

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

April 27, 2023

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, April 27, 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. Vice Chair, DaNeshia Barrett called the meeting to order at 9:10 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
Sara Boone, Chief, Portland Fire & Rescue
Jennifer Cameron, Non-Management Parole & Probation
Casey Coddling, Superintendent, Oregon State Police – WebEx
Carol Dishion, Department of Corrections, AFSCME
Matt English, Oregon State Sheriff's Association
Michael Fletcher, APCO-NENA
Mark Kreutzer, Oregon Fire District Directors Association
Chuck Lovell, Chief, Portland Police Bureau – WebEx
Scotty Nowning, Non-Management Law Enforcement
Kieran Ramsey, Federal Bureau of Investigation
Terry Rowan, Oregon State Sheriff's Association – WebEx
John Teague, Oregon Association of Chiefs of Police
Thomas Thomas, Private Security Industry

Board Members Absent:

James Adams, Oregon State Fire Fighters Council
Jeff Auxier, Oregon District Attorney's Association
Maria Caballero Rubio, Public Member
Scott Derickson, League of Oregon Cities
James Oeder, Oregon Volunteer Firefighters Association
Heidi Steward, Acting Director, Department of Corrections
Mariana Ruiz-Temple, Oregon State Fire Marshal
Chris Skinner, Oregon Association of Chiefs of Police

Guests:

John Taber, Department of Corrections

DPSST Staff:

Phil Castle, Agency Director
Brian Henson, Agency Deputy Director
Suzy Herring, Professional Standards Division Director
Julie Olsen, Fire Program Manager

DPSST Staff Continued:

Jennifer Howald, Legislative and Rules Coordinator
Jennifer Levario, Compliance Investigator
Marsha Morin, Criminal Justice Program Manager
Shelby Wright, Executive Assistant to the Director
Jennifer Levario, Professional Standards Case Manager

1. Introductions

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

2. Agency Updates – Agency Director, Phil Castle

- *Agency Director, Phil Castle, addressed the Board and noted that within his first few months as the director, he has had the opportunity to meet with constituents throughout the state and will continue doing so as time allows. Director Castle noted that the academy has recently been looking at alternative constructs of the Basic Police course in order to help alleviate the current backlog. DPSST recently conducted a survey with all law enforcement agencies throughout the state and discovered through the results of the survey, that the state's current law enforcement enrollment trends do not appear to be decreasing and will most likely remain at a high volume for the foreseeable future, further increasing the backlog. In order to combat this, DPSST has been engaging in conversations with constituents throughout the state to help brainstorm ways to better manage this high volume of students. After much consideration, it was determined that a satellite academy is simply not feasible at this time, however, DPSST has developed a new plan to extend the operating hours of the academy to effectively train a higher number of students without compromising safety and quality. DPSST plans to run 20 classes per biennium with 60 students in those classes. DPSST will also be partnering with Oregon State Police to help coordinate additional offsite courses to help relieve the current backlog. In order to effectively implement these changes, DPSST will need to go before the Legislature to ask for additional funding and resources. The Governor's Office and Legislature if very aware and supportive of DPSST's efforts and DPSST will continue having conversations with legislators and constituents in order to further this goal.*
- *Jennifer Cameron asked when constituents can expect to see the implementation of these changes. Director Castle noted that it's DPSST's intention to begin these additional courses and changes in the Fall of 2023.*
- *Director Castle also noted that the agency's strategic plan is out of date and DPSST will be working hard to draft a new strategic plan in order for staff, constituencies, and the Board to provide feedback on before moving forward. Director Castle mentioned that Brian Henson, has recently been appointed at Deputy Director of DPSST, and Dr. Staci Yutzie, has been appointed as the Interim Training Division*

Director. DPSST also plans to recruit a PIO and will keep the Board updated on the recruitment process as necessary.

- *Matt English commended Director Castle, Deputy Director Henson and the DPSST Staff for their proactivity and effort to address the Basic Police backlog. John Teague expressed the same gratitude towards Director Castle and the DPSST.*
- *Director Castle then addressed the Board and noted that multiple Board members will be terming out of their elected seat in June and commended them for their years of service on the Board and various policy committees. Director Castle presented awards to the following expiring Board members: Darren Bucich, John Teague, Jim Oeder, Mark Kreutzer, Scott Derickson and Thomas Thomas.*
- *Vice Chair Barrett asked if the DPSST had any knowledge about the recruitment of members to fill the vacating Board member's positions. Executive Assistant, Shelby Wright, noted that DPSST has been working closely with the Executive Appointments Office to effectively recruit and approve of six new members to fill the upcoming vacancies on the Board. The appointments are expected to be made in May 2023.*
- *Vice Chair Barrett also commended Chair Bucich for his exceptional job leading the Board as Chair throughout the past two years and is grateful for his years of service. Michael Fletcher also commended Chair Bucich and John Teague for their unwavering helpfulness and meaningful conversations throughout his time on the Board and Telecommunications Policy Committee (TPC). Chair Bucich acknowledged the kind words and thanked John Teague and his peers for their thoughtful input and conversations throughout his time on the Board.*

