

**Board on Public Safety Standards and Training
(BPSST or the Board)
Meeting Minutes**

January 26, 2023

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, January 26, 2023, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located at 4190 Aumsville Hwy SE, Salem, Oregon. Chair, Darren Bucich called the meeting to order at 9:00 a.m.

Board members present in-person and by Video/Teleconference:

Darren Bucich, Chair, Oregon Fire Chief's Association – WebEx
DaNeshia Barrett, Vice-Chair, Non-Management Law Enforcement
James Adams, Oregon State Fire Fighters Council – WebEx
Jeff Auxier, Oregon District Attorney's Association
Sara Boone, Chief, Portland Fire & Rescue – WebEx
Maria Caballero Rubio, Public Member – WebEx
Jennifer Cameron, Non-Management Parole & Probation
Casey Coddling, Superintendent, Oregon State Police
Scott Derickson, League of Oregon Cities – WebEx
Carol Dishion, Department of Corrections, AFSCME
Matthew English, Oregon State Sheriff's Association - WebEx
Michael Fletcher, APCO-NENA
James Oeder, Oregon Volunteer Firefighters Association
Mark Kreutzer, Oregon Fire District Directors Association
Chuck Lovell, Chief, Portland Police Bureau – WebEx
Scotty Nowning, Non-Management Law Enforcement – WebEx
Terry Rowan, Oregon State Sheriff's Association – WebEx
Chris Skinner, Oregon Association of Chiefs of Police
John Teague, Oregon Association of Chiefs of Police
Thomas Thomas, Private Security Industry

Board Members Absent:

Heidi Steward, Acting Director, Department of Corrections
Kieran Ramsey, Federal Bureau of Investigation
Mariana Ruiz-Temple, Oregon State Fire Marshal

Guests: No guests attended this meeting

DPSST Staff:

Brian Henson, Acting Director
Suzy Herring, Professional Standards Division Director
Julie Olsen, Fire Program Manager
Jennifer Howald, Legislative and Rules Coordinator
Shelby Wright, Executive Assistant

DPSST Staff Continued:

Jennifer Levario, Professional Standards Case Manager

1. Introductions

- *Chair, Darren Bucich introduced himself for the record and noted that Vice Chair, DaNeshia Barrett, will be Chairing the meeting as she is attending the meeting in person at DPSST. DaNeshia introduced herself and invited everyone in attendance to state their name and position for the record.*

2. *Meeting Minutes

Approve minutes from the October 27, 2022, Meeting

- *James Oeder motioned to approve the meeting minutes of the October 27, 2022, meeting. Thomas Thomas seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

3. Fire Policy Committee

a. Fire Policy Committee Update – James Oeder, Chair

- *Chair Oeder addressed the Board and noted that the Fire Policy Committee recently held a lengthy committee meeting in November 2022 that moved forward a number of important items for the Board's review. Chair Oeder noted that the Board will be voting on a number of case items as well as a new public member.*

b. *Consent Agenda (The following items to be ratified by one vote)

c. *Consent Agenda (The following items to be ratified by one vote)

A. *Brett Andry DPSST #25852 (North Douglas County Fire and EMS and Fair Oaks Rural Fire Protection District) – Revoke

8 (eight) to 1 (one) vote to recommend to the Board by the FPC on November 30, 2022.

B. *Chad Brown DPSST #34676 (Christmas Valley Rural Fire Protection District) – Revoke

Unanimous vote to recommend to the Board by the FPC on November 30, 2022.

C. * Lemont Southworth DPSST #37547 (Upper McKenzie Rural Fire Protection District) – No Action

7 (seven) to 1(one) vote, with 1 (one) member abstaining, to recommend to the Board by the FPC on November 30, 2022.

D. *Glen Starbuck DPSST #41074 (Burns Fire Department) – No Action

Unanimous vote to recommend to the Board by the FPC on November 30, 2022.

E. *Rhett Sunia DPSST # 41600 (Coburg Rural Fire Protection District) – Revoke
Unanimous vote to recommend to the Board by the FPC on November 30, 2022.

F. *Christian White DPSST #41515 (Clackamas County Fire District #1) – No Action
Unanimous vote to recommend to the Board by the FPC on November 30, 2022.

