

Board on Public Safety Standards and Training
Minutes
April 26, 2012

The Board on Public Safety Standards and Training held a regular meeting on Thursday, April 26, 2012, in the Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Chair Kent Barker called the meeting to order at 9:05 a.m.

Board members present:

Kent Barker, Chair, Oregon Association Chiefs of Police
Scott Stanton, Vice-Chair, Oregon Volunteer Firefighters Association
Larry Blanton, Oregon State Sheriffs' Association
Richard Brown, Public Citizen Member
Brian Burger, AFSCME Representative, DOC
Shawn Cardwell, Private Security Industry
Christopher Eppley, League of Oregon Cities
Greg Fowler, SAC, FBI
Alex Gardner, Oregon District Attorneys' Association
David Jones, Oregon Fire District Directors' Association
Jeff Jones, Oregon Fire Chiefs Association
John Klum, Chief, Portland Fire & Rescue (by teleconference)
Jeff Martin, Private Security Industry
Colette Peters, Director, Department of Corrections
Joseph Siebert, Oregon State Fire Fighters Council (by teleconference)
Diana Simpson, Oregon State Sheriffs' Association
Mark Wallace, Oregon State Fire Marshal
Michael Wells, Non-Management Law Enforcement
Mathew Workman, Oregon Association Chiefs of Police

Board Members Absent:

Rob Poirier, Public Safety Telecommunicators
Mike Reese, Chief, Portland Police Bureau
Glenn Scruggs, Non-Management Law Enforcement
Lisa Settell, Non-Management Parole and Probation
Vacant, Superintendent, Oregon State Police

Guests:

Steve Beck, Oregon Council of Police Association
Rich Evans, Oregon State Police

DPSST Staff:

Eriks Gabliks, Director
Marilyn Lorange, Standards and Certification Program Supervisor
Leon Colas, Professional Standards Coordinator
Linsay Hale, Compliance Coordinator
Sharon Huck, JTA Coordinator
Tammera Hinshaw, Assistant to the Director

1. Chair's Report and Administrative Announcements

"This is a public meeting, subject to the public meeting law and it will be tape recorded."

Chair Barker welcomed and introduced new members, Larry Blanton and Diana Simpson, to the Board. He shared that John Klum will be retiring the end of June and thanked him for his service.

2. CONSENT AGENDA (The following items ratified by one vote)

A. Minutes

Approve minutes from the January 26, 2012 meeting.

B. Chance Dixon, DPSST#41699 – Umatilla County Sheriff's Office - Revocation

Unanimous vote to recommend to the Board by PPC on February 16, 2012.

C. Andrew Elliott, DPSST#51127 – Warm Springs Police Department – Not Deny Certification

Unanimous vote to recommend to the Board by PPC on February 16, 2012.

D. Ryan Fernandez, DPSST#45198 - Marion County Sheriff's Office - Revocation

Unanimous vote to recommend to the Board by CPC on February 14, 2012.

E. Robert Gable, DPSST#48832 - DOC Oregon State Correctional Inst. – Not Revoke

Unanimous vote to recommend to the Board by CPC on February 14, 2012.

F. Matthew Harikian, DPSST#35577 – Clackamas County Sheriff's Office - Revocation

Unanimous vote to recommend to the Board by PPC on February 16, 2012.

G. Christopher Hill, DPSST#45247 – DOC Snake River - Revocation

Unanimous vote to recommend to the Board by CPC on February 14, 2012.

H. Robert Myers, DPSST#42937 – DOC Deer Ridge - Revocation

Unanimous vote to recommend to the Board by CPC on February 14, 2012.

I. Ubaldo Perez, DPSST#48545 – DOC Two Rivers – Not Revoke

Unanimous vote to recommend to the Board by CPC on February 14, 2012.

J. Shelley Prince, DPSST#24228 – Redmond Police Dept. – Not Revoke

Unanimous vote to recommend to the Board by PPC on February 16, 2012.

K. Matthew Rae, DPSST#41026 – Linn County Sheriff's Office – Revocation

Unanimous vote to recommend to the Board by PPC on February 16, 2012.

L. William Stowell, DPSST#13559 – LaGrande Police Dept. – Not Revoke

Unanimous vote with one abstention to recommend to the Board by PPC on February 16, 2012.

M. Matthew Wilson, DPSST#31753 – DOC – Not Revoke

Unanimous vote to recommend to the Board by CPC on February 14, 2012.

