

Board on Public Safety Standards and Training Minutes

April 23, 2020

The Board on Public Safety Standards and Training held a regular meeting by video conference at 9:00 a.m. on Thursday, April 23, 2020 in the Boardroom at the Oregon Public Safety Academy in Salem. Chair Patricia Patrick-Joling called the meeting to order at 9:00 a.m.

Board members present by Video/Teleconference:

Patricia Patrick-Joling, Chair, Public Citizen Member
Brian Wolfe, Vice-Chair, Oregon State Sheriffs' Association
Nadine Purington, Non-Management Parole and Probation
Kristine Allison, Oregon Association Chiefs of Police
James Walker, Oregon State Fire Marshal
James Oeder, Oregon Volunteer Firefighters Association
Mark Kreutzer, Oregon Fire District Directors Association
John Teague, Oregon Association of Chiefs of Police
Elizabeth Lawrence, Bend Police Department
Kelly Dutra, Public Safety Telecommunicators
Thomas Thomas, Private Security Industry
Darren Bucich, Oregon Fire Chief's Association
Doug Marteeny, Oregon District Attorney's Association
Colette Peters, Director, Department of Corrections
DaNeshia Barrett, Non-Management Law Enforcement
Travis Hampton, Superintendent, Oregon State Police
Matt English, Oregon State Sheriff's Association
Loren Cannon, Federal Bureau of Investigation
Jami Resch, Chief, Portland Police Bureau

Board Members Absent

Scott Derickson, League of Oregon Cities
James Cook, AFSCME/Department of Corrections Representative
Sara Boone, Chief, Portland Fire & Rescue

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Theresa Janda, Executive Assistant
Kayla Ballrot, Fire Certification Supervisor

1. Introductions

Chair Patrick-Joling welcomed all Board members and Linsay Hale took a roll call to establish a quorum was present.

2. *Minutes

Approve minutes from the January 23, 2020 Meeting.

Matt English motioned to approve the Minutes from January 23, 2020. **Brian Wolfe** seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

3. Fire Policy Committee

a. Fire Policy Committee Update – James Oeder, Chair

James Oeder briefly updated the Board stating that the last fire Policy Committee meeting was very long with six months worth of cases with much discussion on all of them. There is also a Fire Policy Committee member on the agenda today for reappointment. There was a meeting scheduled to discuss nominations for the Memorial Wall, but it was postponed and the FPC will reschedule that as soon as possible.

A. *Wyatt Bruckner DPSST#F37318 (Lowell RFPD) - Revoke

Recommended to the Board by a vote of 8/3 by the FPC on October 24, 2019.

B. *Damon H. Faust DPSST#F35483 (Estacada RFPD #69) – Revoke and Deny Certifications

Recommended to the Board in a vote of 9/2 by the FPC on October 24, 2019.

C. *Andrew Flood DPSST#F38423 (Jefferson County Fire District #1) – Deny

Recommended to the Board in a unanimous vote by the FPC on October 24, 2019.

D. *David Lloyd DPSST#F16832 (Portland Fire & Rescue) – Revoke

Recommended to the Board in a unanimous vote by the FPC on October 24, 2019.

E. *Trenton McGahan DPSST#F38189 (Charleston RFPD) – Not Deny

Recommended to the Board in a vote of 7 to 4 by the FPC on October 24, 2019.

F. *Bjorn Petersen DPSST#36309 (Hines Fire Department) – Deny

Recommended to the Board in a unanimous vote by the FPC on October 24, 2019.

G. *James T. Poore DPSST#F16053 (No Agency affiliation) – Revoke

Recommended to the Board in a unanimous vote by the FPC on October 24, 2019.

H. *Nickolus V. Stanger DPSST#F36220 (Netarts-Oceanside RFPD) – Deny

Recommended to the Board in a unanimous vote by the FPC on October 24, 2019

I. *Jesse K. West DPSST#F18744 (Lane Fire Authority) – Revoke

Recommended to the Board in a unanimous vote by the FPC on October 24, 2019

J. *Committee Appointments

- Paula Simone; Reappointment to the FPC; 2nd term effective 4/27/20.

