

# Public Safety Memorial Fund Board Minutes November 7, 2013

The Public Safety Memorial Fund Board held an emergency meeting on Thursday, November 7, 2013 at the Oregon Public Safety Academy in Salem, Oregon. Chair Evans called the meeting to order at 10:05 a.m.

## Attendees

Board Members:

Richard Evans, Chair  
Colette Peters  
Mike Wells  
Lisa Settell  
Richard Brown  
Jeff Jones

DPSST Staff:

Eriks Gabliks, Director  
Todd Anderson, Training Division Director  
Linsay Hale, Standards & Certification Program Manager  
Sharon Huck, Rules & Compliance Coordinator



## 1. Minutes from August 12, 2013 Meeting

Approve meeting minutes from August 12, 2013.

*Richard Brown noted that he was in attendance at the August 12<sup>th</sup> meeting and should be added to the list of attendees. Colette Peters moved to approve the minutes from the August 12, 2013 Public Safety Memorial Fund Board meeting with the amendment. Richard Brown seconded the motion. The motion carried unanimously.*

## 2. LIBKE, Robert – M-1 Application for Benefits

Linsay Hale reviewed the application for the Board.

*Lisa Settell moved to adopt the staff report. Mike Wells seconded the motion. The motion carried unanimously.*

**Action Item 1:** Determine if Reserve Officer Robert Libke meets the statutory definition of a public safety officer covered under the Public Safety Memorial Fund Statute.

*Jeff Jones moved that Off. Libke does meet the definition of a public safety officer covered under the Public Safety Memorial Fund statute. Richard Brown seconded the motion. The motion carried with a unanimous vote.*

**Action Item 2:** Determine if the death of Off. Libke is a qualifying death as set forth in statute.

*Lisa Settell moved that Off. Libke death does meet the definition of a qualifying death as set forth is statute. Jeff Jones seconded the motion. The motion carried with a unanimous vote.*

**Action Item 3:** Determine if Wendy Libke, wife of Off. Libke, is an eligible beneficiary for Public Safety Memorial Fund benefits.

*Colette Peters moved that Wendy Libke is an eligible beneficiary of Public Memorial Fund Benefits. Mike Wells seconded the motion. The motion carried with a unanimous vote.*

**Action Item 4:** Determine if the Board will award the lump sum benefit in the amount of \$25,000 to Wendy Libke.

*Mike Wells moved to award the lump sum benefit of \$25,000 to Wendy Libke. Richard Brown seconded the motion. The motion carried with a unanimous vote.*

### **3. Next meeting – January 23, 2014**

With no further business to discuss, the meeting was adjourned at 10:20 a.m.

## Appendix A

### Department of Public Safety Standards and Training Memorandum

**DATE:** November 7, 2013

**TO:** Public Safety Memorial Fund Board

**FROM:** Linsay Hale  
Standards & Certification Program Manager

**SUBJECT:** Robert Allen Libke – Oregon City Police Department

**Background:** On November 3, 2013, Reserve Police Officer Robert Allen Libke was involved in a fatal incident in Oregon City, Oregon. Officer Libke was shot and later died from a gunshot wound received while performing his duties as a reserve police officer for the city of Oregon City. **(Exhibits C, D)**

According to the Oregon City Police Chief Jim Band, Officer Libke, along with another officer, responded to an emergency call involving reports of an armed male at the scene of a fire shortly after 1:00 p.m. the afternoon of November 3<sup>rd</sup>. Upon arriving at the scene, Officer Libke was confronted and shot by the suspect. Officer Libke was transported to the hospital where he later died. **(Exhibit C)**

**Item 1:** On November 4, 2013, the city of Oregon City filed an M-3 (Notice of Death or Permanent Total Disability) indicating that Officer Libke was performing regular duties at the time of his death and his actions were not a substantial contributing factor to his death. **(Exhibit B)**

**Item 2:** On November 6, 2013, an M-1 Application for Benefits was received requesting the lump sum benefit, signed by Wendy Libke, the spouse of Officer Libke. **(Exhibit A)**

**Law:** ORS 243.954 defines “Public Safety Officer” as \*\* (d) Police officers, as defined in ORS 181.610, and includes reserve officers, as defined in ORS 181.610.

ORS 181.610 defines “Reserve Officer” as an officer or member of a law enforcement unit who is: (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383, the Governor or the Department of State Police; (b) Armed with a firearm; and (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

**Law:** ORS 243.954 defines “Qualifying death” as a death suffered by a public safety officer while on or off duty that is the direct or proximate result of (a) An enforcement action, an emergency response or

public safety training for an enforcement action or emergency response that the public safety officer is authorized or obligated to perform by law, rule, regulation or condition of employment or service.”

**Law:** ORS 243.954 defines “Family Member” as (a) The spouse of a public safety officer.

ORS 243.956 states that “a person is eligible for an award of benefits from the Public Safety Memorial Fund if the person: (a)(A) Is a family member \* \* of a public safety officer who has suffered a qualifying death or disability.”

**Law:** ORS 243.962(1) provides parameters for determining the amount of benefits for which an applicant is eligible. In making a determination the Board is required to: (a) “consider the facts stated in the initial application; (b) Consider the amount of funds available, as provided in the current biennial board budget, and the anticipated claims against those funds; and (2) In determining the amount of an award to be made to an applicant, the board may consider the number and type of claims anticipated to be filed with the board during the current biennial budget period to pay all approved and anticipated claims. . . “

**Action Items:**

1. Determine if Officer Robert Libke met the statutory definition of a Public Safety Officer covered under the Public Safety Memorial Fund statute.
2. Determine if the death of Officer Libke was a qualifying death as set forth in statute.
3. Determine if Wendy Libke, wife of Officer Libke, is an eligible beneficiary for Public Safety Memorial Fund benefits.
4. Determine if the Board will award the lump sum benefit in the amount of \$25,000.00 to Wendy Libke.

**Attachments:**

A - Form M-1, Application for Benefit

B - Form M-3, Notice of Death or Permanent Total Disability

C – Incident Report (e-mail), Chief Jim Band, Oregon City Police Department, Dated November 4, 2013

D – Clackamas County Sheriff’s Office Press Release, Dated November 3, 2013, Last Updated November 5, 2013.

E – City of Oregon City 2013 Reserve Police Officer Job Announcement.