N. Jason Harris, DPSST#F24863 – Hines Fire Dept. – Not Deny Certification

Eight to one vote to recommend to the Board by FPC on February 22, 2012.

O. David Jost, DPSST#F28625 – Santa Clara RFPD – Not Deny Certification

Unanimous vote to recommend to the Board by FPC on February 22, 2012.

P. Daniel Morford, DPSST#F20057 – Siletz Fire Department – Deny Certification

Unanimous vote to recommend to the Board by FPC on February 22, 2012.

O. Nathan Ohrt, DPSST#F16473 – Salem Fire Dept. & Mill City RFPD – Not Deny Certification

Eight to one vote to recommend to the Board by FPC on February 22, 2012.

R. Sultan Shabazz, DPSST#F16838 – Portland Fire and Rescue – Not Revoke or Deny

Unanimous vote, with one member abstaining, to recommend to the Board by FPC on February 22, 2012.

S. OAR 259-020-0005 – Proposed Rule - Definitions

Unanimous vote to recommend to the Board by PLAC January 11, 2012.

T. OAR 259-061-0018 – Proposed Rule – Private Investigations – Prohibited Acts

Unanimous vote to recommend to the Board by PS/IPC on February 21, 2012.

U. Policy Committee Appointments and Reappointments

Corrections Policy Committee

- Nancy Howton – Department of Corrections Security Manager - Reappointment
- Tami Jackson - Non-Management DOC – Coffee Creek – New Appointment
- Andy Long – Oregon State Sheriff’s Association – Tillamook County Sheriff – New Appointment
- Daryl Borello – Department of Corrections – Training Division – New Appointment

Telecommunications Policy Committee

- Rick Eiesland – Oregon State Sheriff’s Association – Wasco County Sheriff’s Office – Reappointment
- Richard Culley – Oregon State Police – Northern Command Center – New Appointment
- Pam Collett – Assn. of Public Safety Communications Officers – Central Lane Communications Center – Reappointment

Private Security/Investigator Policy Committee

- Charles Wade – Unarmed Security – DePaul Industries Security Services – New Appointment
- Jim Gibson – Private Investigator – Jim Gibson & Associates – New Appointment
- Bonnie Narvaez – Private Citizen – Reappointment

Scott Stanton moved to approve the consent agenda. Jeff Martin seconded the motion. The motion carried with a unanimous vote.

2. OAR 259-020-0010 & 259-020-00155 – Proposed Rules – Minimum Standards for a Polygraph Examiner Trainee License & Minimum Standards for a Polygraph Examiner

Linsay Hale reviewed the background for the Board.

Larry Blanton moved to approve filing OAR 259-020-0010 and 259-020-00155 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Matt Workman seconded the motion. The motion carried with a unanimous vote.

By consensus, the Board determined there is no significant fiscal impact on small business.

3. OAR 259-008-0010, 259-008-0011, 259-008-0070, & 259-009-0070 – Proposed Rules – APA Contested Case Procedures

Linsay Hale reviewed the background for the Board.

Jeff Jones moved to approve filing OAR 259-008-0010, 259-008-0011, 259-008-0070 and 259-009-0070 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Shawn Cardwell seconded the motion. The motion carried with a unanimous vote.

By consensus, the Board determined there is no significant fiscal impact on small business.

4. 2013 Legislative Concept

Marilyn Lorance reviewed the concept and background for the Board. The language submitted to the Board will, upon approval, be moved forward as an Agency Legislative Concept Request.

Alex Gardner moved to approve the language moving forward. Diana Simpson seconded the motion. The motion carried with a unanimous vote.

5. Annual DPSST Director Evaluation and Letter to Governor

Chair Barker reviewed the evaluation and letter and asked the Board members if they had any further input. There was none.

Scott Stanton moved to approve the evaluation and the letter to the Governor. Shawn Cardwell seconded the motion. The motion carried with a unanimous vote.

