



DPSST Newsletter

March 2015

Department of Public Safety Standards & Training, 4190 Aumsville Hwy SE
Salem, OR 97317

Legislative Update

By Director Eriks Gabliks

The Oregon Legislative Assembly is in full swing with thousands of bills introduced over the past few weeks and dozens of hearings already taking place. Attached is a high level summary of the bills we are actively tracking. You will see that the scope of these bills varies and which ones actually will move forward is yet to be known. The three bills (reserve officer backgrounds, ability to access documents, PERS sunset) that the Board approved for DPSST are all moving forward and have had their initial hearings. There are also a number of revenue bills that may affect the Fire Insurance Premium Tax or the 9-1-1 Telephone Tax that we are actively tracking as they may have an impact on our agency. The bill that would repeal the sunset on Senate Bill 412, that gave statewide peace officer powers to tribal police officers who comply with all DPSST training and certification requirements, had a hearing on Thursday morning and will be moving forward.

You will see there are a number of bills on the attached list that, if approved, will require DPSST to change the way we currently do business. The Bail Bonds Agent bills is back but more important are a number of bills that address race-based profiling and police use of force. DPSST is actively monitoring these bills to see which will make it to hearing. While DPSST does not take a position on legislation being considered, we will be at the table to provide information on best practices and impacts these proposed legislative concepts will have on our operations.

Last Monday and Tuesday, DPSST was the first public safety agency to present its budget for 2015-2017 in front of the Ways and Means Public Safety Sub-Committee. Our report was well received with lots of discussion on national issues taking place involving topics such as race-based profiling, use of force incidents, diversity, community involvement, and state-specific issues such as legalization of marijuana, rural communities without law enforcement resources considering the arming of firefighters, oil train preparedness, etc. The second day of our presentation included public testimony which allowed those who we serve to provide their feedback. We were pleased to have Board Chair and Tualatin Police Chief Kent Barker, Keizer Police Chief John Teague, Commander Jeff Wood of the Marion County Sheriff's Office, Assistant Chief Mike Crebs of the Portland Police Bureau, President Gary McQueen of the

Oregon Fire Chiefs, Patrick Sieng of the Association of Oregon Counties, and Government Relations Specialist Joe Baessler of Oregon AFSCME, testify in support of our organization, employees, and our budget needs. If you are interested in seeing the budget presentation documents and supporting materials please go to

<https://olis.leg.state.or.us/liz/2015R1/Measures/Exhibits/SB5534>

As we discuss the national discussion on policing that has been taking place in the legislature, I would be remiss if I did not share that Oregon's Center for Policing Excellence at DPSST, also known as CPE, has received national recognition as being proactive in addressing many of these concerns through innovative and effective means inspired by House Bill 3194. CPE is guided by an advisory committee comprised of city, county, tribal and state police officials. On February 14, 2015, Dr. Steve Winegar of our staff travel to Phoenix, Arizona where he was invited to provide testimony before President Obama's Task Force on 21st Century Policing. Dr. Winegar's recommendations focused on education as the key to ensuring police officers provide fair, effective and valuable services to their communities. Two of our leadership programs dedicate 24 hours of training to evidence-based approaches for developing public trust and confidence, reducing fear within communities, and the use of research and analysis to effectively decrease crime. This "evidence-based practices" segment of training was recently evaluated by the U.S. Dept. of Justice's Office of Justice Programs last month. The evaluators commented that the education provided in Oregon was far ahead of other efforts in the United States. Specifically, the evaluators were impressed by CPE's community-oriented approach, its translation of research into relevant context for practitioners, and the promotion of strategies for improving police legitimacy in conjunction with data-driven crime solutions. You may recall members of our staff gave a presentation on CPE at a Board meeting a few months ago.

As to the legislative session, please remember we are early in the session so many Bills are yet to come. We will send an update every month to keep you in the loop. If you have any questions regarding the list below or of the bills attached, please let us know and we will be glad to be of assistance.

