

Board on Public Safety Standards and Training Minutes

April 22, 2021

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, April 22, 2021 in the Boardroom at the Oregon Public Safety Academy in Salem. 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
DaNeshia Barrett, Vice-Chair, Non-Management Law Enforcement
Nadine Purington, Non-Management Parole and Probation
James Oeder, Oregon Volunteer Firefighters Association
Mark Kreutzer, Oregon Fire District Directors Association
John Teague, Oregon Association of Chiefs of Police
Elizabeth Lawrence, Non-Management Law Enforcement
Thomas Thomas, Private Security Industry
Terri Davie, Superintendent, Oregon State Police
Matt English, Oregon State Sheriff's Association
Ben McNulty, Private Security Industry
Mariana Ruiz-Temple, State Fire Marshal
Scott Derickson, League of Oregon Cities
Kieran Ramsey, Federal Bureau of Investigation, SAC - Portland Office
Chris Skinner, Oregon Association of Chiefs of Police
Carol Dishion, Oregon Department of Corrections, AFSCME Representative

Board Members Absent

James Adams, Oregon Fire Fighter's Council
Chuck Lovell, Chief, Portland Police Bureau
Colette Peters, Director, Department of Corrections
Sara Boone, Chief, Portland Fire & Rescue
Terry Rowan, Oregon State Sheriff's Association

DPSST Staff:

Jerry Granderson
Linsay Hale, Professional Standards Division Director/Interim Academy Training Division Director
Theresa Janda, Executive Assistant
Mona Riesterer, Executive Support Specialist
Jennifer Howald, Rules Coordinator
Julie Olsen, Fire Program Manager
Chris Enquist, Basic Parole & Probation Coordinator

Guests:

Greg Martin, Chair, Applicant Review Committee

1. Introductions

Chair Darren Bucich introduced new Board members Jeff Auxier, Carol Dishion, Terry Rowan, and Chris Skinner and welcomed the new Director of DPSST, Jerry Granderson.

2. *Minutes

Approve minutes from the January 28, 2021 Meeting

Jim Oeder motioned to approve the Minutes from January 28, 2021. Terri Davie seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

3. Fire Policy Committee

Linsay Hale addressed the Board, explaining changes to the Rules regarding Fire Certification, including that there is no longer an ineligibility period for fire Certification. She explained that it does not lessen the standard because all applications for certification that include certain triggering events, will require policy committee review. She also explained timelines surrounding actions taken against certifications and the process affording due process rights.

Linsay also explained the legislative process and timelines required for legislative concepts to be put forward for drafting.

a. Fire Policy Committee Update – Jim Oeder, Chair

Jim Oeder briefly updated the Board members on the activities of the Fire Policy Committee (FPC), reporting that two proposed rule changes were recommended for approval to the Board and they are on the agenda today. He also thanked the staff for their assistance in working through the recommendations on the case presented at the FPC Meeting, also on the agenda today.

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

A. *Proposed Rule change – OAR 259-009-0005, OAR 259-009-0062 and OAR 259-009-0065 – Approve

NFPA Fire Officer – Adopt 2020 Edition of NFPA 1021
Unanimous vote to recommend to the Board by the FPC on February 24, 2021

B. *Proposed Rule change – OAR 259-009-0005 and OAR 259-009-0062 – Approve NFPA Marine Based Fire Fighter for Land-Based Fire Fighters – Adopt 2020 Edition of NFPA 1021

Unanimous vote to recommend to the Board by the FPC on February 24, 2021

C. *Nathan Smith DPSST#12671 (West Side RFPD) – Revoke

Unanimous vote to recommend to the Board by the FPC on February 24, 2021.

Matt English motioned to approve the Fire Policy Committee consent agenda. DaNeshia Barrett seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

4. Criminal Justice Policy Committees

a. Police Policy Committee Update – John Teague, Chair

Linsay Hale briefly updated the Board members on the Police Policy Committee's activities stating that the last quarter's meeting was very busy with many cases and a couple of rule changes. May will also have a busy meeting with new members Chief Skinner and Sheriff

Rowan. She told the Board members that the book will have three volumes and will include a couple of high profile cases as well as Phase 3 Revisions to the Basic Police Curriculum.

b. Telecommunications Policy Committee Update – Lindsay Hale, Staff

Lindsay Hale briefly updated the Board on the Telecommunications Policy Committee activities, explaining that there is no current Chair due to the position representing APCO having been vacant since last June. She reported that Mike Fletcher from Columbia Telecommunications has been put forward in the Senate Confirmation process and will be joining the Board once he is confirmed. She told the members that there was a brief meeting in February involving a rule discussion and one administrative closure. The TPC meeting for May has been canceled due to a lack of agenda items.

c. Corrections Policy Committee Update – Nadine Purington, Chair

Nadine Purington briefly updated the Board stating that the next meeting will take place on May 11th, 2021 and it will have a full agenda. She also reported that the meeting in May will be her last official CPC meeting.

