and serve three-year terms. In 2021, legislators added two public member positions to the board, making a total of three public members.

DPSST is funded through a mix of General, federal, and other funds, with the bulk of its funding coming from other funds. These other funds are from the Criminal Fine Account, which is supported by revenue collected from state, city, and county courts.³ DPSST is one of a few agencies that receive funds from the Criminal Fine Account.

Figure 1: DPSST's budget fluctuates between biennia

	2017-19 Actual	2019-21 Legislatively Approved	2021-23 Legislatively Adopted
General Fund	\$9,795,963	\$9,357,609	\$9,107,640
Other Funds	\$47,121,802	\$82,907,418 ⁴	\$55,369,818
Federal Funds	\$7,392,919	\$8,510,332	\$7,776,846
Total Funds	\$64,310,684	\$100,775,359	\$72,254,304
Positions	166	152	160
FTE	157.97	149.87	158.74

Source: Legislative Fiscal Office 2021-23 Budget Review and DPSST.

Both DPSST and the board's relationship with police officers is with the individual officer. Under Oregon law, the board does not have control over LEA operations. Holding local LEAs accountable is ultimately up to publicly elected leaders, including city and county officials.

DPSST is responsible for regulating all public safety professionals in Oregon. Public safety professionals include city, county, state, and Tribal police officers; city and county corrections officers; parole and probation officers; fire service personnel; telecommunicators; emergency medical dispatchers; private

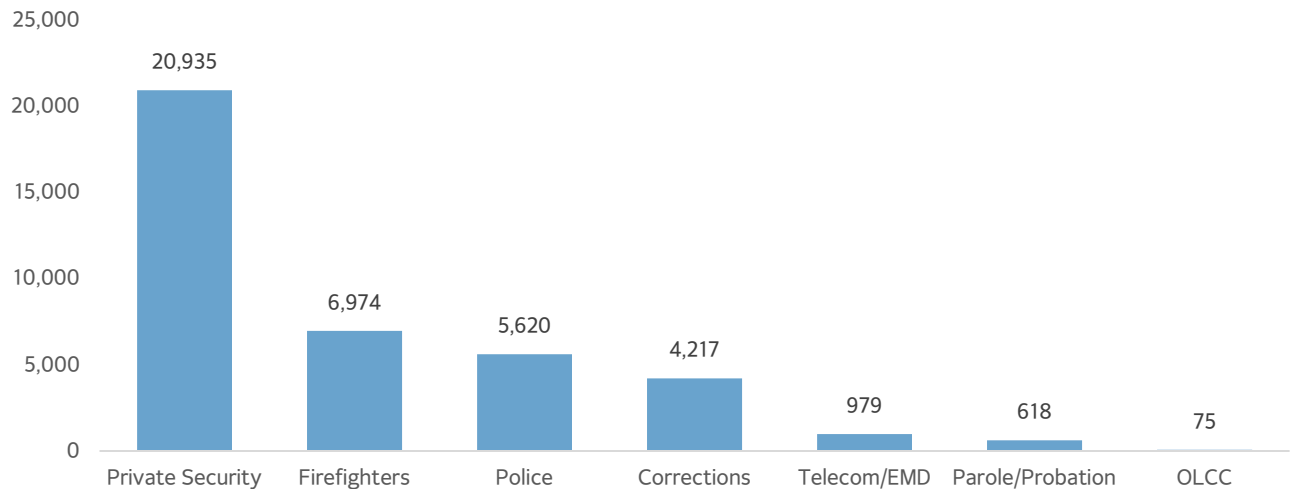
² For example, standardized field sobriety testing (SFST), driving under the influence of intoxicants video training, SFST instructor updates, and RADAR/LIDAR usage.

³ The Criminal Fine Account is supported by revenue collected through the courts — the Oregon Judicial Department for the circuit courts and the local Municipal and Justice Courts. The funding is primarily related to motor vehicle violations, including parking-related violations. Multiple state functions are supported by the Criminal Fine Account, including police safety standards and training, compensation for victims of a crime, forensic services provided by the Oregon State Police, and maintenance and operation of Oregon State Police's Law Enforcement Data System.

⁴ This includes actions made by the Emergency Board and administration in response to COVID-19 emergency response measures.

security providers; OLCC regulatory specialists; polygraph examiners; and private investigators. The largest discipline is private security. As with police, the board adopts standards for employment, training, certification, and decertification for all disciplines.

Figure 2: DPSST certifies public safety professionals in seven disciplines



Source: April 2021, DPSST.

The board sets standards for police officer employment, training, and certification, and DPSST administers the standards

The board adopts minimum standards for police officer employment in Oregon. Local LEAs must follow this guidance when making employment decisions.

According to administrative rule, the minimum qualifications for a law enforcement officer in Oregon are as follows:⁵

- Be a U.S citizen or non-immigrant legally admitted to the United States under a Compact of Free Association;
- 21 years of age;
- Fingerprints within 90 days of date of employment;
- High school diploma or equivalent;
- Proof of training;
- Certification by DPSST;⁶
- Meet minimum physical standards;
- Psychological screening;
- Meet and maintain moral fitness standards; and
- Notify DPSST of an arrest or a criminal citation.

Although the local LEAs are solely responsible for employment decisions, they must comply with state statutory provisions, created by the board and state legislators, including background check requirements.

⁵ OAR 259-008-0010

⁶ To be awarded a public safety certification, an officer must be employed, meet the basic minimum requirements for employment, and complete the Basic Police Academy and Field Training Manual within 18 months from the date of hire.

OAR 259-008-0015 outlines background checks for public safety professionals

The background investigation must include, but is not limited to, investigation into the following:

- Criminal history and arrests
- DMV records
- Drug and alcohol use
- Education verification
- Employment history
- Military history verification
- Personal and professional references
- Personal Interview
- DPSST records
- Residential history
- Work eligibility; and
- Records checks, which may include, but are not limited to:
 - Police records, district attorney, court and Oregon Judicial Information Network (OJIN) records
 - Open sources or social media, as permitted by law; and
 - Financial information, as permitted by law.

Everyone must provide a personal history statement. The statement must include, but is not limited to:

- Verification of the background information
- A list of all public or private safety agencies an individual has applied with;
- A signed declaration acknowledging that all the information the applicant has provided during the background investigation and in the personal history statement is true and correct; and
- A signed release allowing background investigation information to be shared with other public or private safety agencies in which the applicant may become affiliated with.

To prevent officers entering the workforce who may be biased or prejudiced against certain groups of people, state legislators in 2021 passed House Bill 2936, which required DPSST to create a standardized background checklist that contains a description of the results of the background investigation, including information about the psychiatric or psychological evaluation and an assessment of an officer's feelings and opinions on people with diverse cultures, races, and ethnicities, information about the applicant's finances, and the names of three references. Legislators did not outline what local LEAs must do with the information and how it should factor in hiring decisions.

Once an officer is hired by the local LEA and completed training requirements, the officer must apply for a public safety certification from DPSST. By certifying officers, the State of Oregon holds officers to a set of standards. If the officer fails to meet these standards, then DPSST and the board have the authority and the means to remove the officer's certification and keep them out of the profession.

To be awarded a certification, an officer must be employed, meet the basic minimum requirements for employment, swear to a Criminal Justice Code of Ethics, have a valid first aid and cardiopulmonary resuscitation certification, and complete the Basic Police Academy and Field Training Manual within 18 months from the date of hire. Employment and certification are tied together. A person cannot be

awarded a public safety certification unless they are employed, and that same person cannot be employed beyond the initial 18-month window unless they successfully are awarded a certification.

The local LEA, by commissioning the officer when they are first hired, gives them the authority to arrest, detain, or use force against a citizen. The public safety certification alone does not give the officer this authority.

To maintain a certification, an officer must retain employment as a law enforcement officer, maintain current First Aid and CPR certifications, and earn 84 continuing education credit hours every three years. If an officer fails to follow these standards, then their certification may be suspended. Additionally, a public safety certification expires five years after an officer leaves employment.⁷

New officers attend DPSST's four-month Basic Police Academy

All newly hired officers must attend DPSST's Basic Police Academy at the agency's Salem campus within 90 days of their initial employment date.⁸ The academy is approximately 640 hours long and includes classroom instruction and hands-on training. Classes are taught by full and part-time DPSST staff, local LEA officers, and volunteers. Hands-on training comes in the form of scenarios and repetition-based skill development, like firearms training. Each scenario simulates a real-life encounter, such as approaching a person in crisis; officers take what they have learned in the classroom and apply it. At any time, there may be four overlapping, 40-student academy cohorts on campus in different stages of training.⁹

Following the academy, new officers transition into field training, which is conducted by their employing agency. There are two different field training models commonly used by law enforcement agencies in Oregon: The Field Training and Evaluation Program and the Police Training Officer program, though there is no requirement for agencies to use either program.

Two field training program models are commonly represented in Oregon

Originally developed by the San Jose Police Department nearly 50 years ago, the Field Training and Evaluation Program focuses strongly on officer evaluations. Senior officers evaluate new officer's progress.

In comparison, the Police Training Officer program, created by the Reno Police Department and its partners in 1999, incorporates adult-learning principles by focusing more on problem-solving and asks new officers to reflect on their own learning and progress.

The goal of this phase of training is for officers to apply their knowledge in the field and can involve teaching the officer the policies and procedures of the local LEA. This is also an opportunity for local LEAs to identify any officers that they feel are not ready or capable of being an officer for their agency. The officer will be partnered with a more senior officer who helps guide them through a Field Training

⁷ Except in situations when DPSST has opened a professional standards case. The agency will stay the expiration of an officer when the expiration would occur while the public safety professional is under review for a moral fitness violation.

⁸ Employing agencies are responsible for the newly hired officer's salaries, benefits, and personal equipment while at the Academy. DPSST provides instruction, food, lodging and training materials.

⁹ In addition to the Basic Police Academy, DPSST's campus is used to train other disciplines, including fire and telecommunications.

Manual. Depending on the size and resources of the local LEA, the new officer may work with multiple senior officers while in training.

If an officer successfully completes the Field Training Manual, the Field Training Officer, the newly hired officer, and the Chief of Police or Sheriff will sign an attestation agreement saying that the officer has completed the items in the manual. The attestation agreement will be sent to DPSST for its records.

The board can deny or revoke an officer's certification

According to DPSST, moral fitness standards are critical to upholding the public's trust in the public safety profession, protecting communities, and ensuring that the conduct of a public safety professional or an applicant does not reflect adversely on the profession. In instances where an officer fails to meet these standards, the board has the authority to deny or revoke that officer's certification.

Figure 3: The board has exercised its right to revoke, deny, and suspend certifications

Action	2018	2019	2020
Revoked	59	71	49
Denied	3	0	4
Suspended	4	4	2*

*Note: As of May 1, 2020, the board no longer suspends law enforcement certifications for a professional standards case. Under the previous standards, any ineligibility period begins from the date of conviction or the date of separation of employment. By the time the board confirmed the Police Policy Committee's decision to suspend an officer's certification, they may have already exceeded the ineligibility period outlined in the suspension, making the suspension moot.

Source: DPSST Ethics Bulletins Volume 182 and Volumes 194-206.

The fundamental step in denying or revoking a certification is when a DPSST staff member opens a professional standards case. That action may be triggered when:

- DPSST receives notice of an officer's arrest or conviction.
- DPSST is notified by a local LEA that an officer has been separated from employment;
- DPSST becomes aware an officer intentionally falsified documentation to DPSST;
- DPSST dismisses a student from the Basic Police Academy; or
- DPSST staff receive a public complaint.

DPSST will open a professional standards case if the arrest, conviction, separation of employment, or complaint appears to violate the moral fitness standards. The moral fitness standards are split into two categories: mandatory violations and discretionary violations.

For open professional standards cases, DPSST staff may collect investigative material from a local LEA, District Attorney, or other independent material related to the matter. If the materials show that an officer has committed a mandatory violation, then DPSST staff will prepare and serve the officer with a Notice of Intent to Revoke. If the case includes a discretionary violation, the case is sent to the Police Policy Committee to be reviewed.