Legal Corner

By Lorraine Anglemier

Not long ago, I was asked to weigh in on a conversation regarding the provision of Miranda warnings to a person with whom there was the possibility of a language barrier. There was spirited discussion concerning whether or not "all the officer had to document was that he/she read the rights to the suspect," and "whether or not it mattered if the suspect understood the Miranda rights." When addressing these concerns, I found it helpful to refer to the Oregon Supreme Court's opinion in State v. Vondehn, 348 Or 462 (2010). All quoted language below is from the opinion, but all emphases are mine.

"Article I, section 12 [of the Oregon Constitution], affords a constitutional right to remain silent. That right is, however, subject to waiver. Because a custodial interrogation is inherently

compelling, and to ensure the validity of a waiver of the right against self-incrimination, article I, section 12 requires that the police inform a person subjected to custodial interrogation...” of the person’s Miranda rights. “Article I, section 12, requires those...warnings to ensure that a person’s waiver is knowing as well as voluntary. If the police conduct a custodial interrogation *without first obtaining a knowing and voluntary waiver* of the ...rights, then they violate the suspect’s Article I, section 12 rights.”

This language reminds us that the advice of rights itself is a prerequisite to finding that a valid waiver occurred. However, we are also reminded officers must obtain a *knowing and voluntary* waiver of these rights before any statements made may be admissible. To that point, the Court in Vondehn observes:

“Voluntariness of course is *always* a requirement for admission of a defendant’s incriminating statements. *Even warned statements may be inadmissible* if they are not otherwise voluntary.”

As to how an officer is able to discern whether or not he/she has obtained a legally sufficient waiver, the Court next acknowledges that:

“When the police give Miranda warnings at the time that they are first required, the Constitution does *not* demand that the state establish that the warnings were *effective*. The state need only establish that the police recited the warnings completely and coherently.”

The Court does not elaborate upon what it meant by “effective.” But at this point in the opinion, the Court appears to suggest that provided the police, being required to do so, have properly and correctly advised the defendant of his rights, and further, that the state has otherwise assured the Court that any statements obtained from the defendant are “otherwise voluntary,” a constitutionally sufficient waiver is established. However, this is where things, as they say, get interesting.

What about the requirement that any waiver be “knowingly” made? The Court inserted a footnote to the conclusion of the quote above requiring a “complete and coherent” recitation. The footnote reads as follows:

“We acknowledge, of course, that a defendant is entitled to demonstrate (whether by defendant’s own testimony or otherwise) that the defendant’s waiver was *not knowing*. So, for example, a defendant may demonstrate that he or she *did not understand the warnings due to cognitive or linguistic limitations*.”

This language would suggest that the established constitutional validity described above, could be challenged by a defendant’s assertion that though he was “completely and coherently” *advised*, his *waiver* was not knowingly given, because of a language barrier between himself and interrogating officer/s. In such an instance, the state would be unable to carry its burden of

demonstrating the defendant made a knowing waiver, without persuading the Court that indeed the defendant *did* understand the warnings.

Questions? As always, feel free to contact me at lorraine.anglemier@state.or.us

Center for Policing Excellence Section

By Lieutenant Ryan Keck

What is CPE?

The Center for Policing Excellence (CPE) was established by the 2013 Legislature through the passage of House Bill 3194. CPE is staffed with four full-time staff whose mission is to:

- Promote the application of research on how to build public trust and confidence, decrease crime or disorder, and increase offender accountability.
- Coordinate DPSST's leadership development programs on-site and regionally (SLA, OLM and IPSLEI).
- Ensure all training programs utilize effective teaching methodologies and accurately assess learning and performance.



The CPE Team (left to right):
Ryan Keck, Sara Tribbey, Theresa Janda, Steve Winegar

Recently, CPE has been involved in state and national discussions related to the role of police in our changing society, and the training that officers, managers and executives receive. Most notably, Steve Winegar had the opportunity in February to testify before President Obama's Task Force on 21st Century Policing. Steve did an outstanding job outlining recommendations for the future of public safety training, as well as articulating the innovative advancements being made at DPSST.

Additionally, in January the Supervisory Leadership Academy was evaluated by US DOJ's Office of Justice Programs. The evaluators were very impressed by CPE's cross-disciplinary approach to leadership training, and particularly the facilitation of constructive dialogue related to public value, evidence-based decision making, and organizational change. Following their assessment, the evaluators commented that the education provided in Oregon was far ahead of other efforts in the United States.