G. *Committee Appointments

Fire Policy Committee

- Andre Lindauer – Public Member, Appointment to the FPC, 1st term effective January 26, 2023.
- *Mark Kreuzter motioned to approve the Fire Consent Agenda. Thomas Thomas seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

4. Criminal Justice Policy Committees

a. Police Policy Committee Update – John Teague, Chair

- *Chair Teague addressed the Board and noted that the Police Policy Committee did not review any cases at their last regularly scheduled meeting in November 2022, but they did thoroughly discuss the proposed background investigation and personal history questionnaire rule changes. Chair Teague ended his update by noting that Professional Standards Division Director, Suzy Herring, will speak to the additional matters regarding the proposed rule changes.*

b. Telecommunications Policy Committee Update – Michael Fletcher, Chair

- *Chair Fletcher stated that the Telecommunications Policy Committee (TPC) last met in November 2022 to review a number of administrative closures and also discussed the proposed rule changes to the background investigation and personal history questionnaire. Chair Fletcher noted that the regularly scheduled TPC meeting in February 2023 has been cancelled due to a lack of agenda items.*

c. Corrections Policy Committee Update – Matthew English, Chair

- *Chair English addressed the Board and stated that the Corrections Policy Committee (CPC) last met in November 2022 to review four cases and one administrative closure and additionally discuss the proposed rule changes to the background investigation and personal history questionnaire. Chair English noted that they have received great stakeholder feedback regarding the proposed changes and looks forward to the further discussion on the topic. Chair English also noted that the regularly scheduled CPC meeting in February 2023 has been cancelled due to a lack of agenda items.*

d. *Consent Agenda (The following items to be ratified by one vote)

A. *Randy Gilbertson DPSST #37702 (DOC/Deer Ridge Correctional Institution) – Revoke

Unanimous vote to recommend to the Board by the CPC on November 8, 2022.

B. *Michael Porter DPSST #56582 (DOC/ Coffee Creek Correctional Facility) – No Action

Unanimous vote to recommend to the Board by the CPC on November 8, 2022.

C. *Antony Ruvalcaba DPSST #31282 (DOC/Coffee Creek Correctional Facility) – Revoke

Unanimous vote to recommend to the Board by the CPC on November 8, 2022.

D. *Fernando Saldana DPSST #60511 (Two Rivers Correctional Institution) – Revoke

Unanimous vote to recommend to the Board by the CPC on November 8, 2022.

E. *Board on Public Safety Standards and Training Bylaws Proposed Revisions

F. *Law Enforcement Memorial Wall Nomination; Brian J. Gaunt DPSST #37820 - Beaverton Police Department

Determine eligibility for addition to Oregon’s Law Enforcement Memorial Wall

G. *Committee Appointments

Corrections Policy Committee

- Margeux Bowden – Non-Management Corrections, Appointment to the CPC, 1st term effective January 26, 2023.
- Jay Bergmann – Oregon Association of Community Corrections Directors Representative, Appointment to the CPC, 1st term effective January 26, 2023.

- *James Oeder made a motion to approve the Criminal Justice Consent Agenda Items A-Q. Carol Dishion seconded the motion. A vote was taken by roll call and the motion passed unanimously with the abstention of DaNeshia Barrett from item F.*

5. Private Security/Investigator Policy Committee

a. Private Security Investigator Policy Committee Update – Thomas Thomas, Chair

- *Thomas Thomas noted that the private security program finalized activities for two workgroups. The Armed Professional Curriculum workgroup and the Entity Licensing workgroup completed their assignments. Proposed revisions are being made to the armed curriculum, and proposed rules are being drafted.*
- *The polygraph exam was revised in consultation with the Polygraph Licensing Advisory Committee. The revised exam will be made available online after proposed amendments to the polygraph exam rule take effect.*

b. *Consent Agenda (The following items to be ratified by one vote)

A. *Proposed Rule Changes for Oregon Administrative Rule (OAR) 259-020-0150, Examination for Licensure

Recommended Amendments to the Examination for Licensure Standards for Polygraph Examiner Applicants

- *John Teague motioned to approve the Private Security/Investigator Consent Agenda Items A. James Oeder seconded the motion. A vote was taken by roll call where the motion was passed unanimously by the Board.*

c. *Proposed Rule Changes for Oregon Administrative Rule (OAR) 259-060-0012, Private Security Equipment, Vehicles, Uniforms and Titles

Correction Required by the Office of Legislative Counsel

Presented by Jennifer Howald

Background:

On June 1, 2022, DPSST adopted OAR 259-060-0012 to communicate legislative intent and DPSST interpretation and application of Senate Bill (SB) 116. SB 116, from the 2021 Legislative Session, amended Oregon Revised Statute (ORS) 181A.893 making it unlawful for a private security provider or an entity that employs private security providers to possess or use in the scope of employment equipment, vehicles, uniforms or titles that imply that the provider or entity is affiliated with a public or private safety agency as defined in ORS 181A.355.

