

Board on Public Safety Standards and Training
Minutes
October 27, 2011

The Board on Public Safety Standards and Training held a regular meeting on Thursday, October 27, 2011, in the Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Chair Todd Anderson called the meeting to order at 9:02 a.m.

Board members present:

Todd Anderson, Chair, 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
David Jones, Oregon Fire District Directors' Association
Rob Poirier, Public Safety Telecommunicators (by teleconference)
Mike Reese, Chief, Portland Police Bureau
Rob Gordon, Oregon State Sheriffs' Association
Jeff Jones, Oregon Fire Chiefs Association
John Klum, Chief, Portland Fire & Rescue (by teleconference)
Glenn Scruggs, Non-Management Law Enforcement
Lisa Settell, Non-Management Parole and Probation
Max Williams, Director, Department of Corrections
Mathew Workman, Oregon Association Chiefs of Police

Board Members Absent:

Kent Barker, Oregon Association Chiefs of Police
Chris Brown, Superintendent, Oregon State Police
Alex Gardner, Oregon District Attorneys' Association
Scott Stanton, Vice-Chair, Oregon Volunteer Firefighters Association
Joseph Siebert, Oregon State Fire Fighters Council
Jeff Martin, Private Security Industry
Mark Wallace, Oregon State Fire Marshal
Michael Wells, Non-Management Law Enforcement

Guests:

Andrew Bentz, Former Board Chair
Robert Tardiff, Former Board Chair
Jerry Freshour, Former DPSST Director
Rob Carnahan, Former Board Chair
Dr. Ernest Ogard, Former Board Chair
Tim Thompson, Former Board Chair
Ralph Burks, Son of Former Board Chair, Ralph Burks
Ryan Burks, Grandson of Former Board Chair, Ralph Burks
Ossie Bladine, News – Register

DPSST Staff:

Eriks Gabliks, Director
Marilyn Lorange, Standards and Certification Program Manager
Allison Sebern, Fire Certification Compliance Specialist
Theresa King, Certification and Compliance Coordinator

Leon Colas, Professional Standards Coordinator
Linsay Hale, Compliance Coordinator
Kristen Turley, Certification and Compliance Coordinator
Tammera Hinshaw, Assistant to the Director

Chair Anderson welcomed the former Chairs of the Board and Directors as the organization celebrated its 50th anniversary. He presented each of the guests with a certificate of commendation for their service on the Board and their dedication to public safety, the organization, and its constituents.

Ernest Ogard served as Chair of the Board from 1978 until 1980. Dr. Ogard was the first citizen member to serve as Board Chair. While at Western Oregon University, Dr. Ogard was instrumental in conducting numerous studies on law enforcement applicants. During Ernie's term on the Board, the first Parole and Probation Class was offered at the Academy. Ernie is retired today and enjoying life in Portland.

Lane County Sheriff Dave Burks was Board Chair from 1980-1982. Sheriff Burks played an instrumental role in the development of law enforcement training in the Lane County area for a number of years. During Sheriff Burks' term on the Board, he worked with stakeholder groups and the Oregon Legislative Assembly to place in statute the 90-day requirement for a newly hired officer to be in basic training. Sheriff Burks passed away a number of years ago, but the family name continues in law enforcement. We were joined by Sheriff Burks' son, Acting Detective Sgt. Ralph Burks, and his son, Officer Ryan Burks, both of the Eugene Police Department.

Tim Thompson served as Board Chair from 1992 to 1999 while serving as the District Attorney for Jackson County. Tim oversaw the reformation of certification process used by Oregon's criminal justice training and certification system and the addition of 9-1-1 employees to the Board's family. He was also active in the creation of the Department of Public Safety Standards and Training. Tim is currently the District Attorney for Union County.

Rob Carnahan served as Board Chair from 1999 to 2002 while serving as the Assistant Chief of Clackamas County Fire District #1. During Rob's tenure, the work began to plan and articulate the need for a new academy that met the needs of all public safety constituents. Rob currently resides in Madras where is active in the private sector.

Robert Tardiff served as Board Chair from 2004 to 2007 while serving as Police Chief of Newberg. During Bob's term as Chair, the new 212 acre Oregon Public Safety Academy became a reality. Bob is enjoying retirement in Texas.