John Teague motioned to approve the Fire Policy consent agenda. Jim Walker 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

- John Teague briefly updated the Board reporting, that approval of item W of the consent agenda was recommended at the last Police Policy Committee, which is regarding adding the name of Constable Harry Greenfield, from Silverton Police Department who died in 1942 during an investigation of a break-in at the local tavern, to the Law Enforcement Memorial Wall.
- The May meeting has been postponed until June.
- The new CJ moral fitness standards will go into effect on May 1st 2020, which will impact the way these discussions are presented.

b. Telecommunications Policy Committee Update – Kelly Dutra, Chair

- Kelly Dutra briefly updated the Board, reporting that item T on the consent agenda, requires CPR as part of the maintenance requirement for Basic Telecom and EMD. This is the product of at least a year of discussion and passion as far as what should be expected in terms of certification requirements. She thanked the staff at DPSST for working hard with the Telecommunications community on this.
- The TPC meeting has been postponed until June 10, 2020.
- The Telecommunications Policy Committee members have had discussion on the new moral fitness standards, and feel positive about the final results.
- She explained that this is her last Board meeting because her term is up. George Long will be the new Telecommunications representative, once he is confirmed by the Senate.
- She ended by saying that she was honored to have been part of the Board and that she is very impressed with DPSST, its processes and the people who guide us through and she will miss the DPSST staff and thanked the Board for the opportunity to be on the Board.

c. Corrections Policy Committee Update – Nadine Purington, Chair

- Nadine Purington briefly updated the Board, stating that their meeting would also be canceled until June 16, 2020.
- She also reported that they have a new member on the Corrections Policy Committee, Lee Eby, who is a jail commander of Clackamas County Sheriff 's office and he is replacing Matt Frohnert.
- She stated that there is nothing else outside of the moral fitness standard rule that goes into effect on May 1st.

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

A. *Jeremy Shull DPSST#43985 (Sherman County Sheriff's Office) – Revoke
Recommended to the Board in a vote of 10/2 by the PPC on February 20, 2020.

B. *Dixon Andrews DPSST#14829 (Gold Beach Police Department) – No Action
Recommended to the Board in a unanimous vote by the PPC on February 20, 2020.

C. *Dezi Meza DPSST#41232 (Albany Police Department) – Revoke
Recommended to the Board in a unanimous vote by the PPC on February 20, 2020.

D. *Matthew Morberg DPSST#40597 (Eugene Police Department) – Revoke
Recommended to the Board in a unanimous vote by the PPC on February 20, 2020

E. *Caleb Saulo DPSST#59701 (Warm Springs Police Department) – No Action
Recommended to the Board in a vote of 10/2 by the PPC on February 20, 2020.

F. *Dustin Watson DPSST#34225 (Newport Police Department) – No Action
Recommended to the Board in a unanimous vote by the PPC on February 20, 2020.

G. *Andrew Jackson DPSST#54783 (Polk County Sheriff's Office) – No Action
Recommended to the Board in a unanimous vote by the CPC on February 12, 2020.

H. *Devon Lindsey DPSST#56903 (Douglas County Sheriff's Office) - Revoke
Recommended to the Board in a unanimous vote by the CPC on February 11, 2020.

I. *Lucas Randleas DPSST#60182 (Grant County Sheriff's Office) – Deny
Recommended to the Board in a unanimous vote by the CPC on February 11, 2020.

J. *Timothy Thomason DPSST#54396 (Department of Corrections – TRCI) – Revoke
Recommended to the Board in a unanimous vote by the CPC on February 11, 2020

K. *Trent Ingram DPSST#60342 (Department of Corrections – EOCI) – No Action
Recommended to the Board in a vote of 11/2 by the CPC on February 11, 2020

**L. *Christopher Matson DPSST#60104 (Department of Corrections – TRCI) –
No Action**
Recommended to the Board in a vote of 11/3 by the CPC on February 11, 2020

M. *Juan Ruiz DPSST#60370 (Department of Corrections – OSP) – No Action
Recommended to the Board in a vote of 11/1, plus one recusal by the CPC on February 11, 2020

N. *Christopher Vines DPSST#60273 (Department of Corrections – SRCI) – No Action
Recommended to the Board in a unanimous vote by the CPC on February 11, 2020

O. *Andrea Parker DPSST#38688 (Prineville Police Department) – Revoke
Recommended to the Board in a unanimous vote by the TPC on February 5, 2020

P. *Kinsey Coyne DPSST#55676 (Washington County Consolidated Communications Agency) – Suspend

Recommended to the Board in a unanimous vote minus one recusal by the TPC on February 5, 2020

Q. *Michael Downing DPSST#49155 (Baker County Sheriff's Office) – Revoke

Recommended to the Board in a unanimous vote minus one recusal by the TPC on February 5, 2020

R. *Heidi Elliott DPSST#59214 (American Medical Response) – Deny

Recommended to the Board in a 7/1 vote minus two recusals by the TPC on February 5, 2020

S. *Angela Haltom DPSST#53236 (Harney County Sheriff's Office) – No Action

Recommended to the Board in a unanimous vote by the TPC on February 5, 2020

T. *OAR 259-008-0064 – Proposed Rule change – Approve

Adds First Aid & CPR Certification Requirements to DPSST Telecommunicator and EMD Maintenance.