3. *Meeting Minutes

Approve minutes from the January 26, 2023, Meeting

- *Mark Kreutzer motioned to approve the meeting minutes of the January 26, 2023, meeting. Matt English seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

4. Fire Policy Committee

a. Fire Policy Committee Update – James Oeder, Chair

- *Chair Oeder was absent at this meeting and therefore an update was not provided.*

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

- A. *Nicholas Cantelon DPSST #32751 (Pendleton Fire & Ambulance) – No Action**
Unanimous vote to recommend to the Board by the FPC on February 22, 2023.
- B. *Skyler Moore DPSST #42135 (Douglas County Fire District #2) – No Action**
Unanimous vote to recommend to the Board by the FPC on February 22, 2023.
- C. *Proposed Rule Changes for Oregon Administrative Rule (OAR) 259-009-0120**
Unanimous vote to recommend to the Board by the FPC on February 22, 2023.

- *Matt English motioned to approve the Fire Consent Agenda. Michael Fletcher seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

5. 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 February 2023, but is looking forward to a full load of cases to review and the next regularly scheduled meeting. Chair Teague also noted that a new Chair will need to be selected at the next meeting due to his term expiration.*

b. Telecommunications Policy Committee Update – Michael Fletcher, Chair

- *Chair Fletcher stated that the Telecommunications Policy Committee (TPC) last met in March 2023, to review the proposed OAR relating to the background history questionnaire and psychological evaluation.*

c. Corrections Policy Committee Update – Matt English, Chair

- *Chair English addressed the Board and stated that the Corrections Policy Committee (CPC) did not meet in February 2023, due to a lack of cases, but is ready to meet again on May 9, 2023, to review a heavy list of agenda items.*

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

A. *Committee Appointments

Telecommunications Policy Committee

- *Adam Turnbo – Oregon State Police, Appointment to the TPC, 1st term effective April 27, 2023.*
- *Michael Fletcher made a motion to approve the Criminal Justice Consent Agenda. Carol Dishion seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*
- *Let the record show that Adam Turnbo has since resigned from the Telecommunications position and will be replaced at the next regularly scheduled Board meeting.*

e. ***Rule Changes for Oregon Administrative Rule (OAR) 259-008-0010, 259-008-0011, 259-008-0015 and 259-008-0080**

Background Investigation Standards and Pre-Employment Psychological Evaluation Standards

Background:

The rule changes for OAR 259-008-0010, 259-008-0011, 259-008-0015, and 259-008-0080 make changes to the background investigation standards and pre-employment psychological evaluation standards for criminal justice public safety officer disciplines. The affected disciplines include police officers, reserve officers, corrections officers, parole and probation officers, regulatory specialists, telecommunicators, and emergency medical dispatchers. These rule changes and policy discussions were prompted by House Bill 2936 (2021). The amended rule changes presented in this memo represent the recommendations from the Telecommunications Policy Committee (TPC), Corrections Policy Committee (CPC), and Policy Police Committee (PPC) following the review and discussion of the public comments received in response to the proposed rule changes.

Policy Committee Recommendations:

On February 16, 2023, the CPC and PPC recommend adopting the rule changes to OAR 259-008-0010 and 259-008-0015 with the following policy recommendations. The CPC and PPC recommendations apply to police officers, reserve officers, corrections officers, parole and probation officers, and regulatory specialists.

- Agencies hiring these law enforcement officer disciplines must use the Background Checklist and the Personal History Question List as prescribed by the rule changes in OAR 259-008-0015. The CPC and PPC found that the Personal History Question List (as filed with the proposed rule changes on December 2, 2022) remains appropriate for the standardized personal history questionnaire requirements for law enforcement officers.
- Agencies hiring these law enforcement officer disciplines must obtain a pre-employment psychological evaluation of the applicant. The CPC, PPC, and the Department found that it was appropriate to continue to allow licensed mental health professionals to conduct the evaluations. Police officers and reserve officers have been subject to a preemployment psychological evaluation requirement since January 1, 2020. These rule changes will extend the pre-employment psychological evaluation standards to corrections officers, parole and probation officers, and regulatory specialists hired on or after July 1, 2023.