Academy Training Section

By Rich Daniel

It is an honor to be filling in for Captain Teresa Plummer the Academy Training Section Supervisor. In January Captain Plummer gave birth to healthy baby twins! I know you will join us in wishing her a well-deserved rest.

This New Year has also brought a rush of new classes. Lt. Don Sedlacek graduated Basic Police Class 346 on January 23rd and then two days later checked in 40 students into Basic Police Class 348 on Sunday the 25th.

Lt. James Webb graduated the Basic Corrections Local Class 017 (BCL017) on January the 30th. BCL017 had the highest number of students ever a BCL class awarded the Excellence in Marksmanship pin with a total of 14 EIM pins awarded. This accomplishment will be remembered with a plaque being placed in the firearms building. Lt. Webb's corrections curriculum is some of the newer curriculum here at DPSST and has numerous classes built on the problem based learning model. The curriculum is constantly evolving taking advantage of scenario based training here in our Tactical Venues and at Marion County Jail.

Training Coordinator Staci Yutzie checked in Basic Parole and Probation (BPP069) February the 8th. This is only the second BPP class using the new and expanded curriculum which utilizes an adult learning model with facilitated instruction and focused on students solving problems. The curriculum is centered around the use of evidence based practices which are infused throughout the topic areas. In addition, the new BPP curriculum is again using iPads not just as vehicles for providing student resource material, but rather as true learning tools. Students are using the iPads to conduct research, create projects, and reflect on their learning via journaling and self-assessment and more. The BPP program continues to evolve to meet student and constituent needs. A use of Force Law class was added thanks to Lorraine Anglemier and Scott Willadsen.

On Valentine's Day 50 screaming OSP recruits began their four week Pre-Academy and it's been great having them back on campus! In April, 38 of these OSP recruits will begin the 16 week Basic Police class in BP350 with Lt. Don Sedlacek as the primary class coordinator.

On February 15th Lt. Tami Atkinson began the two week Basic Telecom Class (BT93) and on the same day Lt. Webb kicked off the Basic Corrections Local Class 018 once again full with 40 students. The field training manual for corrections has started to be revised and there is an on-going process to hire some new part-time instructors to assist with the corrections classes.

On February 20th Lt. Nick Hurley graduated 39 of 40 students from Basic Police Class 347 and he will check in Basic Police Class 349 on March 22nd.

Emergency Medical Dispatch (EMD55) will be held March 2, 3 & 4.

Special thanks to Sgt. Lisa Trimble, after coordinating a two week regional Detectives Academy and graduating Basic Police Class 345 in November she has picked up tons of slack co-coordinating many of the different ongoing classes.

Some internal accomplishments, Sgt. James Webb was promoted to Lt. James Webb in January and Sgt. Nick Hurley was promoted to Lt. Nick Hurley in February. Sgt. Lisa Trimble received her supervisory certificate in February.

Lt. Hurley will be instructing the Police Training Officer (PTO) Train the Trainer March 16-20th. The class is currently full with a wait list. Due to the overwhelming response for this class another train the trainer class is being planned in the near future.

Stress First Aid continues to be instructed with another Train the Trainer class scheduled in April. Currently DPSST is providing this class to Salem PD for their department wide in-service training, and another class is scheduled at McMinnville Fire Department on April 7th. Lt. Atkinson and Sara Tribbey from DPSST are assisting with instructing these classes.

Lt. Hurley and Theresa King, along with a number of other committee members worked on and have almost completed the Job Task Analysis (JTA) for police officer.

Lt. Atkinson and Theresa King are currently working on the Job Task Analysis (JTA) for Telecom. The Telecom curriculum is working towards transitioning into the problem based learning model. The Telecom Field Training Manual update was completed and officially rolled out to constituents in mid-February.

Academy Training Coordinators continue to obtain training: Sgt. Trimble has been attending computer, cell phone and internet investigations put on by the National White Collar Crime Center (NW3C) to assist in updating the Basic Police Criminal Investigation curriculum and the Detectives Academy.

Lt. Webb and Sgt. Trimble will be attending the Northwest Leadership conference in March.

Lt. Atkinson will be attending Oregon Executive Development Institute (OEDI) in March and then in April she will be attending the Western Regional Association of Public Safety Communications Officials (APCO).