Recommended to the Board in a unanimous vote by the TPC on February 5, 2020

U. *OAR 259-008-0064 – Proposed Rule Change – Approve

Housekeeping Amendments for Telecommunicator and EMD

Maintenance *Recommended to the Board in a unanimous vote by the TPC on February 5, 2020*

V. *OAR 259-008-0005, 259-008-0020, 259-008-0025 and 259-008-0085 – Proposed Rule Changes – Approve

Establishes a firearms training requirement for armed parole & probation officers.

Recommended to the Board in a unanimous vote by the CPC on February 18, 2020

W. *Fallen Law Enforcement Officer Memorial Wall Nomination, Hansford “Harry” Greenfield – Approve

Recommended to the Board in a unanimous vote by the PPC on February 20, 2020.

X. *Committee Appointments

- Lee Eby, Appointment to the CPC to replace Matthew Frohnert representing the OSJCC; 1st term effective 4/28/20.
- Jill Thissell, Appointment to the PPC to replace Laurence Halupowski; 1st term effective 4/26/20.
- Andre Lindauer; Reappointment to the TPC; 2nd term effective 4/27/20.

Prior to voting, items G. and P. were removed from the consent agenda to each be voted on separately. John Teague motioned to approve the Criminal Justice consent agenda minus Item G. and Item P. Jim Oeder seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

Item G: Linsay Hale explained that Item G was pulled for a separate vote, because it had been incorrectly noted as a No Action recommendation on the agenda. She explained that Mr. Jackson's Professional Standards case was originally heard by the CPC early last year. The policy committee unanimously recommended to revoke his certification based on gross misconduct and dishonesty and recommended an ineligibility period of lifetime. The Board unanimously affirmed that recommendation at their next meeting, which resulted in a notice of intent coming from the Department. Mr. Jackson requested a hearing and during that hearing the Administrative Law Judge found that the facts that were used to determine dishonesty were not sustainable, and it could not be proven that Mr. Jackson had engaged in dishonesty. As a result the proposed order removed dishonesty from the notice of intent, which caused this to return to the CPC to determine a new ineligibility period based on that finding. Without the dishonesty, the maximum ineligibility period that can be imposed is 10 years. Losing the dishonesty in Mr. Jackson's case removed the ineligibility period of life and required the need for a new determination. After reviewing the order issued by the judge and all of the facts in the case as previously discussed, the CPC ultimately came to a recommendation of a 10-year ineligibility period based on misconduct alone. The Board is asked to affirm that recommendation with a vote at this time.

Matt English motioned to approve the 10-year ineligibility recommended in regards to Item G. Nadine Purington seconded the motion. A vote was taken by a roll call of members present and the motion carried unanimously.

Item P: Item P was removed due to Kelly Dutra's request to recuse herself from this vote, as the subject of Item P is a former coworker of Ms. Dutra's.

James Oeder motioned to approve Item P., as proposed. Brian Wolfe seconded the motion. A vote was taken by a roll call of members and the motion carried unanimously, minus one recusal.

5. Private Security/Investigator Policy Committee

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

- An OAR update is presented to the Board today for the eligibility of instructor certification.
- The program is looking at the revision of the moral fitness eligibility for certification/licensure for private security providers.
- The policy committee approved the concepts and rules presented at the last meeting. The rules went out for public comment. The policy committee will revisit the rules and any public comment received at the next meeting in August, as our May meeting is cancelled.
- We still have three vacancies on the policy committee, one for retail representative, one for manufacturing representative and one for the other Board position.

A. *OAR 259-060-0135 – Proposed Rule Change - Approve

Clarifying law enforcement experience applicable to the qualifications for certification as a Private Security instructor.

Recommended to the Board in a unanimous vote by the PSIPC on February 18, 2020.

John Teague motioned to approve the Private Security and Investigator consent agenda. Matt English seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

6. Annual Director's Evaluation – Chair Patrick-Joling

Chair Patricia Patrick-Joling addressed the Director and the Board stating that the annual evaluation taken by the Board members came back with very positive results for the Director. She referred to the evaluation and letter to the Governor that will be sent, which are both included in the Board packet. The input from Board members showed that Director Gabliks met or exceeded their expectations in every category. It also showed the Board consensus is that Director Gabliks is working very well with the public safety community and the Legislature on a variety of important public safety issues.

By Consensus, the Board approved this evaluation and Chair Patrick-Joling will sign the letter to the governor that was referenced and it will be sent to the Governor's office after that.