Mandatory violations

- Convictions of severe offenses, specifically:
 - a felony or a crime punishable for which a maximum term of imprisonment is more than one year;
 - a drug offense (except marijuana, which is reviewed as discretionary); and
 - any offense involving domestic violence, including abuse of a child.
- Situations in which a person is labelled a sex offender under the law; and
- When an officer is discharged for cause from employment.

Discretionary violations

Require the judgment of DPSST staff

- Intentional dishonesty;
- Misuse of authority; and
- Misconduct including conduct that violates criminal laws, conduct that threatens or harms person, property, or the efficient operations of any agency, or discriminatory conduct.¹⁰

Source: OAR 259-008-0300.

DPSST can deny a new officer's application for certification

The decision to hire an applicant is at the sole discretion of the employing LEA. Despite this local control limitation, but still within its regulatory powers, DPSST has established a process to screen individuals who are entering the law enforcement profession.

When LEAs hire an individual into a certifiable role, DPSST staff review the individual for violations of the moral fitness standards. The following checkpoints show when and how the agency is ensuring officers have completed the necessary requirements for certification and screening for moral fitness violations.

Checkpoint 1: Administrative rule requires a local LEA to conduct a background investigation on an individual being considered for employment. As part of that background check, the agency shall consult DPSST records.¹¹ DPSST will notify the LEA whether the officer has an open or closed professional standards case, a prior complaint, or if known, why a candidate left a prior law enforcement position. The local LEA can decide whether it will move forward with hiring the individual.

Checkpoint 2: Within 10 days of being hired, an agency must send a F-4 Personnel Action Form to DPSST. Within this form is a section that alerts DPSST whether an officer has a criminal record. DPSST will review this form for any moral fitness violations.

Checkpoint 3: Before attending Basic Police Academy, an officer must fill out and send a F-5 Application for Training. On the form there is a Professional Standards section with questions regarding criminal history. If criminal history is identified, they must also fill out a F-28 Criminal History Report Form.

¹⁰ OAR 259-008-0300 (3)(a)(C)(ii) For the purposes of this rule, discriminatory conduct includes a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the perception of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age or any protected class as defined by state or federal law, and would lead an objectively reasonable person to conclude that the public safety professional cannot perform the duties of office in a fair and impartial manner.

¹¹ OAR 259-008-0015.

Checkpoint 4: Once the officer has completed all the requirements for certification, they must complete a F-7 Certification Application Form. Again, on this form, there is an opportunity for officers to disclose if they have a criminal record.

Checkpoint 5: If an officer separates from employment at any point, including before they receive a certification, the local LEA is required to notify DPSST and explain whether the officer left while under investigation, if there were any uninvestigated claims of misconduct,¹² or whether the officer left as part of a separation agreement.

Checkpoint 6: In addition to the above checkpoints, DPSST staff complete a criminal history check of Law Enforcement Data Systems (LEDS) and the Oregon E-Court Case Information (Oregon's circuit courts) when they receive notification that an officer has been hired, applied for training or a certification, and separated from employment. DPSST is also alerted any time an officer is arrested.

Because there are multiple opportunities for an officer or their employer to disclose information, agency staff can look for inconsistencies and instances when an officer fails to disclose information. If, at any of these points, staff become aware of an action that meets any of the mandatory or discretionary grounds for certification denial, they may open a case for review.

Discretionary certification cases are reviewed by an Applicant Review Committee or Police Policy Committee prior to the board making final decisions

Under administrative rule, the Board on Public Safety Standards and Training makes the ultimate decision on whether to deny or revoke someone's professional standards certification in discretionary cases. The board does so for all public safety disciplines, which can result in a large body of work. To be efficient, while still being thorough, each professional standards case is reviewed by a discipline-specific policy committee prior to being sent to the board. Each policy committee is comprised of a group of peers and statute describes which groups must be represented. For example, the Police Policy Committee has 17 members, including two public members, several police chiefs, and police officers.¹³ Each policy committee meets quarterly unless there is no business to discuss.

The members of the Police Policy Committee are responsible for reviewing all discretionary professional standards case files for certified police officers. During meetings, the committee weighs the evidence of each case and determines whether there is a preponderance of evidence that proves an officer has violated the moral fitness standard. If the committee finds a violation occurred, it first moves to deny or revoke the officer's certification. Then the committee will recommend a period of ineligibility as a consequence for violating the standards.

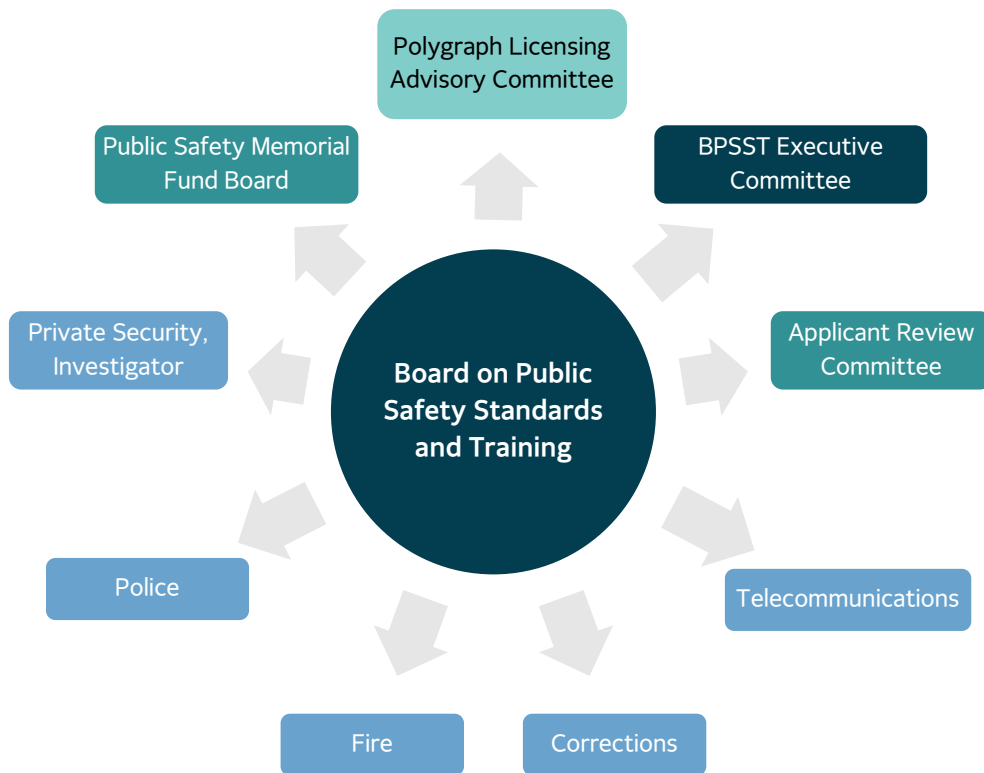
A period of ineligibility is outlined in administrative rule. It is a period of time, anywhere from three years to a lifetime, during which an individual is barred from seeking a new certification and therefore

¹² If the LEA notifies DPSST staff of any uninvestigated claims of misconduct, it will not prompt a professional standards case; however, this information would be provided to another LEA during the background investigation process.

¹³ ORS 181A.375(5). The Police Policy Committee shall consist of all the board members who represent the law enforcement discipline; and one person recommended by and representing the Oregon Association of Chiefs of Police; two persons recommended by and representing the Oregon State Sheriffs' Association; one command officer recommended by and representing the Oregon State Police; three nonmanagement law enforcement officers; and two persons representing the public who has never been employed as a police officer or related to someone who is within the second degree by affinity or consanguinity, and one who is a member of a marginalized or historically underrepresented community.

cannot be employed in a certifiable position. If an officer decides to reapply for a law enforcement position, they must once again complete all the requirements for certification, including completion of the Basic Police Academy.

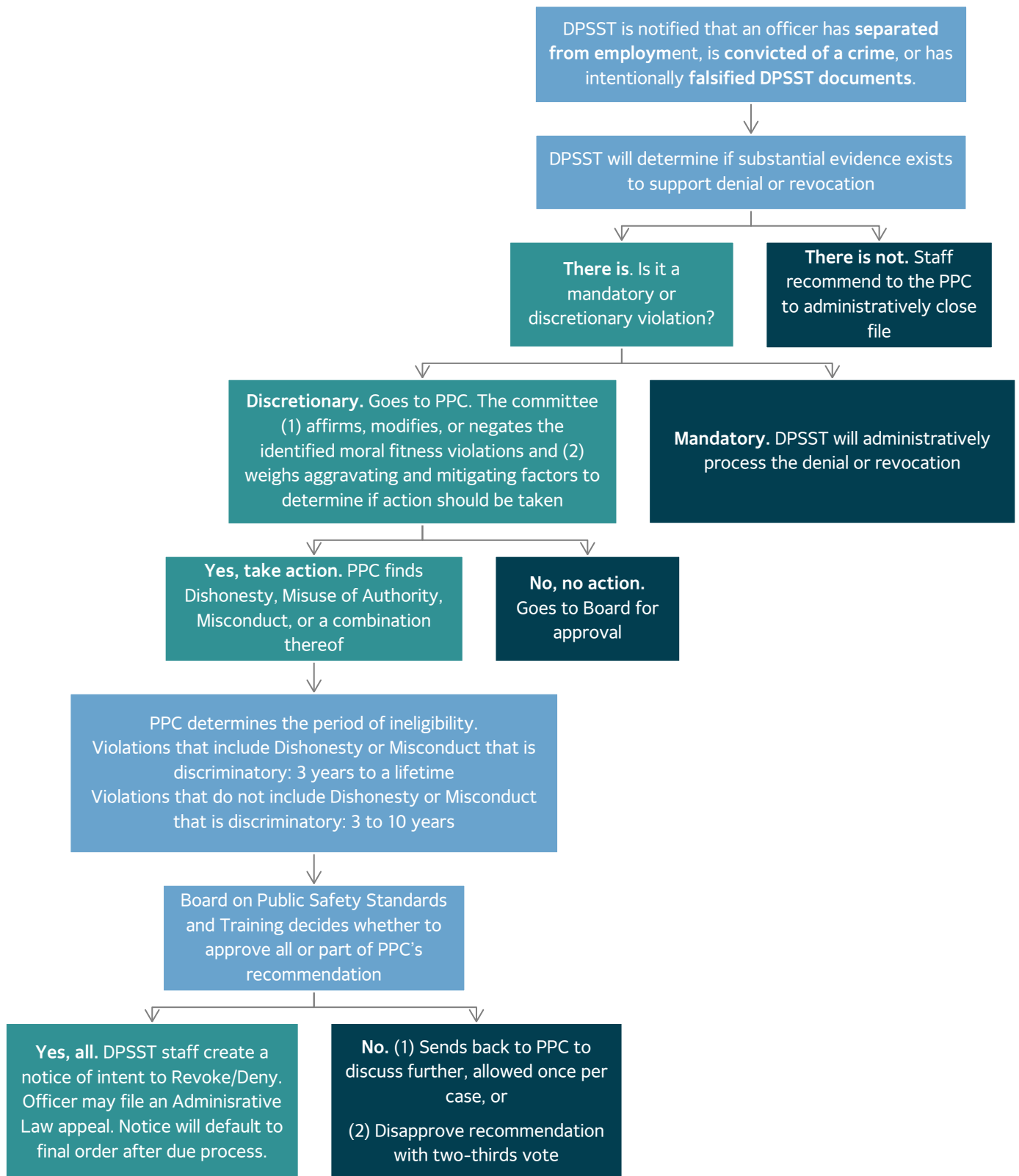
Figure 4: There are five policy committees covering the various public safety disciplines



Police Policy Committee recommendations are sent on to the board for final approval. Members of the board may choose to reject a recommendation made by the Police Policy Committee with a two-thirds vote or send a professional case back to the committee for additional consideration — for example, to review a specific piece of evidence again or to answer a specific question. Per administrative rule, the board can only do this once per case. In most cases, the policy committee’s recommendations are upheld by the board; for example, in 2020, of the seventy-five cases presented to the board, only one was sent back to the committee for additional consideration. See Figure 5 for an overview of the process to review professional standards cases.