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

A. *Proposed Rule change – OAR 259-008-0085

Updating Current Versions for Two Field Training Manuals.
Unanimous vote to recommend to the Board by the CPC on February 9, 2021.

B. *Proposed Rule change – OAR 259-008-0100 and OAR 259-080-0005

Oregon Fallen Law Enforcement Memorial Eligibility Criteria
Unanimous vote to recommend to the Board by the CPC on February 9, 2021, Unanimous vote to recommend to the Board by the PPC on February 18, 2021.

C. *Proposed Rule change – OAR 259-008-0290, OAR 2599-008-0300 and 259-008-0310

Moral Fitness Standards Relating to Discrimination
Unanimous vote to recommend to the Board by the CPC on February 9, 2021, Unanimous vote to recommend to the Board by the PPC with revisions on February 18, 2021, Unanimous vote to recommend to the Board by the TPC on February 3, 2021.

D. *Seth Collins DPSST#50235 (Cannon Beach Police Department) – Revoke

Unanimous vote to recommend to the Board by the PPC on February 18, 2021.

E. *Ryan Dews DPSST#46380 (Columbia County Sheriff's Office) – Revoke

Unanimous vote to recommend to the Board by the PPC on February 18, 2021.

F. *Christopher Hanson DPSST#30677 (Rogue River Police Department) - Revoke

Unanimous vote to recommend to the Board by the PPC on February 18, 2021.

G. *Brian Lister DPSST#36594 (Clackamas County Sheriff's Office) - Revoke

10/2 vote to recommend to the Board by the PPC on February 18, 2021.

H. *Robert Obenauf DPSST#32107 (Washington County Sheriff's Office) – No Action

7/5 vote to recommend to the Board by the PPC on February 18, 2021.

I. *Christian Powell DPSST#33913 (McMinnville Police Department) – Revoke
Unanimous vote to recommend to the Board by the PPC on February 18, 2021.

J. *Douglas Treat DPSST#29837 (Lake Oswego Police Department) – No Action
Unanimous vote to recommend to the Board by the PPC on February 18, 2021.

K. *Jimmy Yeager DPSST#13084 – No Action
Unanimous vote to recommend to the Board by the PPC on February 18, 2021.

L. *Brian Davis DPSST#25612 – Revoke
Unanimous vote with one recusal to recommend to the Board by the CPC on February 9, 2021.

M. *David Duwelius DPSST#46066 (Department of Corrections/Two Rivers Correctional Institution) – Revoke
Unanimous vote to recommend to the Board by the CPC on February 9, 2021.

N. *Desteni Felton DPSST#45595 (Baker County Sheriff’s Office) - Revoke
10/4 vote to recommend to the Board by the CPC on February 9, 2021.

O. *Spencer Higgins DPSST#48698 (Jackson County Sheriff’s Office) – Revoke
Unanimous vote to recommend to the Board by the CPC on February 9, 2021.

P. *Chris Keyser DPSST#35121 (Clackamas County Sheriff’s Office) - Revoke
Unanimous vote with one recusal to recommend to the Board by the CPC on February 9, 2021.

Q. *James Mahoney DPSST#43650 (Department of Corrections/Powder River Correctional Facility) - Revoke
Unanimous vote with one recusal to recommend to the Board by the CPC on February 9, 2021.

R. *Amyr Motlagh DPSST#58470 (Lane County Sheriff’s Office) – Revoke
12/1 vote with one recusal to recommend to the Board by the CPC on February 9, 2021.

S. *Loren Peters DPSST#55373 (Department of Corrections/Deer Ridge Correctional Facility) – Revoke
13/1 vote to recommend to the Board by the CPC on February 9, 2021.

T. *Committee Appointments

Corrections Policy Committee Appointments

- Kevin Marhsall – Reappointment to the CPC; 2nd term effective 4/22/21

James Oeder motioned to approve the Criminal Justice consent agenda, Mark Kreutzer seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously with Jeff Auxier abstaining on items E & J.

e. *Parole & Probation Field Training Manual (FTM)

Chris Enquist explained to the Board members that the newly revised Field Training Manual updates and revises the one from 2009. A Workgroup was convened and did a thorough review of the content and the processes of the Field Training Manual with an eye on making sure it

would serve both larger and smaller agencies well. A Guidebook was also established to assist with the structure of the Manual.