On March 16, 2023, the TPC recommended adopting the rule changes to OAR 259-008-0011 and 259-008-0015 with the following policy recommendations. The TPC recommendations apply to telecommunicators and emergency medical dispatchers.

- Agencies hiring these dispatcher disciplines must use the Background Checklist as prescribed by the rule changes for OAR 259-008-0015.

- Agencies hiring these dispatcher disciplines must continue to utilize a personal history questionnaire as a part of the background investigation standards and process, but the hiring agency retains the discretion to use the questionnaire of their choice.
- Agencies hiring these dispatcher disciplines must obtain a pre-employment psychological evaluation of the applicant. This sets a new employment standard for telecommunicators and emergency medical dispatchers. The TPC also found that it was appropriate to allow licensed mental health professionals to conduct the evaluations. The TPC recommended that the pre-employment psychological evaluation standards apply to individuals hired on or after January 1, 2024, providing additional time for public safety agencies to make appropriate arrangements to implement this new standard. The TPC considered private safety agency employment of emergency medical dispatchers and recommended that private safety agencies, such as private ambulance companies, employing emergency medical dispatchers who are required to be certified by the Department are exempt from the pre-employment psychological evaluation standards.

After Board approval of the amended rule changes, the rules will be submitted to the Secretary of State as permanent rule changes. The Department recommends July 1, 2023, as the effective date for the rule changes. The Department will communicate with hiring agencies to prepare for the coming effective date. Hiring agencies will need to plan to use the new rules and standards for any applicant who is in the background investigation phase but will be hired on or after July 1, 2023.

Action Item:

Approve filing the amended rule changes for OAR 259-008-0010, 259-008-0011, 259-008-0015 and 259-008-0080 as permanent rule changes to be effective July 1, 2023.

- *John Teague asked to clarify whether the TPC was in support of these changes as proposed. Chair Fletcher noted that the TPC was in support of the proposed changes.*
- *John Teague made a motion to approve the amended rule changes for OAR 259-008-0010, 259-008-0011, 259-008-0015 and 259-008-0080. Thomas Thomas seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

f. Changes to Basic Police Firearms Assessment

Presented by Noel Aher – Information Only

The current handgun qualification for basic police recruits has been in use since BP386 (2019). More than a thousand recruits have completed the assessment in this format. This volume of testing has allowed the opportunity to critically evaluate the purpose of the assessment, and the relevance of the skills assessed to how they will be used on the job.

The results of this evaluation have identified a strong need to revise the firearms testing format and process to better assess the breadth of required skills students are taught and capture their readiness for weapons use in the field. Ultimately, the new assessment should produce recruits who are better prepared to safely and effectively use their weapons in real-world encounters.

The updated system of testing will encompass a broader range of relevant skills and multiple testing points. These improvements will align the testing more closely with skills and abilities we expect recruits to use in their operational work. Though we accept no qualification can precisely emulate a real-world encounter, this new testing will better assess the anticipated skills required to prevail on the job. (The long-term goal is to review firearms training and align it with the realities of lethal force encounters. This is a larger project with curriculum and infrastructure needs not addressed in this request.)

Although the changes will incorporate the testing of more individual and combined skills in multiple situations, the process will not require any additional program hours or new equipment.

- *Vice Chair Barrett asked if these changes have already been implemented, to which Noel answered yes, the changes have been made to the Basic Police 425 course.*

6. Private Security/Investigator Policy Committee

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

- *Thomas Thomas noted that he does not have any updates to share with the Board as the Private Security/Investigator Policy Committee has not met recently.*

7. *Board Chair Nominations

Vice Chair Barrett noted that due to Chair Bucich's term extirpation, the Board is to nominate a new Chair to lead the Board on Public Safety Standards and Training. Vice Chair Barrett noted that she would like to nominate Sheriff Matt English for this role as his experience and expertise would be greatly utilized and appreciated.

- *John Teague asked when Matt English will expire out of his seat on the Board, to which Matt English noted that he is eligible to serve until June of 2025.*
- *Vice Chair Barrett motioned to appoint Matt English as the Chair of the Board on Public Safety Standards and Training. Jennifer Cameron seconded the motion. A vote was taken by roll call where the motion passed unanimously by the Board. Matt English thanked the Board members for their thoughtful consideration and vote.*

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

- *With no further items to discuss, Vice Chair Barrett adjourned the meeting at approximately 9:52 a.m.*