DPSST staff stated in a 2019 Criminal Justice Background Investigation Workgroup memo that due to committee and board meeting schedules and agenda limitations, it is not uncommon for agencies to hire individuals without knowing for months if the board will ultimately vote to deny their certification based on the officer’s behavior. This delay directly impacts the operations of the employer and how quickly the officer can get through training and become a fully certified officer. In response to this uncertainty, DPSST staff and the workgroup created an Applicant Review Committee in early 2021. Composed of two members from each disciplinary committee and a public member from the board, the committee meets once a month depending on volume of cases and members will decide whether to deny an officer’s application for certification.

Figure 5: DPSST staff, the Police Policy Committee, and the board review professional standards cases¹⁴



¹⁴ Other disciplines, like Fire, have their own processes. The scope of our audit excluded other disciplines practices.

COVID-19 temporarily shuttered the Basic Police Academy and shifted agencies' focus to emergency response

In March 2020, Governor Kate Brown signed an executive order closing state agencies to the public due to the COVID-19 pandemic. DPSST's Information Technology team helped transition most of the agency's employees to work from home. Students attending the Basic Police Academy were also sent back to their home agencies.

The disruption to the Basic Academy was far-reaching. It was not clear how long the COVID-19 pandemic would persist and to prolong the suspension of the academy would have a negative effect on local LEAs that needed the new officers. DPSST leadership restarted the academy, returning students to the campus in May 2020 with social distancing and other safety protocols in place. Despite this, the stay-at-home order and general concern about COVID-19 restricted DPSST's ability to obtain part-time instructors. As a result, the greater burden on teaching classes fell to DPSST's full-time training staff.

The COVID-19 shutdown highlighted another key government function that DPSST provides, which is support for emergency management and preparedness. Prior to the Governor's executive order, DPSST in February 2020 activated its Continuing of Operations Plan, otherwise known as a COOP plan. This plan ensures that critical government programs continue to function in times of crisis.

To coordinate emergency efforts, the Governor's Office, with support from the Office of Emergency Management and the Department of Administrative Services, activated the state Emergency Coordination Center to coordinate COVID-19 response. DPSST, like other state agencies, initially loaned staff to the center to help emergency efforts. Once it was determined that physical distancing was a way of preventing infection from COVID-19, DPSST was asked to create a redundant Emergency Coordination Center with more physical space for people to work.

For two weeks in March 2020, DPSST staff secured additional phone lines and improved data and other infrastructure to support the new center. Emergency efforts began to transition to the redundant site in April 2020; however, the need for the site was short-term, and efforts were transferred back to the initial center by May. The total cost of this effort will be reimbursed to the agency through the Federal Emergency Management Agency and other federal aid.

In addition to the Emergency Coordination Center, during the pandemic DPSST staff supported other emergency efforts:

- In June 2020, in response to declared conflagration, DPSST staff trained 400 Oregon National Guard members for wildfire readiness response.
- In September 2020, DPSST hosted a Santiam Canyon Wildfire command center for the Department of Forestry.
- At the call of the Marion County Emergency Management team and Portland General Electric, DPSST staff planned to house 60-line crew members who were working to fix downed power lines because of the February 2021 ice storm.

Audit Results

DPSST and its board works as a regulator to establish administrative rules and procedures to hold accountable police officers who have engaged in misconduct. DPSST staff have created safeguards intended to verify the fitness and professionalism of officers who earn a certification, such as increased transparency, refined moral fitness standards, and conducting audits of local LEAs to ensure compliance. However, DPSST is limited in its ability to hold more officers accountable due to local control over employment and discipline decisions, narrowly defined administrative rules, and gaps in its certification review process. As a result, there is a risk that some conduct worthy of decertification goes undetected or unaddressed.

Our review also found that DPSST has developed and implemented Basic Police Academy training that complies with state laws and includes leading practices, evidence-based curriculum, and teaching methods. DPSST's ability to provide this training — and to certify officers — is hindered by the need for additional resources, including staff and technology. Additionally, once new officer recruits complete the academy, DPSST's ability to affect behavior is limited — it is the responsibility of local LEAs and Field Training Officers (FTOs) to educate new officers on how to police in their community. Auditors found FTOs vary in their experience and training, and Oregon Administrative Rules do not require FTOs receive training.

DPSST and its board are implementing rules and processes that improve police officer accountability, but face high workloads and staffing constraints

In the past five years, DPSST staff have convened four stakeholder workgroups to review law enforcement certification rules and practices and identify ways to be more effective in holding officers accountable. These workgroups included board and police policy committee members and criminal justice and public safety professionals.

The result of this work is clearer guidance to LEA personnel, DPSST staff, and Police Policy Committee members regarding officer hiring qualifications and criteria for certification denial or revocation. It also helps to better identify individuals unfit to serve as an officer in Oregon.

Certification decisions and resulting actions are transparent

One of the criticisms of law enforcement is the lack of transparency when it comes to officer investigations and accountability. In response, DPSST has implemented strategies to enhance transparency.

Police Policy Committee and board meeting discussions are live streamed to the public as technologies allow. Board certification decisions are documented on DPSST's website. In the 2020 Oregon legislative session, lawmakers cemented this practice into law by passing a bill requiring DPSST publish all certification decisions online. In response, DPSST added more information to the online database. For closed cases, DPSST includes details surrounding the case, the facts found by the committee, and the decision made by the board.

In addition to the database, since 2002 DPSST has published an Ethics Bulletin. The bulletin was meant to be an educational tool for law enforcement. It includes information on cases presented before the board, including the conduct, and resulting DPSST action. The names of the officers are omitted so that readers may focus on the behavior and how that behavior violates moral fitness standards. Since most case-specific information is now provided on the DPSST website, in 2021 DPSST staff discontinued the Ethics Bulletin because they felt it was redundant with the record of certification statistics.

Criminal Justice Certification staff workload is high, despite continued improvements

The work of ten members within the Certification Division is crucial to timely and careful review of police officer certification applications. They are the state’s primary control in police accountability. Their responsibilities are vast. They process applications for police and corrections officers’ certifications, route and track criminal justice-related complaints, publish the online professional standards database, and review for potential violations of the moral fitness standards. Additionally, staff members support the Police Policy Committee and the board’s functions by preparing materials and researching any case inquiries the committee or board may have.

According to the Criminal Justice Certification manager and staff in the past five years, they have updated their processes and created a desk manual to outline procedures for handling all certification paperwork. According to written procedures, all forms are manually processed and entered into a certification database. Additionally, records are maintained in a paper file, and may be tracked using an Excel spreadsheet. Each form is screened by the Criminal Justice Compliance Specialist for errors and potential moral fitness violations. If moral fitness violations are detected, additional work is needed. Though roles and responsibilities are clearly outlined in the desk manual, the amount of work and the lack of automated systems can hinder the process and may increase the risk of forms getting lost or misplaced.

Figure 6: The number of forms processed each year is high

	2018	2019	2020
Personnel Action - New Hire or Change in Position forms	3,217	2,764	2,632
Personnel Action - Separation forms	1,807	1,689	1,629
Academy Training applications	1,494	1,464	1,104
Certification applications	1,704	1,616	1,866
Total	8,222	7,533	7,231

Source: DPSST.

Beginning in late 2020, per staff interviews, professional standards cases were split between two case managers: one who handles pre-employment cases and one who handles cases for certified officers. According to the desk manual, each opens the professional standards case, collects the appropriate evidence from local LEAs, makes initial determinations on moral fitness violations and tracks each case through the administrative process.

The work needed to process each application or case varies. If the applicant indicates they have criminal history, it requires DPSST staff to acquire and review criminal dispositions or other court documents that can add time, compared to an applicant with no criminal history. In one example, staff shared they drove from Salem to Eugene to get information concerning an applicant’s juvenile record. According to staff, a lot of applicants are reporting criminal histories, resulting in a review of their

criminal backgrounds, often with people coming from other states applying for positions in the corrections discipline.

DPSST audits agency employment records to ensure compliance, but faces staffing constraints

Critical to DPSST’s certification process is the requirement of local LEAs to notify the department of an employment action, such as hiring, promotion, or separation of employment. LEAs do so by submitting written forms to DPSST via email or mail. Without this communication, DPSST is not likely to know whether a new officer is hired or is terminated, undermining the agency’s efforts to regulate the profession.

Since 2018, DPSST program staff have reviewed agency employment records to ensure local agencies are complying with the requirement to alert DPSST of employment decisions. These reviews have found instances wherein local LEAs were not in compliance. In several cases, officers received promotions for positions that require additional management certifications, but the LEA did not notify DPSST. Other cases included instances where an officer appeared on the payroll without DPSST’s knowledge, likely as the result of a transfer from another agency, and a lack of records of officers completing their Field Training Manuals within the required timeframe.

Although this is a vital step in holding local LEAs accountable, DPSST has only one staff member assigned to conduct these assessments. The goal is to review all LEA agency¹⁵ records in Oregon every year, though this has not occurred. Increasing capacity in this area could help ensure these assessments are occurring with the desired frequency.

Most police accountability measures occur at the local agency level, limiting DPSST’s role in holding officers accountable

Although the board and DPSST play a critical role in holding police officers accountable in Oregon, it is the local LEAs employing the officers who are the primary layer of accountability.

DPSST’s actions are secondary to employment actions made by local agencies

The board’s relationship with individual police officers is primarily related to certification. This is separate and distinct from the relationship between the employing police agency and individual officers. DPSST has established criteria that outline when it should open a professional standards case; the majority of these triggering events and subsequent certification reviews start when an officer is separated from employment (i.e., termination, resignation, or retiring). Therefore, most certification reviews are triggered by events that initially occur at the local level.

“Triggers” for Certification Review

- Criminal Disposition
- Separation from Employment
- Falsification
- Dismissal from the Academy
- Complaints (rare)

¹⁵ According to DPSST, there are approximately 208 LEAs in Oregon. However, the number fluctuates because local governments occasionally opt to dissolve or create LEAs. For instance, in 2015 the City of Troutdale approved the consolidation of law enforcement services with the Multnomah County Sheriff’s Office.

There are situations, such as an officer being criminally charged, in which DPSST will conduct a certification review to evaluate misconduct of law enforcement officers who are still employed.¹⁶

Due to this, most police accountability measures, including low-level discipline and decisions on employment, are likely entirely or at least initially made at the local LEA level. Neither DPSST nor the board have the authority to overrule employment or disciplinary decisions made by local LEAs as long as they comply with the board's standards and requirements. Although DPSST's certification process is separate, it relies on local LEA investigations.

Incomplete local investigations may impede the board's ability to make a decertification decision

Although DPSST has the statutory authority to conduct its own investigations into moral fitness violations, the agency has historically not done so. Instead, DPSST relies largely on already existing local LEA investigations. Certain instances wherein local investigations are not completed hinders the agency's ability to make an informed decision on decertification. This may occur for multiple reasons, such as an officer resigning prior to the completion of an investigation or an agency not having enough financial and personnel resources once an officer has left.

Alternatively, there is a risk that investigation materials do not directly pertain to the moral fitness standards. The local LEA's investigation is generally tied to employment decisions and occasionally criminal behavior. The focus of these investigations is whether the officer has behaved or committed acts that violate agency policy or law. The criteria and thresholds for these local LEA determinations may be different than DPSST's criteria, which is whether the officer violated the moral fitness standards.

The result is the risk of local investigatory materials being insufficient for DPSST or the board's needs. Behavior that violates the moral fitness standards could go unaddressed. Auditors reviewed a total of 103 administrative closures that occurred between February 2018 and February 2021.¹⁷ Of the 103, three of the cases did not have enough information to determine if a moral fitness violation occurred. The remaining 100 cases were administratively closed for various reasons.