6. Director's Report – Director Gabliks

2012 Legislative Session

- OLCC Training and Certification – This will be coming to the Board and Committees. Oregon Liquor Control Commission legislation was approved and will require that their agents be both trained and certified by DPSST and BPSST in the future. The statute says 2017 is the implementation date. The training will not be Basic Police, but unique to OLCC. There will be similar elements, but they will not be full commissioned police officers and will not be armed. They will have limited police officer powers. This program will allow us to meet their needs, but they've also requested some oversight to ensure their people meet and maintain a minimum standard. As the program is developed, it will fall under the PPC for oversight of standards.
- Tribal Law Enforcement Officers – Legislation passed which fixes the issue created in SB412. None of the tribes were decertified by DPSST. Three tribes currently comply with SB412 and others are working on it. The Coquille Tribe will not be seeking compliance because what they have is working. Eriks thanked the Board for their support on this important issue.
- FBI Special Agent in Charge – When Greg Fowler came into his position in Portland, he raised a legal concern. He felt it was somewhat awkward as a federal law enforcement officer to take action against city, county, and state law enforcement officers that the FBI may also potentially be looking at. His legal counsel shared there may be a potential conflict of interest. It was determined the best way to alleviate that was to have the position remain on the Board, but as a non-voting member. That way we still get the benefit of their assistance and partnership, but they won't be voting on decertification cases and standards. Mr. Fowler shared there are federal guidelines and regulations that govern how a federal employee may

influence public policy. Exemptions to the rules require attorney general approval. He anticipates a bureau-wide policy in the near future. He is happy to assist as needed.

- Private Security – A bill was passed that clarifies who is required to be certified and who isn't. DPSST worked together with the Private Security industry to find consensus on the definition of "primary responsibility."
- Oregon Humane Society – The Investigators bill passed. DPSST currently trains and certifies investigators for the Oregon Humane Society (OHS) that deal with animal abuse cases. There are currently three investigators. They go through Basic Police and meet all the standards. They have traditionally been commissioned by the Governor to have peace officer powers. There were concerns at the OHS that they really don't answer to anyone who runs a law enforcement agency. They sought to strengthen that oversight and proposed putting the investigators under the Oregon State Police. While they're not employees of OSP, there is now oversight about policy issues and other similar things and they now have police officer powers.
- DPSST Budget (2012) – Friday was the last day for five DPSST employees. The target was April 1, but the bumping process took some time. The people who bumped started in their new positions on Monday.
- DPSST Budget (2013) – We're starting work on the budget for next year. At the next Board meeting, our budget reduction exercise will be included in the packet for Board review and approval. If the deadlines move forward, the Executive Committee will review and approve.

DPSST/Oregon Public Safety Academy

- Oregon State Police - We are bringing in some public safety partners to fill the empty space. OSP Tribal Gaming is now a tenant and they fit in well with us. Oregon Youth Authority Training has moved in. Their training division is now here on campus and will be using the classrooms, lodging, and training space for their staff development. We're having discussions with State Police Information Services. When our workload picks up and we need that space back, we can renegotiate the leases.
- Oregon National Guard – In previous updates, we talked about the Urban Search and Rescue training site they want to build here, we do have some property aside for that out back. Their contractor who put in the bid did not take into account the wetness we have and the need for site prep. They're working with the National Guard Bureau in Washington, DC, to see if they can get the money to build.
- OSP – Public Safety Services Bureau – They are in an expensive lease on Portland Rd which is coming up for expiration in 2017. They have asked if there would be space here for their offices. We don't at this time, but the buildings were made to be stubbed out, so we can add to any building to create more capacity as needed. We're having conversations and exploring ideas. This would involve legislative approval. Since DPSST owns the facility, we would enter into a long-term lease with OSP. There are some benefits to us to bring those functions here as well as being good stewards of the state dollars. If we are able to get this approved, it will not impact the mission of the agency or the training mission.

Criminal Justice Programs

- Training Division Director – We're in the process of recruiting to replace Troy Abney. The recruitment closed on Sunday and we have 65 applicants in the screening process. Stakeholders will be involved in the selection process. It's important to have a good fit with our constituents as well as at DPSST.

- Intermediate and Advanced Certification Levels – For those who on the Police, Corrections, and Telecom policy committees, at your next meeting, you will be seeing the proposal for the revised Intermediate and Advanced certification levels. We've worked on this for a number of years and have consensus from the workgroups and will now seek your agreement. If agreed on, it will be on the next Board meeting agenda. There will be an implementation window so people who are already in the process will have time to finish.
- Basic Police Course & Police Career Officer Development (COD) Review - We had our second workgroup meeting reviewing the curriculum top to bottom. There are no significant/major changes coming, but a lot of good discussion. Nothing is finalized yet and a final meeting is scheduled and if there is consensus, it will come to the policy committee and eventually, the Board.
- Basic Correction Course – The first six-week Basic Corrections class was very successful. Sheriff Simpson's group will have that to review at their next meeting. The additional week was well received and the comments were good.
- Basic Course Schedule – We met with staff yesterday and decided to put one of the police classes on reserve status. We have three classes which we will schedule for the next three months. We don't believe with where we are right now, that we'll need that many. We're not seeing the numbers for hiring with the economy not recovered, agencies are not hiring like they were a year ago. The reserved class can be put back into the schedule if needed. There is no backlog.
- University of Oregon Police – The first officer is currently in the Basic Police class. They will be hiring people over the next four to five years to staff up their levels.
- Leadership Symposium – DPSST is hosting the symposium this week in the Hall of Heroes. 137 sergeants, lieutenants, command staff, etc. are here to get middle management and supervision training. While we realize this is not fixing everyone's issues, it is the best we can do in the current situation.

