

## ***2022 Government to Government Agency Report***

**AGENCY NAME:** Department of Public Safety Standards and Training (DPSST)

**KEY CONTACT:** Brian Henson, Acting Director

The DPSST certifies/licenses police officers, corrections officers, parole and probation officers, regulatory specialists (OLCC), telecommunicators (9-1-1), emergency medical dispatchers, criminal justice instructors, private security providers, private investigators, fire service professionals, and polygraph examiners in the State of Oregon. The agency is also responsible for determining candidates' eligibility to run for the office of Sheriff, authorizing federal officers to make arrests pursuant to ORS 133.245, and providing staffing for the Public Safety Memorial Fund and Governor's Commission for the Law Enforcement Medal of Honor. The DPSST works in consultation with public and private safety agencies around the state by providing basic, leadership, and specialized training at the 237-acre Oregon Public Safety Academy in Salem and regionally throughout the state. The DPSST strives to provide the resources public safety providers and public safety agencies need to maintain the highest skills and provide excellent service to Oregon's communities and citizens.

Acting Director Brian Henson currently serves as the primary agency representative on the Government-to-Government Public Safety and Enforcement Cluster Group. Over the last year, DPSST participated as a member of the Government-to-Government Public Safety and Enforcement Cluster Group. DPSST uses the information gathered at these meetings to ensure agency sought statutory or administrative rule changes that could impact members of the public safety community, including tribal law enforcement, corrections, and fire service agencies are always, constructed and informed to recognize the Sovereignty of the tribes. Information from national associations and federal public safety agencies that is of potential interest to cluster group participants is also provided on an ongoing basis.

### **Senate Bill 412 (2011), Authorized Tribal Police Officers, and DPSST (Ongoing):**

Senate Bill 412 was approved during the 2011 legislative session and gave participating tribal law enforcement agencies and authorized tribal police officers the same police powers as the city, county, and state law enforcement officers. DPSST works with tribal law enforcement agencies to maintain the documentation that is required in order for a tribal law enforcement agency to exercise the authorities granted to an authorized tribal police officer under SB 412.

There are currently seven tribal law enforcement agencies, all of which are in compliance with the requirements of SB 412 and may utilize authorized tribal police officers. The following list names each agency and the date they achieved recognition.

- Coos, Lower Umpqua, & Siuslaw Tribal Police Department - December 21, 2011
- Umatilla Tribal Police Department - January 6, 2012
- Warm Springs Tribal Police Department - April 9, 2012
- Grande Ronde Tribal Police Department - May 30, 2012
- Columbia River Inter-Tribal Police Department - September 21, 2012
- Coquille Indian Tribal Police Department - December 21, 2012
- Cow Creek Tribal Police Department – December 7, 2020

In order for a tribal law enforcement agency to use these powers, the tribal police officer must be a DPSST-certified police officer. To date, there are more than 100 police officers employed by these tribal police departments who are subject to the same certification maintenance requirements, including maintaining minimum moral fitness standards as defined by Oregon Administrative Rule.

Senate Bill 731 (2021 Regular Session) amended the original provisions of SB 412 by removing the requirement for tribal governments to be in compliance with requirements of ORS 181A.355 to 181A.689 applicable to a law enforcement unit. The intent of SB 731 was to recognize and maintain the sovereignty of the tribes and ensure the recent state police reform bills did not end up indirectly regulating tribal law enforcement agencies and officers on tribal lands. SB 731 maintained the requirements for tribal governments to continue to report separations of employment for authorized tribal police officers and follow the rules and regulations related to age, background checks, psychological examinations, and physical, intellectual, emotional, and moral fitness requirements adopted under ORS 181A.410 for all authorized tribal police officers. SB 731 was effective January 1, 2022.