- In 41 cases, no moral fitness violation was found. Either the allegations were not sustained, the individual was laid off, had medical issues, or there were performance issues, incompetence, or other issues between the employee and employer.
- In 24 cases, the evidence shows a possible moral fitness violation by the officer; however, the individual did not hold a DPSST certification at the time. The officer was newly hired and likely on probation. These cases are flagged to be reviewed if the officer chooses to reapply to be a police officer.
- 15 cases involved convictions that were within Oregon Administrative Rules for administrative closure.

¹⁶ Auditors reviewed internal open and closed criminal justice certification case data and data publicly available on DPSST's website. We detected anomalies and inaccuracies present in both sets of data. Therefore, we determined the data was unreliable for our purposes.

¹⁷ Administrative Closures: case administratively closed due to no moral fitness violation, lack of evidence to prove a moral fitness violation, or other circumstance allowable by administrative rule.

- 13 cases involved arrests that did not result in a criminal disposition.
- Five involved officers that were terminated, but an arbitrator reinstated their employment. The arbitrator found the facts did not support the allegations or, in one case, there was not a preponderance of evidence that prove the allegations true.
- Two cases were opened in error.

DPSST’s accountability measures are hindered by narrowly defined administrative rules and gaps in complaint and certification processes

Although DPSST staff and the board have made efforts to improve standards and process, gaps persist. These gaps expose areas where officers may not be held accountable for their actions, many of which are of high concern to the public.

Police officer competency, use of excessive force, or use of force resulting in death do not automatically trigger a certification review

DPSST’s criteria for certification denial and revocation is limited to moral fitness standards, which are narrowly defined. Police officer competency, use of excessive force, or use of force resulting in death are not automatic triggering events for a moral fitness certification review.

Until 2017, administrative rules stated that if an officer was discharged for cause from employment for incompetence, it was mandatory an officer’s certification be denied or revoked. Yet during a 2016-17 workgroup review of moral fitness standards, incompetence was removed from the definition for “discharge for cause” upon the advice of the Oregon Department of Justice.

Incompetence was defined as a demonstrated lack of ability to perform the essential tasks of a public safety professional that remedial measures have been unable to correct. According to the Department of Justice attorney, who DPSST consults in business matters, the board lacked the necessary statutory support to take action on a certification for incompetence alone, since it is not necessarily indicative of an officer’s failure to meet the board’s moral fitness standards. Also, an officer who may not be a good fit in one community, like Portland, may be successful in another department. To date it remains excluded.

There are ways in which an officer’s use of force could lead to their certification being denied or revoked. However, the process of denying or revoking a certification for use of excessive force is predicated on seemingly rare actions: the officer must be either convicted of a crime or discharged from employment for cause.

According to administrative rules, if an officer is convicted of a crime punishable as a felony or any crime for which a maximum term of imprisonment of more than one year may be imposed then an officer’s certification must be denied or revoked. If an officer is convicted of a lesser offense, DPSST may open a professional standards case if they determine the facts of the case meet the criteria for moral fitness standard review. Yet, according to a criminal justice expert at Bowling Green State University who has been tracking data on police officers who have been arrested for murder or

**ORS 181A.640(2)(f) Discharge for Cause
(updated in 2020 and 2021)**

The officer has been discharged for cause from employment as a police officer as a result of intentional conduct performed under the color of office to:

- (A) Obtain false confession
- (B) Make false arrests
- (C) Create or use falsified evidence, including false testimony, or to destroy evidence to create a false impression
- (D) Compel a person to abstain from doing, or to do, any act that the person has a legal right to do or abstain from doing
- (E) Deprive, or attempt to deprive, another person or persons of their legal rights, or
- (F) Gain advantage for a public or private safety agency or for personal gain.

Added in the 2021 Legislative session:

- (G) Use force that was determined to be excessive or without justification;
- (H) Engage in the abuse of lawful authority; or
- (I) Engage in policing indicative of bias or discriminatory intent against an individual based on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability.

manslaughter due to on-duty shootings since 2005,¹⁸ it is seemingly rare for an officer to be held criminally liable for use of deadly force. The Oregonian/OregonLive¹⁹ conducted a similar analysis of fatal shootings by the Portland Police bureau from 2003 to 2020 and found in all of the 40 instances of people shot and killed by Portland police none of the officers were ultimately disciplined or indicted by a grand jury.²⁰

The second way an officer could be held accountable by the state for use of excessive force was recently adopted through legislation. House Bill 2162, passed in 2021, added “use of force that was determined to be excessive or without justification” to the list of discharge for cause reasons for certification revocation. Given its recent addition, it remains to be seen if this will be effective. Much like a felony conviction for use of force, it appears an officer is rarely discharged for cause for “use of force that is determined to be excessive or without justification.”

To illustrate this point, auditors attempted to review data on incidents of excessive force and compare the data to DPSST's professional standards opened and closed cases. The state of Oregon lacks the data to make this comparison. The only local data that auditors could use pertained to Portland Police Bureau officer-involved shootings and all in-custody deaths from

2004 to 2018. This data was published by the OIR group, a southern California-based consultant that was hired by the Portland City Auditor to determine whether the bureau's internal investigations to these critical incidents were in line with its expectation and standards. The OIR group did not weigh in on whether discipline was warranted but did track whether an officer was disciplined.

In all the 57 critical incidents analyzed, the OIR group found three officers were disciplined. All three were terminated. However, two of the officer's terminations were overturned in arbitration. The third officer was terminated and charged by the Multnomah County District Attorney with third-and fourth-

¹⁸ Tucker, E. Morales, M. and Krishnakumar, P. (2021, April 21). [Why it's rare for police officers to be convicted of murder](#). CNN.

¹⁹ Crombie, N. and Dixon Kavanaugh, S. (2020, August 16). [Shots fired: Deadly Portland police encounters reveal troubling patterns](#). The Oregonian/OregonLive.

²⁰ Auditors attempted to review statewide data on use of deadly force however, we found that data unreliable. See the Other Pertinent Information section in this report.

degree assault. The Oregonian/OregonLive²¹ reported he died by suicide while the case was pending. This means that in all Portland Police Bureau officer-involved shootings and incidents of in-custody deaths, during this period, only one officer's actions may have met the standard for a DPSST professional standards review. This illustrates how even very serious incidents may not prompt DPSST to review what occurred.

DPSST's procedures for processing complaints has room for improvement

The primary recipient for complaints is the local LEA. However, DPSST may receive complaints for all certified public safety professionals or any individual applying for certification through DPSST. Oregon Revised Statute²² grants DPSST the authority to investigate complaints; however, administrative rules established by the board have deferred that responsibility to the local LEAs. Within 14 days after receiving a complaint, a DPSST staff member will review the complaint to determine if the allegations would violate the statutory and administrative rule requirements for certification. If the staff member determines the complaint meets this standard, then the complaint is sent to the officer's employer — the local LEA — for resolution.²³ The local LEA is required to notify DPSST whether the complaint has been "reviewed and handled in a manner deemed appropriate" by the LEA within 60 days from the date of the initial complaint. DPSST does not require the LEA to report the outcome of the complaint, including whether an investigation occurred, or discipline was applied.

DPSST may present the complaint to the policy committee in three situations: when the agency fails to receive notice from the local LEA; when it receives a complaint about an officer who is no longer employed; and when a complaint is against an elected official serving as a public safety professional, that if proven may violate moral fitness standards. Members of the policy committee may direct DPSST to open an inquiry into the matter to obtain more information.

DPSST staff could resolve more complaints but say limited staffing and high workload prevents them from doing so. One DPSST staff member handles complaints for law enforcement personnel. The staff member is also responsible for processing and reviewing pre-employment professional standards cases. According to the staff member responsible, they received roughly 160 complaints in 2019. Under current staffing levels, it may not be feasible for this staff member to investigate each individual complaint, in addition to their other duties.

DPSST's board lacks clear conflict of interest guidelines

DPSST's board and police policy committee consist of a majority of members from the disciplines they are regulating. Though their knowledge is helpful in understanding the intricacies of each professional standards case, the majority representation of these disciplines on the committee furthers the perception that DPSST's process is not truly independent and may contribute to the public's criticism that law enforcement is policing itself.

²¹ Bernstein, M. (2015, May 26, updated 2019). [Autopsy confirms death of fired Portland police officer Dane Reister was suicide](#). The Oregonian/OregonLive.

²² ORS 181A.640(6)(a)

²³ If the complaint is determined to be outside of DPSST's jurisdiction, meaning it is not related to certification requirements, DPSST staff send the complaint on to the employer. The employer is not required to respond and DPSST staff do not follow up.

Furthermore, the board does not have clear conflict of interest guidelines. Board members are asked to disclose if they feel there is a conflict of interest in a vote. Though the member is encouraged to disclose the nature of the conflict, it is not necessary. Even if they disclose a conflict, the member may still be allowed to participate in discussions and recommendations upon declaring their ability to remain unbiased.

DPSST cannot directly access the FBI National Crime Information Center Data

DPSST's Criminal Justice Certification staff regularly check Oregon's LEDS for criminal behavior. However, this information does not include federal offenses or offenses outside of Oregon, which is stored in the FBI's National Crime Information Center (NCIC) index. Though the data stored in NCIC is not comprehensive, it can be used to supplement the information DPSST obtains from LEDS.

The FBI does not allow DPSST access to the NCIC because it is not considered a LEA. The FBI limits which agencies can read and edit NCIC information. This barrier is a part of a national discussion among professionals in policing on the role of regulation agencies in police accountability and access.

There is an alternative option available that DPSST does not currently use. According to administrative rule, DPSST may request the Oregon State Police run a NCIC check on its behalf.²⁴ The two agencies would need to address any process barriers to ensure that this information exchange is secure, and that the process does not create administrative burdens on staff resources.

The Governor and state legislators acted to address local control barriers to police accountability

As discussed earlier, local control over officer conduct, discipline, and employment can be a barrier to holding police accountable. In the last two years, the Governor and state legislators have worked to address these challenges through a number of bills in the Legislature. These efforts have resulted in a new commission, standardized background checks, and a discipline database, among other things.

House Bill 2930

Legislative session	Sponsored by	Bill title	Summary
2021 Regular Session	Reps. Bynum, Noble; Sen. Frederick	Relating to standards concerning law enforcement officer conduct	For purposes of arbitration proceedings concerning alleged misconduct by law enforcement officers, specifies burden of proof necessary for law enforcement agency, or civilian or community oversight board, agency or review body, to show law enforcement officer engaged in misconduct and that any disciplinary action taken against officer was with just cause.

Discipline is handled at the local level, but every LEA may handle it differently per their agency policies and union bargaining agreements. Similarly, LEAs may have different measures for how unjustified or excessive use of physical or deadly force is defined or dealt with.²⁵ Many of these local discipline

²⁴ OAR 259-013-0230.

²⁵ Excessive use of force is discussed in greater detail in the Other Pertinent Information section of this report.

processes ultimately can lead to arbitration, at which point the ability of an arbitrator to overturn an employer's discipline of an officer, including termination, may not align with the public interest.

For example, among our review of the OIR Group's look into Portland Police Bureau deadly shootings, we found two occasions where the bureau decided to terminate the officer, only to have an arbitrator overturn that decision and reinstate the officer's employment.

House Bill 2930 addresses these issues by establishing the Commission on Statewide Law Enforcement Standards of Conduct and Discipline for the purpose of adopting rules that prescribe uniform standards of conduct, including guidelines and procedures, to which law enforcement officers must adhere. The commission will also create disciplinary standards and procedures, including a range of disciplinary actions, which a LEA, an oversight board, review body, and an arbitrator must use to make determinations regarding alleged misconduct by an officer, and must follow when imposing discipline in response to such determinations.

At a minimum, these uniform standards will address standards of conduct and discipline regarding:

- Unjustified or excessive use of physical or deadly force;
- Sexual harassment;
- Sexual assault;
- Assault;
- Conduct that is motivated by or based on a real or perceived factor of an individual's race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness;
- Moral character; and
- The use of drugs or alcohol while on duty.