This fall, Training Coordinator Staci Yutzie was appointed by the Attorney General to serve on the Department of Justice's Child Abuse Multidisciplinary Intervention (CAMI) Advisory Council. This is a committee that advised the DOJ on the administration of the CAMI funding. Training Coordinator Yutzie also will be attending the upcoming Clackamas County Sheriff's Office annual Child Abuse and Family Violence Summit in April. She is working on updating the Basic Police Child Abuse and Missing and Exploited Children material.

Coming up April 8 is the first-ever SFST Instructor Conference to be held here at DPSST. This is a continuing education effort for our current SFST Instructors. We will have presentations on the technical aspects of DUII enforcement, including a presentation from WSP Sgt. Mark Crandall, the Washington State DRE coordinator, on marijuana-impaired driving. Lt. David Beatty will also present on using modern adult learning theory to enhance students' experience in the classroom. Anyone interested in more information on the conference should contact Lt. Beatty at david.beatty@state.or.us or call 503-378-8742.

The professional staff (Theresa, Debbie, Amber and Kayla) have been busy starting the planning process for the Law Enforcement Memorial Ceremony which will be held at DPSST on May 5th, 2015.

In my short tenure in this section I've been humbled by how hard this team works, their dedication to our mission, and the extreme tempo required of them daily. I don't have the space to commend all the great work that our over 350 part time staff, volunteers and agency loan instructors, evaluators and role-players provide every day for us and our students. You are the drum beat and heart and soul of OPSA. As 2015 moves quickly into spring and summer let us all rededicate ourselves to our mission. Excellence in Public Safety. To that end, let us rededicate ourselves to one another. Let us build a strong team of trust and a vision of change for the future. Yes, I said the C word. Change, although most hated it is most needed. DPSST is a fantastic organization but we can do better, we must do better. As generations change and communities demand more from Public Safety, we too must grow, flex and strive to be the best in what we do.

If any of you have ideas how to better what we do here please let us know. We are looking to be more student focused, less Power Point - more critical thinking, less lecture - more problem solving! Let us all push forward a new academy for the future of Oregon.

Tactical & Regional Training Section

By Captain Gary Ninman

We have taken the opportunity to reflect on all of the accomplishments of 2014 in the past few weeks and this process has brought an immense sense of pride and accomplishment to our sections. We have made continual refinements and improvements to our curriculum, the facilities, our fiscal efficiencies and responsibilities, instructor development and our approach to our overall mission. As we highlight a few of the milestones, it is important for all of you to recognize that everyone associated with our programs have been an integral component of our evolution.

The tactical section of academy training has been involved in the review of our major skill-development programs. We recently completed a revision of our Building Search program and have received approval of the revision from the CPE unit. These revisions were small in nature and based on two primary points of consideration: 1) assuring the skills were still "best-practices", and 2) making sure measurable data supported the changes. The only major change to the program was in the naming of the training segment. We changed the name to "Principles of Tactical Movement and Searching" in an effort to underscore the development of core concepts and movements designed to enhance officer and public safety. Revisions to the Vehicle Stop program and to Emergency Vehicle Operations are currently underway and should be completed in the next quarter. As the programs are approved by CPE, the coordinators will be updating the training staff with the materials and changes.

Our facilities continue to evolve. Lt. Wan has been instrumental in this process, securing another vehicle from Tri-Met in the form of a small shuttle bus. Lt. Wan has also reverted to his days as a narcotics officer and taken the lead in repurposing the old Video Store venue in the scenario training building into a "Smoke Shop". The new venue is nearly transformed and "Smoke and Mirrors" is now operational. In light of legislative change, we anticipate an increase in activity related to these venues and we are actively adapting scenarios for this venue and encourage any suggestions.