After the passage of SB 731, DPSST reviewed OAR 259-008-0069, Tribal Law Enforcement. Based on the review of the current rules, ORS Chapter 181A, and SB 731, DPSST determined that OAR 259-008-0069 is no longer necessary to carry out the provisions of ORS 181A.940 to 181A.946 (also known as SB 412) and recommended repealing the rule. Repeal of the rule does not impact the training or certification of any public safety officer employed by a tribal government. The authority to certify these individuals is codified in ORS 181A.510. Repeal of the rule does not impact authorized tribal police officers. All of the requirements for eligibility to act as an authorized tribal police officer are found in ORS 181A.940 to 181A.946. DPSST will continue to maintain the resolution and insurance documentation submitted by each tribal government per ORS 181A.940 to 181A.946.

In August 2022, DPSST notified the nine tribal governments and seven tribal law enforcement units of the recommended repeal OAR 259-008-0069. DPSST did not receive any concerns or objections. The repeal of the rule was approved by the Board on Public Safety Standards and Training on October 27, 2022. The rule was repealed on October 28, 2022.

### **Police Officer Training Relating to Missing and Murdered Indigenous Persons:**

During the 2022 Legislative Session, the Department of Public Safety Standards and Training (DPSST) was directed to submit a proposal outlining an operational plan for the provision of training for police officers concerning the investigation and reporting of cases involving missing or murdered Indigenous persons. The Center for Policing Excellence (CPE) within the training division at DPSST developed this plan and submitted it to the Legislative Assembly in October 2022.

During the plan development, the CPE conducted an assessment to determine the most effective, efficient, and equitable means to develop and deliver this training. Among other steps, the assessment included an examination of federal guidelines (Savanna's Act), discussions with the Oregon Department of Justice Missing and Murdered Indigenous Persons Coordinator, discussions with the Oregon Tribal Chiefs of Police, and collaboration with the United States Attorney's Office Tribal Liaison.

The plan proposal was to reallocate hours in the 640-hour Basic Police Academy to provide training on *Indian Country Jurisdiction* and *Missing and Murdered Indigenous Persons* to all new police officers in the state. Additionally, existing academy courses on *Missing Persons Investigations* and *Domestic Violence Investigations* would be updated to include guidelines for responding to MMIP cases and the addition of the Full Faith and Credit Clause (Article IV, Section 1 of the U.S. Constitution). This proposal was approved by the DPSST Board in October 2022 and will be implemented in the Basic Police Academy in February 2023.

In preparation for implementation, DPSST has collaborated with the US Attorney's Office to set up an Agency Loan agreement to secure qualified legal instructors to deliver the *Criminal Jurisdiction in Indian Country* course. The Tribal Chiefs of Police have been asked to take part in the training delivery as well.

### **Additional Public Safety Outreach:**

DPSST continues to provide information on training opportunities for tribal public safety agencies including leadership training for managers and executives. DPSST hosted a variety of training sessions for public safety executives and field training officers (including tribal public safety agencies). Training classes range from active shooter, implicit bias, dealing with people in crisis, stress first aid, leadership, investigative techniques, and many others. These training opportunities were provided free of charge at the Oregon Public Safety Academy in Salem and at locations around Oregon through DPSST's regional training network. All of Oregon's tribal police agencies actively participate in DPSST training opportunities.

In 2020, DPSST received recognition that the 16-week Basic Police Course delivered at the Oregon Public Safety Academy and the mandatory Police Field Training Manual completed after the Academy, meets, and exceeds the United States Department of Justice (USDOJ) and the Bureau of Indian Affairs (BIA) standards and is recognized as equivalent training by the USDOJ/BIA.

DPSST invites tribal law enforcement personnel to participate in workgroups formed for the purposes of updating training curriculum and certification standards.

DPSST shares information with tribal fire-rescue agencies on federal grants provided by the Federal Emergency Management Agency (FEMA) which provide funds, on a competitive basis, to fire agencies around the nation, including tribal structural firefighting agencies, for equipment, apparatus, training, safety gear, staffing, prevention, and several other areas.

DPSST continues its commitment to provide the best training possible and search for innovative and progressive ways to carry out its mission. DPSST realizes that support from its constituents, including our tribal partners, is critical to this endeavor and understands that only by working together can the ever-changing needs of Oregon's residents be addressed. DPSST remains committed to the Government-to-Government process and looks forward to continuing its efforts in 2023 and beyond.