Additionally, the bill states an arbitrator must uphold the disciplinary action taken by an employer unless the arbitrator finds it to be arbitrary or capricious. If the disciplinary action was termination, an arbitrator may not set aside or reduce the imposed discipline if doing so is inconsistent with the public interest in maintaining community trust, enforcing a higher standard of conduct for law enforcement officers, and ensuring an accountable, fair, and just disciplinary process. This law change also states these requirements are not subject to collective bargaining.

The new commission is separate and distinct from DPSST and its board. However, the director of DPSST will be one of the 15 commission members. Standards set by the commission, specifically as it relates to excessive use of physical or deadly force, will likely affect DPSST's role in holding officers accountable to their moral fitness standards. Once the commission has issued its uniform standards, the board may need to review them to inform changes to the moral fitness standards, as necessary. The commission has until October 2022 to adopt and publish its rules establishing the uniform standards, and until September 2022 to prepare and submit a report to the Legislature describing the development and adoption of the standards. Due to this timeline being outside the scope of our audit, we are not able to speak to the effectiveness of these standards.

House Bill 2936

Legislative session	Sponsored by	Bill title	Summary
2021 Regular Session	Rep. Bynum, Sen. Manning Jr.	Relating to law enforcement officers	States legislative findings about racism and public safety.

The Legislature holds that racism has no place in public safety, and law enforcement officers hold a unique position in the community and must demonstrate principles of equity, transparency, honesty, and trust with all members of society. Specifically, membership or participation in hate groups, racial supremacist organizations, or militant groups erodes public trust in law enforcement officers and community safety. Participation in racist organizations and displays of symbols of racism or racial supremacy are at odds with the position of trust and authority law enforcement officers occupy in the community.

To address this, [House Bill 2936](#) requires law enforcement agencies to adopt policies that set standards for speech and expression by officers in and outside the course and scope of employment. The policies must apply to all forms of speech and expression but may not violate the constitutional rights to free speech and expression.

The bill also requires DPSST to create a uniform background checklist and a standardized personal history questionnaire for use by LEAs when hiring applicants to be public safety officers. The checklist must include a description of the LEA's investigation of the applicant, including specific information about a psychiatric or psychological evaluation of the applicant. This evaluation assesses the applicant's feelings and opinions toward different cultures, races, ethnicities, social, political, economic, and life statuses. It also must include investigation of the applicants' finances, among other information.

House Bill 3145

Legislative session	Sponsored by	Bill title	Summary
2021 Regular Session	At the request of The Innocence Project, Oregon Justice Resource Center	Relating to records	Requires law enforcement unit that imposes discipline including economic sanction on police officer to report to Department of Public Safety Standards and Training.

As discussed earlier, often the discipline imposed on a police officer at the local LEA is not publicly available. [House Bill 3145](#) addresses this transparency issue by requiring LEAs to report discipline of police officers involving economic sanctions to DPSST. DPSST is then required to make this information available to the public as part of a statewide online database. This database will publish the name of the officer, the LEA which employed them, and a description of the facts underlying the discipline.

Collectively these legislative measures seek to solve challenges we identified regarding local control over officer conduct, discipline, and employment. It is too soon in the process to know if these efforts will effectively address these local control challenges and aid in improving police accountability.

DPSST's approach to basic police training complies with state laws and industry leading practices

In recent years, DPSST staff have been revamping the basic police training curriculum using evidence-based practices. Initial research has shown this approach has resulted in students exhibiting desired behaviors by their last week of training.

DPSST's revamped curriculum focuses on effective communication, de-escalation, emotional intelligence, history of policing, and implicit bias

The agency has recently overhauled the basic police training academy curriculum, including what is taught and how. Beginning in 2017, DPSST Center for Policing Excellence staff began working with stakeholders on revising the Basic Police Academy to include evidence-based practices, and where literature is inconclusive, they are creating curricula and testing its effectiveness.

Staff identified two important resources that helped in developing evidence-based training. The first was a May 2015 report from a federal presidential task force charged with identifying best practices and offering recommendations to promote effective crime reduction while building public trust.²⁶ The second was a 2016 report created collaboratively between George Mason University and the International Association of Chiefs of Police, which reviewed the recommendations made by the task force and assessed which had the most academic research and support, and which need more research and testing.²⁷

National experts recognize more needs to be done to determine “what works” in policing

There has been support among police, policing experts, law makers and educators over the years to move to a more evidence-based approach to policing. The goal of this approach is to tie specific police operations to research-based strategies that improve public safety outcomes. However, the research on what strategies or operations are most effective is limited or inconclusive.

For example, in 2020 researchers from the John F. Finn Institute for Public Safety and their partners published a study on the effects of the New York City Police Department's mandatory implicit bias training.²⁸ Researchers conducted surveys before and after the training to assess attitudes and knowledge of implicit bias and attempted to examine enforcement data to determine if the training had any effect on reducing racial or ethnic disparities in law enforcement actions. The results were inconclusive. It was difficult for the researchers to isolate the effects of the training from other trainings and practices in place. Also, though it is presumed that enforcement disparities stem from implicit bias, there is no conclusive evidence to support this.

Experts in policing agree that more research is needed on the effectiveness of popular interventions like body cameras, de-escalation training, implicit bias training, and civilian oversight work to improve interactions between law enforcement and the public.

²⁶ President's Task Force on 21st Century Policing. (2015, May) [Final report of the President's Task Force on 21st Century Policing](#). Office of Community Oriented Policing Services.

²⁷ Lum, C. et al. (2016). [An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing — Implementation and Research Priorities](#). Fairfax, VA: Center for Evidence-Based Crime Policy, George Mason University. Alexandria, VA: International Association of Chiefs of Police.

²⁸ Worden, R. E, et al. (2020, July). [The Impacts of Implicit Bias Awareness Training in the NYPD](#). Report to the New York City Police Department.

The police academy training teaches adult learners in an evidence-based format. The academy leverages proven adult learning techniques, including blocks of two-hour instruction sessions, group activities, and frequent student participation. De-escalation techniques, communication, criminal and procedural law, and use of force skills are taught on an incremental basis and reinforced through live action scenarios.

The recent overhaul of the curriculum was broken down into three phases. DPSST staff have implemented Phase 1 in 2018 and Phase 2 in 2019 of their revised training modules. Phase 3 was implemented in 2021.

Phase 1 focused on developing new officers' interpersonal skills, such as emotional intelligence and self-awareness and increasing competencies for positive interactions with the community. Concepts like resiliency, effective communication, service, and building public trust serve as recurring themes throughout the curriculum.

Phase 2 reimagined tactical considerations and covered the various skills necessary to safely bring an incident to resolution. Concepts included: Crisis intervention, mental health, trauma, de-escalation, use of force, less lethal, defensive tactics, firearms, tactical movement, and legal applications.

Phase 3 included, but was not limited to, deciding other critical topics and its content, developing student and instructor materials, allocating hours to each course, and focusing on specialized knowledge and skills.

A portion of the Basic Police Academy curriculum is legislatively mandated. Oregon law requires the academy to spend time on certain training: bias crimes, child abuse, domestic violence, mental health, pursuit training and exercises, and the Vienna Convention.²⁹ Auditors found that all topics required in statute are included in the academy curriculum and comply with requirements on how much time to spend on each.

DPSST's training approach is shown to be effective in changing student behavior

In the absence of conclusive evidence-based research available, in 2017 DPSST partnered with researchers from Washington State University to develop its own. Researchers developed a complex methodology to study the effects of the Basic Police Academy training on the behavior of students. The methodology identified a list of 187 desired behaviors police officers should exhibit. Essentially, DPSST sought to evaluate whether the students are developing the types of behaviors desired because of the training provided.

This was accomplished by first establishing a baseline using the old curriculum, where researchers studied how three full cohorts (approximately 120 officers) performed in a series of video-simulated scenarios. Researchers then tested and measured the performance of cohorts after each phase was implemented. One of the primary questions this research seeks to answer is: "Are recruits showing the desired behaviors by their last week of training?" In essence, researchers can see if the newly

²⁹ Vienna Convention on the Law of Treaties is an international agreement regulating treaties between states. Officers are trained to understand the requirements of the Vienna Convention on consular relations and identify situations when an officer is required to inform a person of their rights under the Convention.

developed curriculum is succeeding in developing the preferred social behaviors in students and whether this leads to better outcomes in scenarios.

This is an area where DPSST stands out nationally. The research so far has shown that the DPSST curriculum is resulting in the desired officer behaviors in critical areas, as well as a significant improvement in scenario outcomes ending more positively. For example, recruits demonstrated the ability to use communication skills to defuse or de-escalate a potentially violent situation 33.7% more often, because of the Phase 1 curriculum changes. The research also showed 97.4% of the time recruits attempted to negotiate with the person in crisis, which is a 32.7% improvement. This strongly indicates the work DPSST has done with revamping its curriculum is working, benefiting any officer who has graduated from the basic police academy since these changes have been implemented.

Some of the desired behaviors researchers evaluate:

- Shows empathy
- Demonstrates concern for civilian's safety
- Picks up tone of voice of the person in crisis
- Maintains a positive attitude
- Gives options and explains consequences
- Demonstrates gratitude for compliance
- Uses communication skills to defuse or de-escalate a potentially violent situation
- Leaves the civilian with useful information
- Diffuses the situation by psychologically calming the individual
- Asks questions that are relevant to the mission (e.g., during a welfare check)
- Effectively manages their frustration during a prolonged encounter

Yet due to a lack of research after an officer leaves the academy, little evidence exists to show whether DPSST's training has real world implications, or for how long. Other than anecdotal evidence, DPSST does not currently have a mechanism to measure or assess officer performance once officers transition to working in their communities and if the desired behaviors persist once officers leave the academy.

According to National Institute of Justice researchers and the Washington State University researcher we spoke with, this is not uncommon. Very little research exists nationally showing how officer behaviors change as a result of training. One researcher we spoke with, said they are unaware of any law enforcement agencies nationwide measuring officer behaviors in the field. The Center for Policing Excellence within the training division of DPSST was created for such purposes and could be ideally positioned to engage in research of this type, if they were staffed appropriately, given resources necessary and allocated expertise and time to develop.

Staffing and technology challenges undermine DPSST's ability to provide effective training

Class coordinators rarely have enough instructors available to deliver their training curriculum as designed. This puts them in the difficult position of having to decide to either cancel instruction or proceed with a compromised version of the training. DPSST has been operating with a depleted

Information Systems department with nearly half as many staff as they had in 2009. We found DPSST is lacking key technology and tools needed to enhance its training delivery.

DPSST relies heavily on part-time and volunteer staff for training and efforts to improve training delivery are hampered by limited administrative staff

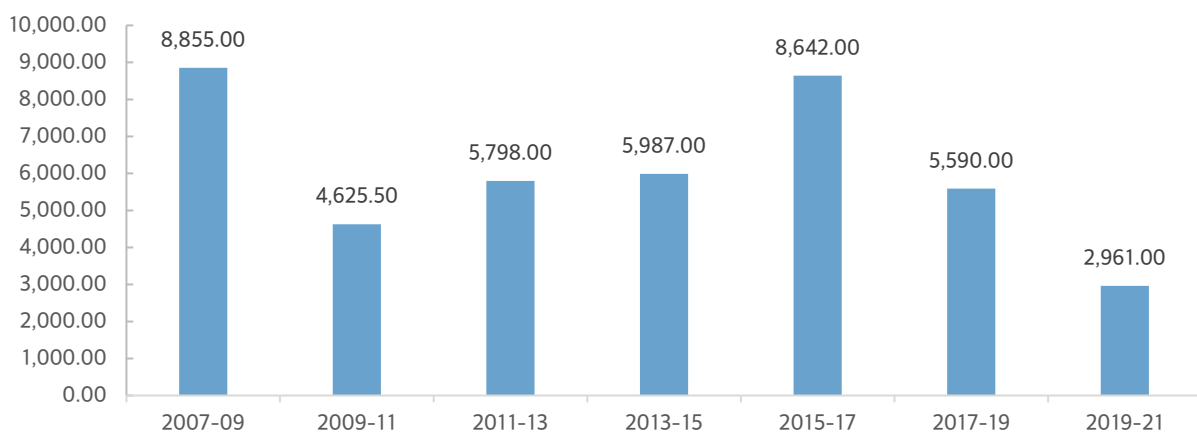
Historically, the agency has relied on loaned staff from other agencies, full- and part-time staff, and volunteers to staff the Basic Police Academy. Agency loans are qualified personnel paid by their employing agency and are temporarily loaned out to DPSST. Full- and part-time staff are hired by DPSST directly. To be flexible and understanding that DPSST is not their primary job, DPSST allows agency loans, part-time staff, and volunteers to have flexibility in their schedules. Each is responsible for letting DPSST know when they are available and what classes they want to teach.