7. Administrative

a. *Nominate and select new Board Chair

b. *Nominate and select new Board Vice Chair

Chair Patrick-Joling nominated Darren Bucich for the Board Chair position that she is vacating, due to her 2nd term expiring June 30, 2020 and she nominated DaNeshia Barrett for the Vice Chair position, to replace Brian Wolfe, whose second term will also be expiring June 30, 2020.

Jim Walker motioned to approve the nominations made by Chair Patrick-Joling. Thomas Thomas seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

8. Director's Report - Director Gabliks

Department Update: Interim Training Division Director Lindsay Hale

- Planning is taking place to bring back Basic Police Class 397 on the second week of May so it can complete their remaining four weeks of training for graduation. The plan will be reviewed by the Oregon Health Authority and will serve as a baseline for the return of other training classes in the future under CDC guidelines and Governor's directives. All of the agencies with officers or deputies in the class are in support of the return.
- She gave a recap of the Executive Committee meeting of the Board that was held to discuss and approve temporary rule changes to enable stakeholders to meet current timelines in various Oregon Administrative Rules, ranging from maintenance training to completion and submittal of documents to DPSST.

- An update was given on the work of the organization during the COVID-19 pandemic.

Director Eriks Gabliks gave an update on the following:

- Director Gabliks thanked the Board for the comments and ratings submitted during his annual performance appraisal. He shared that much of the success of the organization is due to the men and women who work at the agency and do amazing work each and every day regardless of what program, section or division they were assigned to. The success of the agency is due to the partnerships it has created and maintains.
- Director Gabliks welcomed Portland's new Police Chief Jamie Resch to the Board. Deputy Chief of Police Chris Davis will remain on the Board's Police Policy Committee as the Chief's representative.
- He shared that a number of new Board member applications were pending a Senate Confirmation hearing. Other Board members awaiting a Senate Confirmation Hearing to renew their second term on the Board can remain as voting members until the Hearing is scheduled and they are able to be confirmed.

Budget

- Eriks shared that DPSST staff is working on budget needs in the current, 2019-2021 biennium. DPSST was budgeted for the delivery of 15 Basic Police classes with the understanding if the volume of retirements and hiring of new officers continued it would return to the Legislature to request additional funds. DPSST submitted a request for more than 2.5 million dollars for the 2020 Legislative Session but that request was never heard before the session adjourned. DPSST has communicated the need for additional funds for additional 16-week Basic Police classes as the current budget limitation will exhaust funds for classes by the Fall of this year. The current COVID-19 pandemic, and suspension of training at the Academy, will alleviate some of the budget pressure but under the current projections more than 15 Basic Police classes will be needed to meet the needs of stakeholders.
- DPSST staff is also working on the Agency Request Budget (ARB) for the 2021-2023 biennium which may include Policy Option Packages (POPs) for agency/stakeholder program needs such as STOP, active shooter training, reserve officer training and certification, along with various positions needed within the organization. Staff is also very aware that a budget reduction package will probably be requested by state budget developers due to the financial uncertainty created by the COVID-19 pandemic.

General

- DPSST is working with stakeholders and monitoring what the economic impacts will be to training and hiring needs of partner organizations around the state.
- The three recruit law enforcement officers involved in an off-duty, non-DPSST sanctioned, incident in the dormitories, that resulted in a serious injury to a fellow student were dismissed by their employing agencies. DPSST staff is still working on this matter internally and had been working with each of the employing officers' agencies throughout.
- The Fallen Law Enforcement Officer Memorial will take place as schedule on May 5, 2020 at 1 pm but will be closed to the public this year due to the COVID-19 pandemic. A small

honor guard presence will conduct an abbreviated event in partnership with DPSST staff to ensure that our state's fallen officers and the families they left behind are remembered. The ceremony will include placing of wreaths, reading the names of the fallen, Taps will be played, and a bagpiper will play Amazing Grace to conclude the ceremony.

- The State emergency coordination center (ECC) was relocated to DPSST earlier in the week due to social distancing needs. This was possible as the DPSST campus suspended all training on March 17, 2020. Eriks anticipates the ECC will remain at DPSST until the end of May. More than 40 DPSST employees are supporting Oregon Emergency Management functions ranging from staffing the ECC and Joint Information Center to managing logistics at the PPE distribution center in Wilsonville.
- This will be the last official meeting of three Board members who will complete their second, three-year term at the end of June. Eriks thanked Chair Patricia Patrick-Joling, Vice Chair Brian Wolfe, and Telecommunications Policy Committee Chair Kelly Dutra for their many years of dedicated service. Eriks also shared that Chief Kris Allison has indicated that she will not serve a second term on the Board due to other commitments and thanked her for her commitment also.

9. Next Meeting Date: July 23, 2020