Nadine Purington motioned to approve the Parole & Probation Field Training Manual, Terri Davie seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously

f. *Proposed Rule Change OAR 259-008-0080

Jennifer Howald explained that this Rule change deals with criminal justice instructor certification. This rule applies to instructors who are employed by DPSST and the DOC to deliver mandated training. It amends the grounds to deny or revoke criminal justice certification, which are all mandatory and are summarized in the bulleted list on pages 1 and 2 of the memo. The list includes grounds specified by statute, criminal convictions and instructor misconduct. These cases are handled administratively by certification compliance staff. A mandatory denial or revocation results in permanent ineligibility to hold a criminal justice instructor certification in the future and as mandatory grounds they are intended to remove the need to apply discretion to determine if a standard had been violated. Primarily this focuses on instructor misconduct becoming grounds to revoke certification as defined by the rule in conjunction with separation from employment. There have been circumstances when a separation from employment as an instructor triggers a revocation action when no misconduct has occurred due to the current standard, resulting in revocation and lifetime ineligibility and thereby affect the individual's employment as a public safety professional without the opportunity for employer discipline and employee due rights processes.

This draft rule change re-establishes discretion to determine when the conduct in question meets the definition of instructor misconduct. Proposed amendments to deny or revoke the criminal justice certification is found in section 9 of the memo.

Now, in situations where the instructor is also employed by an agency as a public safety professional, an instructor certification denial or revocation for instructor misconduct only applies to the instructor certification. The Department will report the conduct and the certification action to the individual's public safety employer. With any other conduct, like a criminal disposition, the conduct would be reviewed under the standards in place for public safety professional certifications.

The Department recommends the Board approve the changes to OAR 259-008-0080 and the changes outlined to the denial or revocation standards and processes for DPSST criminal justice instructor certifications.

DaNeshia Barrett motioned to affirm the Department's recommendation to approve the proposed changes to OAR 259-008-0080. James Oeder seconded the motion. A vote was taken by roll call of the members present. The motion carried unanimously.

5. Private Security/Investigator Policy Committee

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

- Thomas Thomas briefly updated the Board on the activities of the Policy Committee. He reported that there have not been a lot of meetings due to a lack of agenda items.
- There are two vacancies on the PSIPC that will be filled.

- The training that is currently offered through Ilearn will be moving to Workday to deliver instruction and training for the Private Security Course and the new Manager course.
- He also reported that a fee increase is needed for certification and licensing fees and a proposal for that will come to the PSIPC for consideration.

Lindsay Hale explained to the Board members that in addition to Helena Snyder, two candidates for the Private Security and Private Investigator Policy Committee (PSIPC) whose applications were not received in time to add to the original agenda are being presented today as an addition to the consent agenda for a vote to be added as members to the PSIPC; Ben Bower for Fire Arms Representative and Frank Wilson representing Governor Entities that use Private Security.

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

A. *Committee Appointments

Private Security Investigator Policy Committee

- Helena Snyder – Appointment to the PSIPC, 1st term effective 4/22/21 – replaces Myron Sanders representing the Oregon State Bar.
- Ben Bower for Fire Arms Representative, 1st term effective 4/22/21
- Frank Wilson representing Government Entities that use Private Security; 1st term effective 4/22/21.

James Oeder motioned to approve the appointments to the Private Security and Investigators Policy Committee. Carol Dishion seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

6. Director's DPSST Updates

COVID Update

Director Granderson reported to the Board that four students enrolled in Basic Police Class #407 (which was scheduled to start Week 7 of their 16 week training) reported positive COVID tests this weekend. The decision was made to postpone that class for 4 weeks to prevent further spread. Armed Parole and Probation was also delayed due to the number of students who entered quarantine. These postponements will not impact any other classes on campus, or the start dates of any future Criminal Justice class.

Our adopted and approved COVID Training Health and Safety Protocols were followed and worked to contain any further stoppage of campus operations.

Campus Updates

The Director gave an overview of recent campus activity and events taking place.

- The Oregon Public Safety Academy Campus remains closed to the public. The decision was made to continue to restrict access to the campus when the COVID restrictions are lifted to ensure a safe and secure training and working environment.
- The campus remains busy. BP 406 is scheduled to graduate next week. A Basic Telecommunications class, a Basic Corrections class and a Basic Telecommunicator class all start Monday, 5/3.