A single scheduler who is responsible for staffing all the agency training then tries to fill all upcoming training sessions by assigning instructors from these pools of workers. When these pools of availability are insufficient to meet the minimum staffing levels for specific courses, the scheduler will send out “urgent openings” emails to all authorized staff for that venue in hopes of finding more workers to assign.

However, this staffing strategy has not kept up with changing workforce dynamics, nor the agency’s needs. DPSST is faced with a shrinking number of agency loans and volunteers. Agency leadership explained that local LEAs are seeing a reduction of employees. What officers they do have, they need on duty. Although DPSST reimburses travel costs and offers housing on campus, traveling regularly to Salem and being away from family takes its toll. Because part-time staff self-schedule based on availability, the daily workforce fluctuates, occasionally leaving DPSST staff to improvise.

Furthermore, due to rising demand, the agency has steadily increased the number of students it trains in Basic Police Academy each year. The result, according to training coordinators, is that they are not able to sustain this new and improved training curriculum model under the old staffing model.

Figure 7: The number of agency loan hours has fluctuated over time and decreased significantly since the 2015-17 biennium³⁰

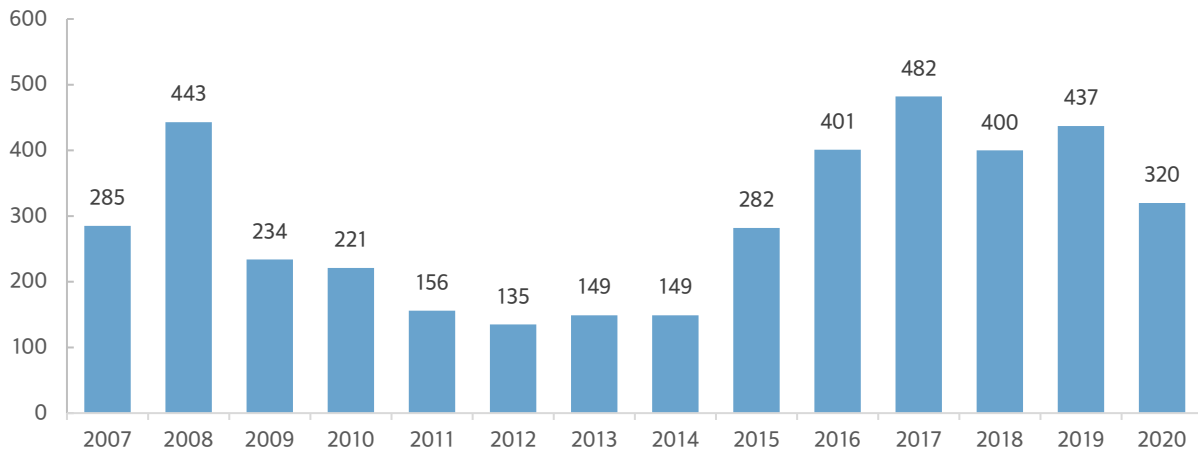


Source: DPSST.

³⁰ 2019-21 agency loan hours are through June 2021.

The need to increase DPSST’s capacity to train more students is driven by the LEAs’ needs. As the number of students increased, so has the strain on the staffing model. Instead of having one or two cohorts pass through a skills venue in a day as was the case in past years, the training department has up to four cohorts, the equivalent of 80 students. Despite this increase in academy training, it is still not enough to meet the need from local agencies. Law enforcement officials we spoke to said that they were unable to get their newly hired officers into training as needed. The wait was attributed to lack of spots in the Academy.

Figure 8: The number of Basic Police Academy students has fluctuated over time but has more than doubled since 2014³¹



Source: DPSST.

Due to staffing constraints, DPSST staff struggle to maintain core components of the academy. The training division’s skills department, which includes use of force scenarios, defensive tactics, firearms training, health and fitness, and emergency vehicle operations rarely have enough part-time staff to adequately teach the classes they offer. DPSST staff have said this has been the case for years. This leaves them with two options: to cancel training or proceed with limited staff, knowing that poses a potential safety risk, and reduces the standard of training they adhere to.

For example, firearms training is a high-liability skill. It requires an adequate instructor-to-student ratio to ensure instructors can support and correct students during live firearms training. If the minimum number of instructors are not available, it creates a safety issue.

In a single week of training in July 2021, four training days did not have the required minimum number of trainers needed to safely deliver firearms training. Specifically, on two of these days, each class required a minimum of 11 trainers to safely deliver firearms training to 40 recruits but had only six trainers. The low instructor-to-student ratio meant students did not get as much practice as was designed, instructors had less opportunities to coach and provide feedback, and overall, the standard of training was lowered.

³¹ DPSST temporarily suspended Basic Academy in March and April of 2020. This may have affected the number of students trained in 2020.



Recruits receive firearms training at DPSST Police Academy. | Source: DPSST.

Firearms training currently has one full-time trainer assigned to the program and one full-time training coordinator. A single week of firearms training requires 549 working hours from firearms instructors; during the week of training in July, only 40 of those hours came from a full-time firearms trainer. This meant DPSST needed to fill 509 hours (92%) with part-time instructors, which failed to occur. Examples like this are common among the other skills venues.

- The current practice of using students as role players in the defensive tactics' unit was born out of necessity. Paid staff were once used as role players for the defensive tactic's classes, until one day when the scheduled instructors did not show up. Instead of canceling class, the coordinator instructed the students to act as role players.
- Defensive tactics is a highly specialized and physically demanding skill to teach. According to DPSST staff, an instructor is typically able to teach for six to 12 months before they begin to show signs of burning out. The unit has three full-time positions: two coordinators and one trainer. Classes are staffed with a mixture of full-time and part-time staff. DPSST staff report of the roughly 50 part-time trainers that are hired to provide defensive tactics training, only four to five consistently show up. This puts further strain on the coordinators and the one full-time instructor.
- Emergency vehicle operations has authorization for 10 instructors per driving session, yet they rarely meet that number. As a result, staff are unable to place an instructor in the car with the student.

Support and oversight are important to ensure that instructors are teaching to the curriculum; however, staff have said they do not have time to offer initial and ongoing instructor training. Additionally, the curriculum requires regular updates to cover changes in law and to include evidence-based practices. The staff at the Center for Policing Excellence is responsible for updating training

curriculum for all DPSST's disciplines, including the Basic Police and Corrections, among others. Currently, two staff members are primarily responsible for updating all training curriculum.

Oregon's Governor signed the Stay Home, Stay Safe Executive Order on March 23, 2020, in response to the COVID-19 epidemic. This order exacerbated the academy's staffing challenges. Many part-time staff did not feel comfortable teaching and many officers who would normally participate in the agency loan program were needed at their home LEA to address public safety concerns. Consequently, full-time personnel were obligated to add additional teaching responsibilities to their primary job duties.

Outside of the training division, the administrative division has also struggled to maintain adequate staffing levels. For example, the number of staff in the Information Systems department has diminished over time. In 2009, the department had seven full-time employees, plus an intern. As of July 2021, there are only five full-time positions and no interns. Furthermore, the manager position has been vacant since 2019, despite multiple recruiting attempts, leaving the department with effectively four staff to address all agency information systems or technology needs.

Agency staff have expressed their concerns over limited training and administrative staff. Over time, staff at the agency have been asked to do more with less, but that is no longer sustainable. The agency should complete workforce planning to determine the number of employees needed to adequately support the mission of the organization.

DPSST needs to diversify its staff, and improve agency racial and ethnic demographic data

Oregon leaders recommend DPSST diversify training staff. Equally, DPSST leadership believes lack of diversity among staff is an issue. Complicating this matter is that DPSST staff do not have confidence in the accuracy of the racial and ethnic data within their current Human Resource data systems. This is because data from a previous system may have been inaccurate when transferred into the new database; many staff have chosen not to identify their race or ethnicity, making the data less reliable.

Not having accurate demographic information on existing staff may make it difficult for the agency to measure the effectiveness of efforts to improve diversity within the agency. The agency may not be able to identify hiring trends or tie specific recruiting efforts back to outcomes over time.

Improved technology could help DPSST enhance its ability to provide evidence-based training

DPSST does not have modern software to manage and deliver its learning content, nor does the agency have the staff needed to lead the successful implementation of such a project. DPSST in 2021 acquired new video simulators for basic police training; however, according to staff they still rely on paper documents for key business processes. The agency also lacks an electronic document management system that meets their needs, and access to the documents it has digitized is limited.

Learning Management Systems (LMS) are software used to create, manage, and deliver various types of content across a variety of learning methodologies. These systems provide centralized content creation and management and delivery of training. They can also provide training and assessment tools that allow flexibility to update tests, recording and sharing of grades, and collaboration between students and instructors. A LMS can support distance learning instruction by making it possible for

instructors to host virtual classrooms reaching multiple users across the state. This single platform can replace and consolidate some existing legacy systems.



Training coordinator seated at Video Simulator Control Desk. | Source: DPSST.

In 2019, a temporary IT project manager hired by DPSST recommended the agency adopt an enterprise-level LMS to centrally store and deliver content to learners, as well as hiring a permanent Information Services staff person assigned to manage, implement, and maintain these types of projects. Specifically, the agency needs a dedicated business system analyst with the institutional knowledge and project management expertise to effectively support the business system's needs. In sum, the lack of a LMS leaves DPSST as a learning institution that does not have the tools it needs. Staff repeatedly told the audit team about the need for a LMS, among other technology needs. A previous request of the Legislature for additional funding for this project was not successful, according to management.

In 2021, DPSST procured two new video simulators for the Use of Force skills venue. The new system allows agency staff to film and edit the video simulated scenarios, providing the flexibility to add or edit elements now or in the future. This gives the agency the expanded ability to identify and address bias concerns by modifying the simulations with actors of varying race and gender. According to staff, upcoming training sessions have been scheduled with the manufacturer to demonstrate how to fully utilize the new system; however, due to staffing shortages, they said it is unclear when the training staff realistically will have the time needed to utilize this new functionality.

The format in which staff grade and assess performance is also outdated. Instructors use a tablet with an electronic form to input, grade, and assess a student's performance while they put them through various training scenarios. The form includes a grading scale and section for notes or comments. Since

its creation, the content of the training scenarios and grading scale have been updated and improved, but the forms have not. The staff member responsible for creating and updating these forms left the position in 2016; the position was eventually eliminated. Staff said they have been using inefficient workarounds as a result. This position was key in finding technical solutions to training staff's needs. Because the IS department has minimal staff, the agency can no longer provide this support to its training staff.

Staff said that DPSST lacks an enterprise-wide electronic document repository or management system that meets their needs, and in many areas still relies on paper documents. According to DPSST staff, the agency lacks the ability to accept electronic signatures, which further complicates accepting and receiving forms electronically. This reliance on paper documents results in inefficient processes and delays in both receiving and communicating important information.

For example, during interviews with local LEAs across the state, auditors heard how this continued reliance on paper-based processes results in increased work and delays for the local agencies. One agency described how physically signing and mailing in paperwork related to their officers' certifications typically resulted in a delay ranging from a week or two to as long as a month. In one instance, the paperwork they had sent in did not make it to the correct person at DPSST, which resulted in one of their officer's certifications appearing to be out of compliance. This created confusion and took time and energy on behalf of the local LEA staff to sort out.