Sheriff Andy Bentz completed his six-year term on the Board earlier this year. Andy played a significant role in the implementation of the 16-week Basic Police Course and several improvements to public safety standards and training programs.

We were joined by two former Directors of the agency. Tom Potter, former Police Chief and Mayor of Portland, and Jerry Freshour, formerly with the Marion County Sheriff's Office and long-time BPSST employee.

1. Chair's Report and Administrative Announcements

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

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

A. Minutes

Approve minutes from the July 28, 2011, meeting.

B. Terry Baker, DPSST #48529 – DOC –Warner Creek – Revocation

Unanimous vote to recommend to Board by CPC on August 9, 2011.

C. Lauren Barrett, DPSST #50426 – Washington County Sheriff's Office – Revocation

Unanimous vote to recommend to Board by CPC on August 9, 2011.

D. Shelly Baugher, DPSST #32950 – Medix Ambulance – Revocation

Unanimous vote to recommend to Board by TPC on August 3, 2011.

E. Kenneth Beck, DPSST #48673 – DOC – Coffee Creek – Revocation

Unanimous vote to recommend to Board by CPC on August 9, 2011.

F. Rafael Bedolla, DPSST #35974 – Umatilla County Sheriff's Office - Revocation

Unanimous vote to recommend to Board by CPC on August 9, 2011.

G. Thomas Campbell, DPSST #42398 – Linn County Sheriff's Office – Revocation

Unanimous vote to recommend to Board by CPC on August 9, 2011.

H. Nicholas Coker case pulled for discussion

I. Charles Cook, DPSST #F18652 – Lowell RFPD – Not Revoke or Deny

Unanimous vote to recommend to Board by FPC on August 24, 2011.

J. Cynthia Grundman, DPSST #33256 – Bureau of Emergency Communications - Revocation

Unanimous vote to recommend to Board by TPC on August 3, 2011.

K. Ronald Hager, DPSST #49731 – Warm Springs Police Department – Denial

Unanimous vote to recommend to Board by CPC on August 9, 2011.

L. Joseph Harris, DPSST #F25912 – Dundee Fire Department - Revocation

Unanimous vote to recommend to Board by FPC on August 24, 2011.

M. Trevor Hines, DPSST #43247 – DOC – Eastern Oregon CI - Revocation

Unanimous vote to recommend to Board by CPC on August 9, 2011.

N. Scott Hoffert, DPSST #44378 – Sherwood Police Department – Revocation

Unanimous vote to recommend to Board by PPC on September 1, 2011.

O. David Johnson, DPSST #35096 – Linn County Sheriff's Office - Revocation

Unanimous vote to recommend to Board by CPC on August 9, 2011.

P. Michael Morgan, DPSST #24828 – DOC – Oregon State Penitentiary - Revocation

Seven to two vote to recommend to Board by CPC on August 9, 2011.

Q. Kelly Neibert, DPSST #23939 – Multnomah County Sheriff's Office - Revocation

Unanimous vote to recommend to Board by CPC on August 9, 2011.

R. John Pittman, DPSST #45394 – DOC- Eastern Oregon CI – Not Revoke

Unanimous vote to recommend to Board by CPC on August 9, 2011.

S. James Thompson, DPSST #35847 – DOC – Two Rivers - Revocation

Unanimous vote to recommend to Board by CPC on August 9, 2011.

T. Scott Whitehead, DPSST #19226 – Carlton Police Department - Revocation

Unanimous vote to recommend to Board by PPC on September 1, 2011.

U. Appointments and Reappointments

Corrections Policy Committee

- Barbara Shipley – Oregon State Sheriff’s Association Jail Command Council – Polk County Sheriff’s Office – Appointment

Private Security/Investigators Policy Committee

- Judith Pongratz – Retail – Goodwill Industries of the Columbia Willamette – Appointment
- Ernest Loy – Private Business – Glimcher Realty Trust Co. - Appointment

Chris Eppley moved to approve the consent agenda as presented. Mike Reese seconded the motion. The motion carried with a unanimous vote.