- We are allowing fire and private security classes to occur on campus if they are DPSST-hosted. External partners are being allowed to schedule venues during off-hours only (when no DPSST students are on campus).
- The Director reported that in the furtherance of Continuity of Government and Resiliency - DPSST is working with Mike Harryman, State Resiliency Officer, who is working to identify alternate work and living sites for key state positions including the Governor, and their families in the event of emergency events similar to the 2021 ice storm.

Police Training and Accountability

- The Director explained the Police Training and Accountability continues to be a focus of the legislature.
- The Basic Police Revision Phase 3 (of 4) is scheduled to be presented to the Police Policy Committee in May and to the Board in July with anticipated implementation in August. This update will make DPSST's Basic Police Course the first 100% evidenced-based Basic-level police training in the country. The Basic training schedule is being adjusted slightly to allow for a smooth transition during the implementation for all students on Campus.
- In regards to the Governor's Task Force on Police Training and Accountability Director Granderson told Board members that HB 2162 is proceeding through the legislative process. The bill in its current state requires DPSST to study police training, implement increased equity training during Basic training and to maintain certification. It also adds to the definition of discharge for cause to capture discriminatory behavior and excessive uses of force. DPSST has submitted a fiscal impact that includes the need for two additional full-time positions to assist with the development and delivery of equity training statewide.
- Beyond the bill, DPSST has formed workgroups to review the effects of arbitration on certification, and the role that the Board and DPSST play in the delivery of the field training portion of Basic Training. Those groups will start meeting next month to formulate recommendations.
- Additionally, the Secretary of State audit is ongoing. The scope of this audit also includes the training and certification of Oregon's police officers. We welcome this audit and have been working closely with the Secretary of State audit team since last summer. We expect the final report to be issued this summer.
- DPSST actively engaged in a national discussion on tracking officer law enforcement misconduct/decertifications being spearheaded by USDOJ and the International Association of Directors of Law Enforcement Standards and Training. Linsay Hale has been asked to Chair the Governance Subcommittee.

Fire Program Updates:

- The Fire Program is currently in the process of recruiting for an Office Specialist 2 and two Skid Truck Trainer positions. Soon we will be opening the Southern Oregon and Salem Area Fire Training Coordinator positions.
- DPSST is beginning to receive some of the training props we were awarded through the Assistance to Firefighters Grant through the Department of Homeland Security. This week we received the latest prop and a train the trainer course for the Fire Training Coordinators on the Pump Simulator. The Fire Training Coordinators will implement training with this simulator as soon as possible into our training rotation.
- The annual Fallen Fire Fighters Memorial, typically held in September, may be pushed up to June due to extended wildfire seasons for the last several years. This year's ceremony will

be virtual due to the ongoing COVID-19 Pandemic. This year, we will be honoring Eric Aarseth who passed on August 28, 2018.

Budget:

Director Granderson updated the Board members on recent budget items effecting DPSST.

- Due to enrollment numbers DPSST submitted for the early 2021 Session meeting of the e-board (joint committee on Ways and Means) an other-funds limitation increase and a CFA allocation request (approximately \$1.5 million). DPSST has delivered 2 additional Basic Police and 1 additional Basic Corrections course in the 19-21 biennium than what it was budgeted for. The request for this money, along with a \$1.6 million dollar increase to the agencies carry-over balance has been approved and enrolled by the Legislature. We are waiting on the final disposition of the agency's 21-23 budget.
- Two items were approved by the e-Board – increased limitation for acceptance of the State Fire System Grant allowing for delivery of National Fire Academy classes throughout Oregon; and another for the reimbursement of expenses incurred during ONG Wildland firefighter training in July of 2020.

Facilities

- DPSST is partnering with Energy Trust of Oregon, on a micro-grid planning and scoping project. This work is the next phase in DPSST becoming self-reliant if or when a power outage or disruption occurs. The project will focus on renewable power such as solar and wind-charged battery banks. This is part of DPSST's ongoing continuity of Operations planning, and commitment to supporting State government Emergency Operations and our emergency management partners in the event of regional or statewide disruptions such as a Cascadia event. Future considerations: Micro-grid inclusion with other public safety (OSCI, SCI, MCSO) and private sector (Home Depot, Amazon, Fedex) partners and budgeting and availability of FEMA grant funds for project implementation.
- DPSST had no damage to structures or loss of life due to the ice storm. We did have significant loss of trees across our campus including the loss of dozens of Century(s)-old White Oaks. DPSST's White Oak savannah is part of a larger grove of trees protected by law. We have offered access to our damaged savannah oaks in support of Willamette University's recently announced White Oak project. Educational enrichment is one of the management strategies outlined in the law.