DPSST lacks clear and adequate oversight of officer field training

DPSST's influence on officer training is largely limited to the Basic Police Academy. Once the officer completes the academy, it is the responsibility of the local LEA, including FTOs, to educate them on how to police in their community. This makes the influence of FTOs on behavior and police encounter outcomes especially important. We found there are limited controls in place to ensure that FTOs and local agencies are continuing officer education with the same fidelity as DPSST's training.

FTOs are not certified, nor is the Field Training Manual audited

There is no requirement a FTO receive training or possess any type of certification that would assure they have a foundation in adult learning techniques and leading practices. Auditors spoke to some FTOs who had received varying amounts of training from different sources. Some received training selected and provided by their local agency, others received training provided by DPSST, while some were unsure if the training was curated by DPSST. Doing more to regulate and certify FTOs would add to the professionalism of the position and ensure FTOs are trained and equipped to educate new officers.

While a new officer is progressing through their Field Training, they are required to work through and complete a DPSST-created Field Training Manual. DPSST does not audit or spot-check completed field training manuals. Instead, they require the officer, FTO, and Department Head of the employing agency to sign a form attesting to the completion of all the field training requirements.

Most of Oregon's law enforcement officers have not received the new training

Oregon has made significant strides in improving Basic Police Academy training techniques and curriculum, which is resulting in improved officer behavior and communication. However, once an officer graduates from Basic Police Academy, the remainder of their training may be entirely curated by

their employer. There is no guarantee existing officers who graduated from the academy prior to these changes being implemented will ever directly benefit from these improvements.

As of July 2021, 1,131 officers had graduated from the basic police academy since at least phase 1 of the new curriculum was implemented. With a total of 5,580 actively certified police officers in Oregon as of the same date, less than 21% of all Oregon police officers had been trained in at least phase 1 of the new and improved techniques and curriculum.

After an officer completes their initial basic training and field training, their local LEA chooses their own maintenance training curriculum moving forward. While it is the responsibility of the board to set standards around the minimum requirements, DPSST allows each individual LEA to determine what training will be provided to meet the standards. Some agencies may choose trainings from DPSST's curriculum catalogue, but others may not.

Currently, these standards require ongoing maintenance training to include a minimum of 84 hours of training every three years. Of these 84 hours, three hours must be related to mental health or crisis intervention training. Also included are one hour of ethics training, and eight hours of firearms or use of force related training annually.

The Regional Training Program is small but provides the opportunity for DPSST training to reach beyond the basic academy

DPSST's Regional Training Program consists of its manager and seven other staff. The program staff are responsible for delivering specialized and maintenance training to Oregon's criminal justice professionals on a regional basis. This includes partnering with Oregon's public safety agencies, such as fire, police, parole and probation, telecommunicators and others, to identify training needs and resources, coordinate and facilitate skills-based and specialized training, and provide technical support. They also coordinate and deliver the agency's instructor development courses, which prepare agency instructors to teach in the academy-based basic courses and for their own agencies. Finally, regional program staff are responsible for training officers on standardized field sobriety tests, video training regarding driving under the influence of intoxicants, and other traffic enforcement skills.

The program has four regional coordinators and one statewide traffic safety coordinator, who are located throughout the state and assist agencies with a variety of training. These coordinators work with local trainers in their area and partner with them to offer the trainings. They frequently work with smaller jurisdictions that do not have the resources, tools, or funding to do the training they need on their own.

Currently, the regional program builds out and offers trainings as it can find locations, and it is not necessarily regular, predictable, or consistent. Regularly scheduled, ongoing trainings throughout the state provide LEAs the ability to budget for and plan on attending them. Offering regular, consistent, regional trainings would be a way for DPSST to extend and maintain a training bridge after the new officers graduate from academy and progress through their careers.

Other Pertinent Information

This section covers information not addressed in the audit's findings, but which is relevant to our initial audit scope on use of force practices within the state of Oregon.

High-profile cases of excessive use of force by police have renewed a nationwide debate about the role of policing in communities and the powers given to law enforcement. Officers are authorized to use physical, even deadly, force in certain situations. In Oregon, the framework that governs use of force — what it is, when it is considered excessive, and situations in which it is justified — includes federal case law, state statute, and local LEA policies.

Oregon's use of force statute defines physical force as including but not limited to the use of an electrical stun gun, tear gas, or mace. Local LEA policies refine what use of force is and how and when it should be used. According to a 2018 report examining modern use of force policies in law enforcement released by the United States Commission on Civil Rights,³² there is “not a universal set of rules governing law enforcement's use of force policies,” meaning LEA policies vary. Accrediting bodies, such as the Commission on Accreditation for Law Enforcement Agencies, government entities like the National Institute of Justice, and other national law enforcement associations may offer guidance, but otherwise agencies are largely on their own when setting such a policy.

In response to the circumstances of George Floyd's death and subsequent protests, legislators passed a series of police reform bills in the 2020 special sessions, including reforms to the state's use of force statute which was last updated in the 1970s. House Bill 4203 and House Bill 4301 modify circumstances under which a police officer is justified in using physical force or deadly physical force. House Bill 4203 included a provision specifically prohibiting the use of physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the neck of that person, unless circumstances dictate that deadly force is necessary. House Bill 4301 included a requirement that officers give a verbal warning and reasonable opportunity for an individual to comply before using physical or deadly force.

Despite these recent efforts to provide clarity on when use of physical force is justified, more work can be done, specifically in use of force data collection and analysis. This begins when all LEAs are recording and reporting accurate data.

State can strengthen oversight and accuracy of use of force data

Some agencies like Portland Police Bureau and the Bend Police Department collect and report use of force data. However, the state of Oregon does not know the extent of use of force across the state. Having this data, including number of incidents that are identified as unjustified or excessive, could help state legislators, DPSST, and local LEAs identify trends and target specific areas in need of training and reform.

Oregon Senate Bill 111 (2007) required all LEAs to submit data concerning officer's use of deadly force resulting in death to the Oregon Department of Justice. Published on the Department of Justice

³² Lhamon, C et al. (2018, November) [Police Use of Force an Examination of Modern Policing Practices](#). United States Commission on Civil Rights.

website, auditors found errors in the data. For example, Robert LaVoy Finicum was one of a group of armed protestors who occupied the headquarters of the Malheur National Wildlife Refuge in Harney County. He was killed in an encounter with the FBI and Oregon State Police in January 2016, but the database incorrectly reports the date of incident as June 6, 2020.

This is because information the Oregon Department of Justice receives is not verified or analyzed. According to the department, statute requires only that LEAs submit data, and the department to post it. The department has no means to compel compliance nor to audit the quality of the data submitted.

Federal use of force data is similarly unreliable

In 2015, the FBI created the National Use of Force Data Collection database. Data includes any use of force that results in:

- The death of a person due to law enforcement use of force;
- The serious bodily injury of a person due to law enforcement use of force; or
- The discharge of a firearm by law enforcement at or in the direction of a person not otherwise resulting in death or serious bodily injury.

Although a data collection pilot study began in 2017, nationwide data collection officially began January 1, 2019, and participation by law enforcement agencies has been voluntary. As of August 2021, the FBI stated 6,543 out of 18,514 federal, state, local, and Tribal law enforcement agencies submitted data, which accounts for 49% of all sworn officers in the nation. Since the database is incomplete, it is not as helpful as it could be.

In 2021, Oregon state legislators passed House Bill 2932 which directed law enforcement agencies to submit their use of force data into the federal database. Also included in the bill is a provision that states the Oregon Criminal Justice Commission is responsible for analyzing the federal data and reporting on it annually to the Oregon Legislature. However, it is unclear how useful the federal data will be because the goal of the federal database is to provide an aggregate view of the data. What will be more useful is data collection and analysis to identify patterns, practices, and profiling in use of force data, similar to what the Oregon Criminal Justice Commission does with officer-initiated traffic and pedestrian stop data.

Recommendations

To strengthen the state's role in police accountability, DPSST should:

1. Analyze and project the workforce capacity needed to conduct investigations when local LEA information is not available or incomplete.
 - a. Once completed, develop options for addressing staffing or resource constraints.
 - b. Conditional on whether additional resources are added, develop and implement a mechanism and guidance for conducting external moral fitness violation investigations in these situations.
2. Evaluate whether the rules established by the Commission on Statewide Law Enforcement Standards of Conduct and Discipline on unjustified or excessive use of physical or deadly force merit changes to moral fitness standards.
3. Taking into account whether the Commission's rules are both timely and relevant, work with stakeholders to address gaps in moral fitness standards, specifically related to incidents of excessive use of physical and deadly force.
4. Assess recent legislation's impact on current administrative rules pertaining to moral fitness standards, complaint process, background check requirements, and LEA accreditation. Research and implement any necessary changes.
5. Implement a certification process for Field Training Officers, which includes initial and ongoing training requirements.
6. Review Field Training Manual completion by randomly selecting and assessing a small sample of submitted Field Training Manuals on an annual basis.
7. For complaints containing allegations that would violate the statutory and administrative rule requirements for certifications, require LEAs to include a brief synopsis what they did with complaints forwarded by DPSST, including whether there was an investigation, whether the underlying allegations were substantiated, and whether any discipline was imposed.
8. Formalize a policy and process that enables DPSST to request the Oregon State Police conduct and share nationwide criminal records checks of an individual when necessary.
9. Work with the board to strengthen and clarify the bylaws governing conflicts of interest, by requiring board members to disclose financial and personal interests in any matter coming before the committee.

To improve the training provided, DPSST should:

10. Evaluate the current Basic Police Academy staffing model and data, including, but not limited to:
 - a. Number of full-time and part-time staff and volunteers who regularly (to be defined by the department) deliver training of the Basic Police Academy and in what areas (e.g., skills or classroom).

- b. The minimum number of trainers needed to meet the desired instructor to student ratio and how often and in which courses this requirement is not met.
 - c. Instructor turnover.
 - d. Number of successful recruitments.
 - e. Other data indicators that may highlight the ongoing staffing challenges.
- 11.** Based on the staffing evaluation, develop short-term and long-term strategies to appropriately and sufficiently staff the Basic Police Academy. Strategies should reduce the reliance on part-time instructors. Strategies may include:
- a. Requesting additional resources from state legislators.
 - b. If additional funds cannot be sourced, develop long-term employment sharing contracts with local law enforcement agencies.
- 12.** Request additional funds from the Legislature for:
- a. A dedicated instructor trainer who delivers initial and ongoing instructor training, and
 - b. A Learning Management System that will track student progress and manage student curriculum.
- 13.** If funding is available, develop and implement processes to assess police officer performance post-Academy.
- 14.** Increase staffing and resource allocation to the Regional Training program so program staff can deliver consistent and predictable training to more local LEAs.
- a. If staffing is increased, develop and implement a regional training course on conducting internal investigations.

To ensure that the agency is meeting its mission, DPSST should:

- 15.** Conduct workforce planning, including assessing staffing levels and other resources needed to adequately deliver the department's mission.
- a. Specifically, request additional funds to increase capacity in Information Services, the Criminal Justice Certification Division, the Training Division and Basic Police Academy staff scheduling.
 - b. Establish goals and strategies to increase the diversity of department staff.
 - c. Develop consistent and reliable practice to collect demographic data of department staff.

Objective, Scope, and Methodology

Objective

The objective of this audit was twofold: One, to determine whether DPSST could do more to identify and hold accountable police officers who have engaged in misconduct. Two, to determine if DPSST's approach to developing and implementing basic police training is in line with state laws and industry best practices.

Scope

The audit focused on DPSST's role in police accountability, and basic police training as outlined in Oregon Revised Statute Chapter 181A, including the role and responsibilities of the board and department in establishing minimum standards of physical, emotional, intellectual, and moral fitness and minimum training requirements for public safety personnel and instructors.

Methodology

To gain an understanding of the program and to learn the views, opinions, and perspectives of stakeholders, we conducted:

- Interviews with DPSST leadership, management, and staff;
- Interviews with past and current board members and police policy committee members;
- Interviews with local law enforcement staff from 11 different Oregon law enforcement agencies;
- Interviews with stakeholders, including police oversight entities and advocacy groups; and
- Reviews of legislative testimony provided to the Joint Committee on Transparent Policing and Use of Force Reform.