3. Nicholas Coker, DPSST #48176 – Seaside Police Department - Revocation

Unanimous vote to recommend to Board by TPC on August 3, 2011.

Glen Scruggs led a discussion about the perception of a double standard in that the chief signed a document stating he could find no compelling evidence of untruthfulness, but asks the Policy Committee/Board to decide if there was. There shouldn’t be a difference in untruthfulness as it applies to certification or a disciplinary process.

Rob Poirier moved to approve the Telecommunications Policy Committee recommendation to revoke the certifications of Nicholas Coker. Rob Gordon seconded the motion. The motion carried unanimously.

4. OAR 259-008-0069 – Temporary Rule

Tribal Law Enforcement - Marilyn Lorange reviewed the temporary rule for the Board.

Max Williams moved to approve filing the proposed language for OAR 259-008-0069 with the Secretary of State as a temporary rule. Jeff Jones seconded the motion. The motion carried unanimously.

5. Law Enforcement Memorial Wall Nomination

Officer Christopher Kilcullen, City of Eugene Police Department – Director Gabliks reviewed the case for the Board. The Police Policy Committee recommends adding the name of Officer Christopher Kilcullen during the ceremony in May, 2012.

Rob Gordon moved to approve adding Christopher Kilcullen’s name to the memorial wall. Shawn Cardwell seconded the motion. The motion carried unanimously.

6. Law Enforcement Memorial Wall Nomination

Deputy Sheriff J.F. Lewis, Lake County Sheriff’s Office – Director Gabliks reviewed the case for the Board. This is a historic nomination discovered by retired Deputy Sheriff Terry Baker in Texas who

does research on these cases. The Police Policy Committee recommends adding the name of Deputy Sheriff J.F. Lewis during the ceremony in May, 2012.

Dave Jones moved to approve adding J.F. Lewis' name to the memorial wall. Richard Brown seconded the motion. The motion carried unanimously.

7. Director's Report

Basic Police Curriculum Review

DPSST staff is working with OACP, OSSA, OSP, PPB, OCPA, and OPOA to enlist participants interested in conducting a comprehensive review of the current 16-week Basic Police Course. The current course was approved five years ago and it is time that we conduct a comprehensive review of the subject matter to ensure that we are meeting the elements of the job task analysis as well as the needs of our constituents and the communities they serve. The results of the review will be presented to the Police Policy Committee for review and consideration. Any proposed changes to the Basic Police Course will eventually make their way to the Board for review and approval.

Basic Corrections Review

For over a year, members of the Oregon State Sheriff's Association and the Oregon State Sheriff's Jail Command Council have been working with DPSST staff to conduct a comprehensive review and update to the 5-week Basic Corrections Course. The work group has completed its work and will be making its report to the Corrections Policy Committee meeting when it meets on November 8, 2011. The recommended changes include significant changes to the program with more emphasis on problem-based learning and scenario training. The recommendation also includes the addition of one week to the course which will take it to six-weeks. The addition is necessary to address the training needs of newly hired corrections officers. DPSST staff has also been working with the Oregon Department of Corrections throughout this process to ensure that reciprocity between the two programs remains intact.

L-O-D-D Resource Guide

A the recent joint Chiefs and Sheriff's meeting and training session last month at DPSST, staff unveiled the Line-Of-Duty-Death (L-O-D-D) Resource Guide that was recently completed. The work group included representatives of OACP, OSSA, OCPA, COPS, AOCE, OSP, DOC, and DPSST. The work group pulled together a singular document (including checklists and resources) that will serve as resource for local agencies that encounter either a line of duty death or an off-duty death. DPSST has also made digital copies of the guide available through the protected/restricted webpage at OACP and OSSA. The digital format will allow for easy updates and modifications. The guide will also allow agencies to include their agency specific policies, protocols, and resources if they wish. We want to thank all of the organizations and agencies that provided guidance and assistance to staff for this important resource. It is our hope that the guide never needs to be used, but if it is needed for an on or off-duty death, we now have a useful tool that addresses the needs of both agency and family ready to go.

Academy Back-Log

There is no back-login in Academy enrollment. A law enforcement officer hired today will find that they will be scheduled for the next open class. Most newly hired officers are waiting no longer than

90 days for a basic training class to begin. DPSST continues to monitor agency hiring trends and academy schedules to ensure we are meeting the needs of our customers.

