

Board on Public Safety Standards and Training Minutes

July 25, 2019

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, July 25, 2019 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:

Patricia Patrick-Joling, Chair, Public Citizen Member
Brian Wolfe, Vice-Chair, Oregon State Sheriffs' Association (Teleconference)
Nadine Purington, Non-Management Parole and Probation
Kristine Allison, Oregon Association Chiefs of Police (Teleconference)
James Walker, Oregon State Fire Marshal
James Oeder, Oregon Volunteer Firefighters Association
Loren Cannon, Federal Bureau of Investigation (Teleconference)
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
Scott Derickson, League of Oregon Cities
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

Board Members Absent

James Cook, AFSCME/Department of Corrections Representative

Excused:

Patricia Connolly, Oregon State Fire Fighters Council
Danielle Outlaw, Chief, Portland Police Bureau
Travis Hampton, Superintendent, Oregon State Police

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Kristin Hibberds, Professional Standards Investigator & Coordinator
Mike Leloff, Training Division Director
Jordan James-Largent, Professional Standards Investigator & Coordinator
Jennifer Howald, Rules & Compliance Coordinator
Michelle Morrison, Private Security Compliance Specialist
Kayla Ballrot, Fire Certification Compliance Specialist
Coy Alexander, Private Security Curriculum Specialist
Julie Olsen, Fire Program Manager

Michael Anderson, Facilities Manager
Theresa Janda, Executive Assistant
Ryan Keck, Center for Policing Excellence, Manager

Guests Present:

Doug Miller, Coquille Police Department
Scott Sanders, Coquille Police Department

1. Introductions

Chair Patrick-Joling welcomed new Board member, DaNeshia Barrett.

2. *Minutes

Approve minutes from the April 25, 2019 Meeting.

John Teague motioned to approve the Minutes from April 25, 2019. Elizabeth Lawrence 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

Chair Jim Oeder gave a brief update on the Fire Policy Committee (FPC) meeting, explaining that item A, a proposed rule change on the FPC consent agenda today will be pulled prior to the vote for additional discussion. There are other proposed rule changes on the agenda today and he also explained that at the last meeting the Committee voted to term out Fire Ground Leader and it will now expire in 2022. And one revocation and one denial were voted on at the last meeting.

A. *OAR 259-009-0120 – Proposed Rule Change – Approve

Clarifying Amendments to Definition of Discharge for Cause and Discretionary Misdemeanor Convictions
Recommended to the Board by the FPC on May 22, 2019.

B. *OAR 259-009-0005 and OAR 259-009-0062 – Proposed Rule Change – Approve

NFPA Fire Fighter
Recommended to the Board by the FPC on May 22, 2019.

C. * OAR 259-009-0005, OAR 259-009-0062 and 259-009-0065 – Proposed Rule Change – Approve

NFPA 1041 Fire and Emergency Services Instructor
Recommended to the Board by the FPC on May 22, 2019.

D. *OAR 259-009-0062 – Proposed Rule Change – Approve

Fire Ground Leader
Recommended to the Board by the FPC on May 22, 2019.

E. *Jennifer Turner DPSST#36461 (Tualatin Valley Fire & Rescue) - Revoke
Recommended to the Board by the FPC on May 22, 2019

F. *Christopher Hyde DPSST#36178 (Burns Fire Dept.) – Deny Application for Certification
Recommended to the Board by the FPC on May 22, 2019.

With the exception of item A, which was removed from this consent agenda, Kelly Dutra motioned to approve items B through F of the Fire Policy Committee consent agenda. Colette Peters seconded the motion. A vote was taken by roll call of members present and the motion carried with a unanimous vote.

Review of consent agenda item A was given by Jennifer Howald, who first passed out a handout to members as a visual aid. OAR 259-009-0120 proposed rule changes have been reviewed and recommended by the Fire Policy Committee and they have already completed their public comment, which amends the definition of discharge for cause, which is part of the mandatory denial/revocation standards and it changes terminology referencing misdemeanor convictions, classifications and discretionary denial/revocation. The reason for the removal of this from the consent agenda is to address an additional technical change. The OAR references DPSST's statutory requirement language and includes a list of crimes for reference purposes only. In order for the rule language to remain accurate, the reference list or the rule would need to be amended or removed. DPSST staff recommends the removal of the list, since it is only provided as a reference and does not change the standards within the statute and defined within the rule. No fiscal impacts are associated with this change. With the technical change, staff will take steps necessary to provide time for notice and comment regarding deletion of the crimes list and will file the permanent Administrative Rule change if no comments are received.