Legislative

Linsay Hale updated the Board on the Legislative matters effecting DPSST, reiterating the focus on Police Training and Accountability, specifically. She also mentioned SB116 which was introduced on behalf of the board. Three additional concepts also introduced on behalf of the Board include:

1. A housekeeping Bill to correct statutory language which applies to Private Investigator applications, which had very outdated language. It also contains in the statute a list of the information that is required to be submitted to DPSST. The Bill did not meet the timeline and is therefore officially dead.
2. Another Bill amending DPSST's procurement status, which was also a housekeeping change. It was heard by the Senate Judiciary Committee and forwarded to the House Judiciary Committee and is still moving along.
3. A Private Security Business Licensing Bill that was introduced with the intent to ensure entities employing armed private security providers were responsible and accountable to

making sure their employees are properly trained in the use of fire arms. The Bill was pulled, because it needed additional work and DPSST will make additional changes and re-present it in a future session. A similar Bill has been introduced on behalf of SEIU which will make DPSST and the Board responsible for ensuring the employee rights of Private Security providers. DPSST testified on that Bill and it did get sent to Ways and Means and is in the process.

- In regards to Senate Bill 116, which Board members received an email about is the concept that was intended to expand the provisions of what is known as Kaylee's Law, which passed in 2019. The purpose of the Bill is to prevent private security providers from blurring the line as to what their authority actually is by the vehicles, uniforms, etc. that they utilize. Linsay stated that Senator Boquist had concerns about the Bill, however she believes the intent is clear and there is no allowance or intention to regulate uniforms of firefighters, EMS or any sort of incident command posts or private security providers beyond those who are blurring the line between them and Law Enforcement. It seems his grievance is with the way the Bill is written and it will have its opportunity to be heard on the House side and presumably, corrections will be made on that side.

Benjamin McNulty commented that perhaps more explicit details given at a later date would be helpful to the Senator and others because the scope of this issue may be confusing. Linsay acknowledged that it is a big conversation and there is a fiscal impact but remains confident in the language and intent and the ability to adopt Rules in the future to address any issues that may arise, should it become law.

Linsay gave an overview of police reform bills that affect this body, what we do and how we do it. She reported that the Bill resulting from the Governor's Task Force is still alive, specifically tasked to look at police training and accountability and DPSST's role in that. Recommendations in the Bill include:

- Additional equity training to Basic Police Curriculum, as well as a maintenance standard. Two additional positions were requested to manage that, to create initial training but also to ensure it is maintained appropriately and to assist agencies around the State in the delivery of it.
- The Bill seeks to change the membership of this Board to include two more public members, one appointed by the Senate and one appointed by the House of Representatives, bringing total of public members on the Board to three. They would also be assigned to the Police Policy Committee, by statute.
- The Bill also alters the definition of discharge for cause standard that exists for law enforcement, which is currently a mandatory disqualifier, as well as additional excessive *use of force* language and *discriminatory behavior* language, which was added in rule today at this meeting, effectively, in concert with this. Linsay added that we have had and currently have the ability to revoke certifications for discriminatory behavior and have revoked certifications for this reason in the past. This simply codifies the importance of that issue.
- Finally the accreditation of agencies in the State is also addressed in the Bill. This Board would be asked to accredit the accrediting bodies. It would be an additional requirement to the Board not currently in place.
- Some Bills amend the duty to intervene, which was passed last special session in 2020.

- Introduce language that would add circulatory anatomy and physiology to the Basic Police Course and maintenance standards, trauma informed care training requirements that would become mandatory, and training on gender prejudice.
- There is the creation of a commission on law enforcement standards of conduct and discipline, which would operate outside of the Board but require statutory membership including the Director of DPSST and the Attorney General and expansion of the misconduct database that is currently on our website.
- There is a Bill that guarantees employment with DPSST for a student studying psychology if they include cultural competency in their course of study and another that would make either this Board or Department, it is unclear which, the reviewer of arbitration.

Chair Bucich announced that this was Nadine Purington's last Board meeting because her term was expiring in June. He thanked her for her service on the Board and presented her with a plaque.

7. Next Meeting Date: July 22, 2021