Budget

State general fund agencies have been asked by the Legislative Fiscal Office (LFO) to prepare and submit possible budget reductions for the legislature to consider when they meet in February. As many of you know, DPSST only receives general fund revenue for our facility debt service but since LFO considers CFAA revenue a different color of general fund money, we have been directed to submit a reduction package as well for consideration.

The target amount we have been given is 2.6 million dollars which will be spread out in 3.5% increments. Our proposal needs to be submitted by November 1. The DPSST Leadership Team will be having a number of discussions on this issue over the next few weeks. These discussions will involve our staff, the Board, and our stakeholder organizations. The DPSST Leadership Team will present its proposal to the Executive Committee of the Board at its November 10, 2011 meeting. Eriks encouraged Board members to share their comments and suggestions.

As many of you know, DPSST has taken significant reductions over the last two biennia which have resulted in the loss of 39 FTE in 2009 and another 13 FTE on July 1, 2011. We have also eliminated or reduced a number of services that we used to provide such as leadership and regional training. As we work through this next budget reduction exercise, from a business standpoint, I have also asked our leadership team to look at the financial opportunities that may be achieved if we merge some of our common functions (human resources, business services, information services) with other state public safety agencies.

Please remember, at this time, this is a process that has just begun and no decisions have been made. The final review and any subsequent decisions will be made by the legislature when they return in February based on the state's economic health.

We will keep you posted as we have additional information to share. We wanted you in the loop so you were aware what was happening just in case you hear any rumors.

Fire Alarm Monitors

Legislation passed during the past session has added the licensing of fire and life safety alarm monitors to DPSST's Private Security Program. DPSST has a meeting with stakeholders scheduled on October 31, 2011, to help define exactly who is affected by this legislation. Representatives of the Oregon Fire Marshals Association, Office of State Fire Marshal, and Oregon Health Division – EMS Section have been invited to the meeting along with those in the alarm monitoring industry. The results of this meeting will be used by the Private Security Committee as the basis for administrative rules which will need to be adopted to manage this program. The proposed rules will eventually make their way to the Board for review and approval as they move through the rule making process.

Instructor Sanctions

As a result of this discussion at the last quarterly meeting of the Board, DPSST contacted the Oregon Attorney General's Office to see what sanctions, if any, can be taken against public safety instructors who are providing training in Oregon but are not certified by DPSST. DOJ advised DPSST that an agency only has authority to act if it has express or implied authority to do so (*Ochoco Constr.*,

Inc. v. Dept. of Land Conservation and Dev., 295 Or 422, 426, 667 P2d 499 (1983)). DPSST certifies instructors pursuant to its authority under ORS 181.650. DPSST has authority to deny, suspend, or revoke a certified instructor. ORS 181.661(1). An uncertified instructor has no certification to deny, suspend, or revoke. Moreover, DPSST has authority to impose civil penalties only against public safety agencies; it has no statutory authority to impose a civil penalty against an uncertified instructor. *See* ORS 183.745(1), (13)(b) ("Except as otherwise provided by law, an agency may only impose a civil penalty as provided in this section[,] which specifically requires statutory authority to impose a civil penalty."). DOJ sees no other statutory authority, express or implied, that would permit DPSST to take other legal action against an uncertified instructor. Therefore, DPSST has no statutory authority to regulate an uncertified instructor. The DOJ guidance supports the steps that DPSST has taken. As a result of having no regulatory recourse, DPSST has mounted a public awareness campaign to inform agency administrators and course hosts that they should vet instructors and courses to ensure that the classes meet their needs.

Fallen Firefighter Memorial

On September 15, 2011, DPSST hosted the state's annual fallen fire fighter memorial ceremony at the Academy. More than 300 people gathered for the ceremony which honored 162 career and volunteer fire fighters from Oregon who have died in the line of duty. Chief Stan Gibson of Coos Bay Fire and Rescue was the keynote speaker. The annual ceremony is made possible through donations from various statewide fire service organizations.