The Regional Training section is equally progressive. The Regional Training section has accelerated program scheduling, delivery, and facilitation. The relationship between the regional section and academy training is becoming increasingly symbiotic. Like the academy, curriculum is always evolving regionally and recent updates to regional training curriculum have included Active Shooter, Vehicle Stops and Firearms Instructor updates. The regional staff in partnership with the academy training staff has been working to increase APT usage within the regional program deliveries. We recently conducted an assessment center for regional APT trainers that produced three qualified candidates. Those individuals have been moved forward into the background process. Lastly, we are getting much closer to the long awaited ability to register individuals for regional class online and go paperless. Marsha Morin (DPSST IS department) has been working with training supervisors and schedulers to develop an online portal for individuals to view upcoming classes by way of calendar and register for those classes of interest. This will increase our registration efficiencies dramatically and also allow real time roster information to be viewed by all training coordinators. .

Thank you all for contributing to the continued success of the DPSST Training Division and the profession of public safety as a whole.

Survival Skills Section

By Captain Roger Eaton

We have made it through the end of 2014 and into 2015. We are just starting March and it seems like May weather. Last quarter, we had three of our four down weeks in our calendar year. That is a considerable help in maintaining our Agency Part Time (APT) instructor usage with four more months left in our 2013-2015 biennium.

In the last quarter we graduated Basic Police (BP) 346 and 347, Basic Corrections Local (BCL) 017, and Basic Telecom (BT) 92. We started BP348, BCL018, Basic Parole and Probation (BPP) 069, BT 93, and Oregon State Police (OSP) Pre-Academy 25.

BP350 will start on 4/20/15. It will be comprised almost exclusively of the recent graduates of OSP's Pre-Academy 25.

The first week in December Survival Skills hosted a National Guard Combative training in the D building. That first week we also hosted the National Rifle Association (NRA) for a one week Patrol Rifle instructor class. The second week of December Survival Skills conducted a Firearms assessment and the D building hosted an Oregon Youth Association (OYA) orientation in mid-January. A two day Tactical Athlete module was conducted during the third week in January. The end of January, an NRA Handgun instructor class was held at DPSST. A two day Ground Defense module was held the second week in February.

Upcoming Regional Defensive Tactics training in the next quarter will include:

Use of Force 2 day module 3/5-6/15

DT IDC 3/30-4/3

Use of Force 2 day module 4/7-8

Striking 2 day module 5/19-20

Our APT staff is invited to attend the Regional class offerings listed above. Our accomplishments listed above are only a reality; because of the diligent, professional, and committed part time staff that support and facilitate the training of our basic students. We welcome the opportunity to support your training that furthers our mission.

Fire Training Section Update

By Captain Mark Ayers

- DPSST held its annual Winter Fire School this past February at the Oregon Public Safety Academy in Salem. More than 300 career and volunteer fire service professionals from agencies across the state attended this year's event which featured classes offered by the National Fire Academy, Oregon Fire Chief's Association and DPSST. Instruction, lodging and meals were provided free of charge. From all accounts, the weekend was a great success!
- DPSST received a FY2013 Assistance to Firefighters Grant (AFG) award for \$123K. The financial support received from the AFG process has been used to purchase two (2) Mobile Ventilation props. These props will be managed and maintained by the DPSST Fire Training staff. On 28 January, DPSST received the first of two units and we are laying the groundwork for deploying the units into the field. More information about this outstanding training opportunity will be provided over the coming months.
- DPSST has once again been awarded a \$20K grant from DHS/FEMA/NFA to deliver specific 2-day NFA classes in Oregon. If you have an interest in this particular program, contact Mark Ayers at 503-378-2726 or via email at: mark.ayers@state.or.us
- The SAFAD (Skid Truck) program is, once again, back on the road. The following link will provide you a glimpse into the practical delivery:
<http://fireinstructor1.com/cityofbendoregon.html>

2015 delivery locations/dates are as follows:

- 2/25-3/16 – White City (POC: Lt Cody Goodnough / 541.210.2279)
- 4/1-4/4 – White City
- 4/14-4/16 – White City
- 5/1-5/4 – Portland Air National Guard (POC: Lt John West / 503.559.5756)
- 6/23-6/29 – Ontario (POC: Lt Rocky Desimini / 541.403.6038)
- 7/8-7/13 – Ontario
- DPSST Fire and Law Enforcement staff is working together to present ‘*Active Shooter*’ training throughout the state. Keep tabs on this training opportunity through your ListServe subscription. Don’t have a ListServe subscription? It is free. Contact Thelma Denney at thelma.denney@state.or.us