Senate Bill 116 was introduced on behalf of the Board on Public Safety Standards and Training (BPSST). The bill was the result of a legislative concept drafted by DPSST as a follow-up to Kaylee’s Law (Senate Bill 576, 2019), which established uniform and vehicle requirements for campus private security. Like Kaylee’s Law, Senate Bill 116 is intended to address situations where the appearance of private security uniforms and vehicles make it difficult to differentiate between members of law enforcement and providers of private security services. DPSST recognizes that this issue applies to a minority of the currently certified private security providers and the business entities that employ private security providers.

Issue:

On December 1, 2022, DPSST received notice from the Office of the Legislative Counsel that section (3) of OAR 259-060-0012 required amendment. SB 116 was effective January 1, 2022. The rule states “(3) Private security providers and entities that employ private security providers operating prior to June 1, 2022, must be in compliance with section (1) of this rule before July 1, 2023.”

Section (3) was intended to recognize that if a business operating prior to the adoption of the rules defining what was considered unlawful needed to make changes once the rules were adopted, DPSST would be able to engage in educational compliance measures until July 1, 2023. The July 1, 2023, date in rule was intended to provide a firm 1-year time

limit from the adoption of the rules for businesses that needed to, to arrange services or supplies to change uniforms and vehicles in recognition of the fiscal impacts to these small businesses.

This date was not intended to defer any DPSST compliance action, but to lean on DPSST's first tier of compliance which focuses on education and the opportunity to gain compliance before engaging in punitive compliance measures. DPSST did not interpret the date as precluding enforcement action on new businesses or on the pre-existing businesses when educational outreach and compliance plans were not met or if there was an egregious act.

Legislative Counsel found that including the July 1, 2023, date in rule was not part of the statutory authority for rulemaking related to the provisions of SB 116. Legislative Counsel explained that the date in the rule had the effect of delaying enforcement until July 2023 where the statute prohibits this conduct now. To correct this unintended legal outcome, the rule must be amended to delete section (3).

All of DPSST's compliance processes will continue to apply. When a violation is identified, DPSST has the ability to engage with the private security provider or the private security entity to bring the provider or business into compliance. Compliance options include:

- An Allegation of Non-Compliance. The purpose of this document is to provide education and allow an opportunity to gain compliance within 30 days without penalty.
- A Notice of Violation. The Notice includes a statement of found violations and proposed sanctions. An individual or employer may be given the opportunity to remedy the violation and pay a penalty within 10 days of the mailing of the notice.
- Notice of Intent to Propose a Civil Penalty. A Notice issued following failure to remedy a violation or request an extension within 10 days of the mailing of the Notice of Violation.
- Revocation of Certification or Licensure.

Proposed Rule Changes:

The proposed rule changes for OAR 259-060-0012 include recommended additions deletions of the text.

- *John Teague motioned to approve the proposed changes to OAR 259-060-0012. Michael Fletcher seconded the motion. A vote was taken by roll call where the motion was passed unanimously by the Board.*

6. Agency Updates – Acting Director Brian Henson

Professional Standards Division Director, Suzy Herring addressed the Board and provided an update noting that the criminal justice policy committees will be meeting jointly in February to discuss the next steps regarding the implementation of the requirements of House Bill 2936 and the creation of corresponding administrative rules.

Suzy Herring continued, noting that the Private Security/Investigator Program will be forwarding rule language and draft forms over to the Department of Justice for review regarding the implementation of House Bill 2527. The Private Security/Investigator Program is hoping to present the findings to the Private Security/Investigator Policy Committee in February 2023, to open a public comment period and return the finalized version to the Board for approval.

The Governor's Commission on the Law Enforcement Medal of Honor met on January 18, 2023, to discuss and approve a new nomination and application form. The Commission also voted to revise the Medal of Honor and Medal of Ultimate Sacrifice to correctly match statute. New medals have been ordered and DPSST Staff will facilitate the process of providing recipient families with the revised medals if desired. Suzy Herring noted that Chair Darren Bucich will be attending his final meeting in April 2023, so the Board will need to decide and vote on a new Board Chair to take his place at the next regularly scheduled meeting.