University of Oregon Police Department

On October 7, 2011, the University of Oregon was given permission to form a police department. This is the first such approval made by the State Board of Higher Education as a result of Senate Bill 405 (Chapter 506 of Oregon Laws 2011). DPSST staff will work with the University of Oregon to bring this agency on board with DPSST standards and training requirements. The University of Oregon Police Department will be treated the same as all other city, county, tribal, and state law enforcement agencies in Oregon.

Oregon Liquor Control Commission Agents

DPSST has had two meetings with the Oregon Liquor Control Commission regarding a future legislative concept that they are looking at. The concept would require that OLCC Agents be certified and trained by DPSST. OLCC is not interested in being trained and certified as law enforcement officers but as OLCC Agents, a unique and distinctive category. Eriks will keep the Board posted as additional information develops.

8. Committee Reports

- **Corrections Policy Committee – Todd Anderson, Chair**

The CPC will meet next on November 8. The group is looking at a number of cases and the proposed six-week Basic Corrections curriculum.

Todd is retiring as of October 31, but will stay on board until a replacement is found. Rob Gordon is also retiring November 30. Todd expects they'll both be replaced in the next several months.

- **Fire Policy Committee – John Klum, Chair**

The FPC met on August 24 and voted John in as the new chair.

The group discussed the NFPA Fire Officer 3 and 4 task book requirements which align with NFPA 1021 (2003 edition). The FPC has received a request to look at discontinuing the required task book due to redundancy. The FPC has asked to reconvene the NFPA Fire Officer Task Force to discuss the need for those task books.

They also discussed Fire Ground Leader. This is one of the last remaining Oregon-specific standards so it created a wall for those who didn't want or weren't able to pursue the Oregon Fire Officer level of certification. In the past Fire Officer classes required college classes but with changes recently made with both the NFPA 1021 standard and the availability of curriculum the training is readily available. The Fire Ground Leader will make its recommendations at the next Fire Policy Committee meeting.

The next FPC meeting is scheduled for November 23.

- **Police Policy Committee – Kent Barker, Chair (Director Gabliks)**

The group will have a number of revocation and denial items on the docket to review as well as the Tribal Police Oregon Administrative Rules discussion.

- **Private Security Policy Committee – Jeff Martin, Chair (Shawn Cardwell)**

The PS/IP Committee is meeting on Monday. They'll be looking at how to integrate the new rules for the Fire and Life-Safety Alarm Monitors.

The moral fitness sub-committee is still meeting to enhance our current moral fitness standards. Various sub-committees are still meeting and looking at cleaning up the rule sets that are about 15 years old now, going through them all. As soon as the moral fitness is done, the Board will see a large packet on some refinements.

Total number of certifications for Private Security is estimated at over 16,000 in the state. When this program was started, the initial target was estimated at 5,000.

- **Telecommunications Policy Committee – Rob Poirier, Chair**

The next meeting for the committee is November 2. The group has a couple of revocation cases to review.

Those of you more directly involved with PSAPs, a letter sent out by the 9-1-1 State Program regarding the ongoing issue of public safety communications center consolidation. A little over a year ago, we started with a PSAP consolidation task force. Near the conclusion of that task force, Legislative Fiscal said they wanted OEM to come up with an independent report. They hired a company called LR Kimballs and Associates to conduct some studies. Rob has recently received a letter stating that in the coming months this group will be coming out with surveys for all the PSAPS and will actually be doing site visits throughout the state. When they're finished with their report, it will be sent to the Legislative Fiscal Office. As far as any direction or any kind of mandated consolidation, it seems to be continually pushed out for one study or another.

There was a 9-1-1 legislative committee conference call yesterday to discuss the prepaid wireless tax issue. Now it seems that the legislative counsel believes that law already allows for the collection of the 9-1-1 telephone tax, so they're going to put their written opinion

together in the next weeks and they'll be passing that along to the Department of Revenue who doesn't believe they have the statutory authority. If everyone ends up agreeing on statutory authority, it will probably be a two-year battle with the wireless companies. Don't anticipate any revenue from pre-paid wireless within at least the next two years.

9. Next meeting date: January 26, 2012

With no further business to discuss, the meeting adjourned at 10:03 a.m.