Fire Programs

- Solar Energy Training Course – Some concerns were raised about solar panels in the fire service. They've become more prevalent on buildings. We've worked with the Western Washington County Fire Instructors Association and are bringing in Matt Paiss who is from the San Jose Fire Department and has done a lot of work with solar energy training. We'll do a class to train trainers and then also Tualatin Valley Fire and Rescue has agreed to videotape the training program. We will duplicate the DVD and send it out to the fire departments across the state. The largest issue with the solar panels is we're seeing firefighters turn off the electricity at a residence or farm and they find they still have electricity going through the building and realize there's a solar panel somewhere which causes secondary electrocution issues.
- Senator Paul Sarbanes Safety Leadership Award – The agency was notified last month that we have been selected to receive the National safety leadership award for our fire apparatus driver training program. That program was put in place four years ago and 2500 firefighters have been trained, both career and volunteer. This training has led to a reduction in the number of crashes with emergency vehicles. We are much honored to receive this national award.

Private security/Private Investigator Program

- Alarm Monitor – We continue to work on language.

- Budget Concerns – We’re carefully monitoring the dollars. We are concerned about the Private Investigator side of the program. Private Investigators and Private Security professionals pay a licensing fee to DPSST, but the Private Investigator dollars currently cannot sustain that program. There is one vacancy that is being left open and we’re having long term discussions that will be heading to the policy committee to see what to do to make that program financially realistic.

General

- Fallen Law Enforcement Officer Memorial - The memorial will be held May 8, 2012, at 1:00 p.m. at the Academy. Three names will be added to the wall. All are invited to attend the ceremony.

7. Committee Reports

- Corrections Policy Committee – Diana Simpson, Chair
The CPC continues to receive the Department of Corrections Audit Program reports and things are going along well.

The second class of the Police to Corrections has been held. The CPC will receive the review at the next meeting on May 8.

There was concern about obligation to be certified in corrections if you go through the Police to Corrections course. The recommendation was a person has the choice to be certified or not. This training may also be considered professional development.

The Basic Corrections six-week class has been held and a report will be given at the May 8 CPC meeting.

The CPC received a request from the Department of Corrections to change their Training Division representative from Tom Cramer to Daryl Borello.

Diana Simpson moved to change the Department of Corrections Training Division representative from Tom Cramer to Daryl Borello. Brian Burger seconded the motion. The motion carried with a unanimous vote.

- Fire Policy Committee – John Klum, Chair

Fire Certification section processed 5000 certifications in a year. Approximately 90 percent of the fire service is involved with the program!

The National Fire Academy has started using student Id numbers and is moving away from using social security numbers.

There are two upcoming task forces. One will look at potential changes for Interface Firefighter. The other will look at the Fire Instructor standard.

This will be John’s last report for the Fire Policy Committee as he is retiring in June. He expressed his appreciation and said it has been a privilege to serve with the Board members.

- Police Policy Committee – Kent Barker, Chair

The PPC has a number of cases to review at their next meeting on May 17.

- Private Security Policy Committee – Jeff Martin, Chair

The PS/IPC continues to see slow progress on their professional fitness standards. The sub-committee has been working a couple of years to develop criteria for discretionary disqualifiers for recommending revocation.

There have been some issues with the Private Security unit with budget reductions and staffing changes.

- Telecommunications Policy Committee – Rob Poirier, Chair

Director Gabliks gave the update. The next TPC meeting is May 2. The group has some rule issues to review and will be the first to see the new proposal for intermediate/advanced certification.

This group is also dealing with some personnel issues in certification.

8. Next meeting date: July 26, 2012

With nothing more to come before the Board, the meeting was adjourned by Chair Barker at 9:58 a.m.