Suzy Herring also provided the board members with a revised copy of the Professional Standards case load and explained noted that 19% of the cases reviewed resulted in revocation, which is the same percentage noted from the previous year. The DPSST is currently working to revise the excel sheet on the DPSST website that shares this information, to explain the case load and processes more clearly. Additionally, Suzy Herring noted that only the Police Policy Committee will be being individually in February 2023 as they need to review a few items as well as Administrative Closures. All other committees will be meeting jointly in February 2023, as previously discussed. Suzy Herring explained that there have been multiple staffing changes in the Professional Standards Program recently, and the DPSST wanted to ensure that all staff was properly trained prior to presenting cases to the policy committees, which is why each policy committee will not be reviewing any cases this quarter.

- *Vice-Chair DaNeshia Barrett noted that potentially having twice as many cases to review at the next quarterly meeting will be challenging, but appreciates the explanation provided by staff. Vice-Chair Barrett also asked if the information provided on Professional Standards case load sheet includes Administrative Closures, to which Suzy Herring answered no, only cases are included on the sheet.*

Acting Director, Brian Henson, addressed the Board and noted that the DPSST is preparing for Governor Kotek's Administration to begin after her administration provided all state agencies with a list of expectations. Governor Kotek's goal is to improve customer service and diversity, equity and inclusion (DEI), so all state agencies will begin acting accordingly to meet these expectations. Acting Director Henson noted that DAS will additionally be requiring 360 evaluations of agencies at all levels.

The DPSST was successful at the last Executive-Board, receiving approval for the addition of two basic police courses: raising the yearly total to eighteen courses in the 2021-2023 biennium. Acting Director Henson thanked the Portland-Metro and Willamette Valley organizations who helped provide trainers for the additional courses. Acting Director Henson also noted that basic police courses are now entirely booked until

June 2023, and even with the addition of four basic police courses in the 2021-2023 biennium, there is still a five month waitlist to get into training. Governor Kotek's recommended budget is due February 1, 2023, and the DPSST is waiting to see how many classes the DPSST will be budgeted going forward.

The DPSST has been working with Oregon Association Chiefs of Police (OACP) and Oregon State Sheriffs Association (OSSA) in order to prepare for the upcoming legislative session. The DPSST has prepared policy options packages (POP's) for review, which will be reviewed and determined during the session. The DPSST is scheduled to discuss the agency's budget at the State Capitol on February 15th and 16th, 2023, and is hoping to have a few board members attend the meeting in support. The DPSST is optimistic for this legislative session but understands that due to COVID-19, there are shortages in CFA funding.

Acting Director Henson noted that the DPSST has been in the media as of recently regarding the timeline to get into the basic police courses. The media reports addressed these issues rather favorably; however, it is recognized that the timeline to get into these classes is quite lengthy and will continue into the next biennium.

Additionally, Acting Director Henson has a meeting with Policy Advisor, Constantin Severe, and will discuss how for the DPSST to approach the legislative session. State agencies are to remain neutral and will be voicing all items through fiscal impact statements as necessary. So far, there are multiple placeholder bills that the DPSST will be tracking for any changes. The Department of Corrections (DOC) will be addressing the sunset of the legislation that allows the DOC to provide training in house, rather than at the DPSST.

Acting Director Henson also noted that the DPSST's budget for the remainder of the biennium is in good standing and will most likely remain under budget. The DPSST is also working on a few projects on campus such as adding fencing and additionally parking to help secure the campus. It was also noted that there are no updates on the Director recruitment; the DPSST is waiting to hear from Governor Kotek's Office for any further information.

- *Chief Chris Skinner thanked the DPSST on behalf of the OACP for helping to issue grants to public safety organizations throughout the state through the legislative process.*
- *TPC Chair Michael Fletcher noted that the Governor's Office asked for each agency to also submit a budget reduction with their agency requested budget; Chair Fletcher then asked how DPSST handled that request. Acting Director Henson noted that it is required by statute for the DPSST to submit a 10% reduction package along with every agency requested budget, so the DPSST also submitted a 10% reduction with their POP's, although the legislature can still pick and choose which options they accept and which options they reduce. Acting Director Henson noted that each state agency was to be prepared for a 3% reduction to the current budget level. The DPSST met with a team from the*

Governor's Administration to discuss public safety budgetary needs, specifically addressing the basic police course timeline and Secretary of State's audit and discussed budgetary plans and solutions moving forward in the legislative session.

7. Next Meeting Date: April 27, 2023, at 9:00 a.m.

- *With no further items to discuss, Vice Chair Barrett adjourned the meeting at approximately 9:45a.m.*