To gain an understanding of promising practices in police training and certification processes, we researched nationwide police training and accountability practices and spoke with subject matter experts.

To gain an understanding of practices in other states concerning police officer accountability and training, we conducted a survey of state police standards and training programs for New Hampshire, Idaho, New Mexico, Wyoming, Maine, Vermont, and California.

Internal control review

We determined that the following internal controls were relevant to our audit objective.³³

- Control Environment
 - We reviewed 2009-21 organizational charts, and agency budget and staffing data.
- Risk Assessment

³³ Auditors relied on standards for internal controls from the U.S. Government Accountability Office, report [GAO-14-704G](#).

- We interviewed Criminal Justice certification and Basic Police Academy staff.
- Control activities
 - We evaluated policies and procedures for moral fitness standard investigations and Basic Police Academy curriculum development.
- Information and communication
 - We observed Police Policy Committee and board meetings and read their bylaws.
- Monitoring activities
 - We observed the Washington State University researcher evaluate training scenarios.
 - We evaluated whether the agency regularly reviews its police training and certification policies, procedures, and administrative rules.

Deficiencies with these internal controls were documented in the results section of this report.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We sincerely appreciate the courtesies and cooperation extended by officials and employees of DPSST during the course of this audit.

Audit team

Andrew Love, CFE, Audit Manager
Danielle Moreau, MPA, Lead Auditor
Andrew Mendenhall, Staff Auditor

About the Secretary of State Audits Division

The Oregon Constitution provides that the Secretary of State shall be, by virtue of the office, Auditor of Public Accounts. The Audits Division performs this duty. The division reports to the elected Secretary of State and is independent of other agencies within the Executive, Legislative, and Judicial branches of Oregon government. The division has constitutional authority to audit all state officers, agencies, boards and commissions as well as administer municipal audit law.



Oregon

Kate Brown, Governor

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November 9, 2021

Kip Memmott, Director
Secretary of State, Audits Division
255 Capitol St. NE, Suite 500
Salem, OR 97310

Dear Mr. Memmott,

This letter provides a written response to the Audits Division's final draft audit report titled: Additional Resources Needed to Strengthen Police Training and Accountability.

The Secretary of State's performance audit of the Department of Public Safety Standards and Training (Department) began in spring 2021. The Department was pleased with the overall results of the audit performed during 2021 and intends to continually evaluate all the recommendations to further the mission of the agency.

In spring of 2021, the purpose of the audit was originally scoped to determine whether or not the Department was meeting its statutory obligation in the fulfillment of its Training Mission. The audit found the Department was meeting its statutory obligations while focusing recommendations on many criminal justice reform bills, which came out of the 2020 legislative session. The audits recommendations identified resource deficiencies in the areas of staffing and IT infrastructure. The Department agrees, that additional resources are needed to further advance its mission and the legislative intent of the criminal justice reform bills.

The Department agrees with the audit findings and will develop specific policy option packages to request additional staffing and IT resources to properly address the recommendations including the police reform legislation assigned to our agency to implement. The auditor's formal recommendations will have a large role in consideration for future funding of the Department and the additional resources needed to accomplish the mission. The audit recommended direction for continued assessment of the department's staffing levels and IT resources, in preparation for the 2023-2025 biennium, is particularly important to the Department to continue working towards implementing changes to address community concerns and continued public safety reform in our state.

Below is our detailed response to each recommendation in the audit.

RECOMMENDATION 1

Analyze and project the workforce capacity needed to conduct investigations when local LEA information is not available or incomplete.

- a) Once completed, develop options for addressing staffing or resource constraints.

b) Conditional on whether additional resources are added, develop and implement a mechanism and guidance for conducting external moral fitness violation investigations in these situations.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Disagree	n/a	Suzy Herring Professional Standards Administrator 503-378-2427

Narrative for Recommendation 1

Absent additionally regulatory authority DPSST does not find this to be an issue. The audit showed that out of 103 cases only 3 (1 per year) did not have adequate information provided from the LEA to make a determination and therefore does not merit additional resource.

RECOMMENDATION 2 Evaluate whether the rules established by the Commission on Statewide Law Enforcement Standards of Conduct and Discipline on unjustified or excessive use of physical or deadly force merit changes to moral fitness standards.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Disagree	n/a	Suzy Herring Professional Standards Administrator 503-378-2427

Narrative for Recommendation 2

The commission was established in the 2021 legislative session as a standalone entity not under the administration of DPSST or the board. The administrative rules that the commission is tasked with promulgating are not expected until October of 2022. DPSST cannot comment on future unknown regulatory impacts.

RECOMMENDATION 3 Taking into account whether the Commission’s rules are both timely and relevant, work with stakeholders to address gaps in moral fitness standards, specifically related to incidences of excessive use of physical and deadly force.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Disagree	n/a	Suzy Herring Professional Standards Administrator 503-378-2427

Narrative for Recommendation 3

The commission was established in the 2021 legislative session as a standalone entity not under the administration of DPSST or the board. The administrative rules that the commission is tasked with

promulgating are not expected until October of 2022. DPSST cannot comment on future unknown regulatory impacts.

RECOMMENDATION 4 Assess recent legislation’s impact on current administrative rules pertaining to moral fitness standards, complaint process, background check requirements, and LEA accreditation. Research and implement any necessary changes.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	June 2022	Suzy Herring Professional Standards Administrator 503-378-2427

Narrative for Recommendation 4
Regular part of the department and board’s functions.

RECOMMENDATION 5 Implement a certification process for Field Training Officers, which includes initial and ongoing training requirements.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	October 2022	Suzy Herring Professional Standards Administrator 503-378-2427

Narrative for Recommendation 5 A Field Training Officer workgroup was established in summer of 2021. The workgroup’s recommendations, once completed, will be presented to the policy committees and the board for consideration and potential policy, administrative rule, or statutory changes.

RECOMMENDATION 6 Review Field Training Manual completion by randomly selecting and assessing a small sample of submitted Field Training Manuals on an annual basis.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	June 2022	Suzy Herring Professional Standards Administrator 503-378-2427 Marsha Morin 503-378-2155 CJ Certification Manager

Narrative for Recommendation 6

CJ standards and certification will incorporate this audit into the agency compliance review process.

RECOMMENDATION 7		
For complaints containing allegations that would violate the statutory and administrative rule requirements for certifications, require LEAs to include a brief synopsis what they did with complaints forwarded by DPSST, including whether there was an investigation, whether the underlying allegations were substantiated, and whether any discipline was imposed.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	June 2023	Suzy Herring 503-378-2427 Professional Standards Administrator

Narrative for Recommendation 7

We will engage the Board and Policy committees on recommending promulgation of OAR to give the agency this authority. LEA’s are required to notify the department if any economic sanctions are imposed on any public safety officer.

RECOMMENDATION 8		
Formalize a policy and process that enables DPSST to request the Oregon State Police conduct and share nationwide criminal records checks of an individual when necessary.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	February 2022	Suzy Herring 503-378-2427 Professional Standards Administrator

Narrative for Recommendation 8

DPSST will engage OSP on possibility of formalizing a process.

RECOMMENDATION 9		
Work with the board to strengthen and clarify the bylaws governing conflicts of interest, by requiring board members to disclose financial and personal interests in any matter coming before the committee.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	October 2022	Suzy Herring 503-378-2427 Professional Standards Administrator

Narrative for Recommendation 9

Per current policy and board bylaws, **Conflicts of Interest.** Conflicts of interest occur when a committee member has competing interests or loyalties in a matter being presented for discussion, recommendation or vote. Whenever a committee member has an actual financial or personal interest in any matter coming before the committee, the affected member should disclose the nature of the interest and withdraw from any discussion or voting on the matter.

Any discussion or vote involving a potential or perceived conflict of interest should be disclosed. Members experiencing a potential or perceived conflict of interest will be allowed to participate in discussions, recommendations or votes upon declaring their ability to remain unbiased. The minutes of meetings at which such votes are taken shall record such disclosure, abstention and rationale for participation.

<p>RECOMMENDATION 10 Evaluate the current Basic Police Academy staffing model and data, including, but not limited to:</p> <ul style="list-style-type: none"> a) Number of full-time and part-time staff and volunteers who regularly (to be defined by the department) deliver training of the Basic Police Academy and in what areas (e.g., skills or classroom). b) The minimum number of trainers needed to meet the desired instructor to student ratio and how often and in which courses this requirement is not met. c) Instructor turnover. d) Number of successful recruitments. e) Other data indicators that may highlight the ongoing staffing challenges. 		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	June 2022	Hassan Hassan 503-378-2153 Training Administrator

Narrative for Recommendation 10

Numbers will be provided at targeted date.

<p>RECOMMENDATION 11 Based on the staffing evaluation, develop short-term and long-term strategies to appropriately and sufficiently staff the Basic Police Academy. Strategies should reduce the reliance on part-time instructors. Strategies may include:</p> <ul style="list-style-type: none"> a) Requesting additional resources from state legislators. b) If additional funds cannot be sourced, develop long-term employment sharing contracts with local law enforcement agencies. 		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation

Agree	June 2023	Hassan Hassan 503-378-2153 Training Administrator
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Narrative for Recommendation 11

Discussion is between staff and management are ongoing to find alternatives and solutions to staffing issues. Additionally, the need for more resources will be considered long-term.

RECOMMENDATION 12 Request additional funds from the Legislature for:		
<ul style="list-style-type: none"> a) A dedicated instructor trainer who delivers initial and ongoing instructor training, and b) A Learning Management System that will track student progress and manage student curriculum. 		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	June 2023	Hassan Hassan 503-378-2153 Training Administrator

Narrative for Recommendation 12

An Instructor development program, was added by the 2021 legislative assembly, and is currently being evaluated from a fiscal and physical standpoint. Funding for a LMS can be asked for through a policy option package.

RECOMMENDATION 13 If funding is available, develop and implement processes to assess police officer performance post-Academy.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	June 2023	Hassan Hassan 503-378-2153 Training Administrator

Narrative for Recommendation 13

If funding is available processes and procedures for this assessment can begin to be developed. After initial inspection of viability, policy option package can be sent forward accordingly.

RECOMMENDATION 14 Increase staffing and resource allocation to the Regional Training program so program staff can deliver consistent and predictable training to more local LEAs.		
<ul style="list-style-type: none"> a) If staffing is increased, develop and implement a regional training course on conducting internal investigations. 		

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	June 2023	Hassan Hassan 503-378-2153 Training Administrator Jim DeSully 503-934-0866 Regional Training Manager

Narrative for Recommendation 14

DPSST will work with LEA’s across the state to determine training needs and then pursue the appropriate level of staff to meet those needs. (Regional training is not mandated under statute, as part of the basic training requirements.)

If staffing increases, DPSST’s CPE program will work to develop or identify internal investigation curriculum for regional training delivery.

RECOMMENDATION 15		
Conduct workforce planning, including assessing staffing levels and other resources needed to adequately deliver the department’s mission. <ul style="list-style-type: none"> a. Specifically, request additional funds to increase capacity in Information Services, the Criminal Justice Certification Division, the Training Division, and the Basic Police Academy staff scheduling. b. Establish goals and strategies to increase the diversity of department staff. c. Develop consistent and reliable practice to collect demographic data of department staff. 		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	June 2023	Brian Henson 503-378-2888 Acting Deputy Director

Narrative for Recommendation 15

DPSST is continually evaluating our workforce to assess staffing levels and increase the overall diversity of the workforce in order to adequately deliver the department’s mission. DPSST will evaluate program needs and pursue necessary resources through the agency requested budget process.

Please contact Director, Jerry Granderson at 503-378-2332 with any questions.

Sincerely,



Jerry Granderson, Director
DPSST



Secretary of State
Shemia Fagan



Audits Director
Kip Memmott

This report is intended to promote the best possible management of public resources.
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