Amended action item approves changes for the rule as recommended by the Fire Policy Committee and also as recommended by staff.

James Oeder motioned to approve the amended action item, as described above. James Walker seconded the motion. A vote was taken by roll call of the members present and the motion carried unanimously.

4. Criminal Justice Policy Committees

a. Police Policy Committee Update – John Teague, Chair

Chair Teague updated the Board, reporting that the Police Policy Committee (PPC) has recommended three OAR's to the Board for approval at its last meeting and they have received public comments and they will be returning to the Committee. DaNeshia Barrett has now received Senate confirmation and is here today as a voting member. On the PPC, Mark Garton will replace Pat Garrett, who is a big loss to the Committee and Dale Cummins is up for re-appointment, both of whom are on the agenda today for a vote to affirm.

b. Telecommunications Policy Committee Update – Kelly Dutra, Chair

Chair Dutra updated the Board, reporting that the next meeting, which was scheduled for next week, has been canceled. The Telecommunications Policy Committee (TPC) will meet

next in November. Public comments on the rule change for First Aid and CPR requirements to obtain certification came through and the Committee had good discussions in regards to those. Ideas were given to staff to provide options for the TPC to talk about at the next meeting. The Committee reviewed proposed rule changes to background investigations, establishing the expiration of DPSST public safety professional certification and the second part of the criminal justice moral fitness work group recommendations, which have all been recommended to the Board. They have received public comment and will be on the Board agenda soon. The TPC reviewed four cases for denial/revocation which are all on the consent agenda today. George Long's last meeting was in May and his replacement is on today's agenda as well.

c. Corrections Policy Committee Update – Nadine Purington, Chair

Chair Purington updated the Board, reporting that the next meeting Corrections Policy Committee (CPC) will be held on August 13th and the agenda looks very full. Also, James Cook is the new Vice Chair. We considered three OAR's that received comment and have not yet been placed on the Board's agenda.

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

A. *Timothy Morse DPSST#55073 (Oregon State Police) – Revoke

Recommended to the Board unanimously minus one recusal by the TPC on May 1, 2019.

B. *Bridgette Butler DPSST#58692 (American Medical Response) – No Action against application for training and subsequent certification.

Recommended to the Board by the TPC on May 1, 2019.

C. *Heidi Elliot DPSST#59214 (American Medical Response) – Deny application for training and subsequent certification.

Recommended to the Board by the TPC on May 1, 2019.

D. *Bonnie Amlin (aka Jensen) DPSST#59640 (PSU Dept. of Public Safety) – No Action against application for training and subsequent certification.

Recommended to the Board by the TPC on May 1, 2019.

E. *Emilio Carbajal Jr. DPSST#48277 (Dept. of Corrections – SRCI) – No Action against certification.

Recommended to the Board by the CPC on May 14, 2019.

F. *James Thomas DPSST#59381 (Dept. of Corrections – TRCI) – No Action against application for training and subsequent certification.

Recommended to the Board by the CPC on May 14, 2019.

G. *Ronald Wommack DPSST#38511 (Tigard Police Department) – No Action

Recommended to the Board by the PPC on May 16, 2019.

H. *Jo Gardiner DPSST#15973 (Oregon State Police) - No Action

Recommended to the Board by the PPC on May 16, 2019.

I. *Douglas Miller DPSST#35588 (Coos County Sheriff's Office) – No Action

Recommended to the Board by the PPC on May 16, 2019.

J. *Lee Smith DPSST#44709 (Lincoln County Sheriff's Office) – Revoke

Recommended to the Board by the PPC on May 16, 2019.

K. *Committee Appointments

- Mark Garton; Appointment to the PPC to replace Pat Garrett representing the OSSA; 1st term effective 10/25/19.
- Brandon Klocko; Re-appointment to the TPC; 2nd term effective 10/25/19.
- Chelsea LaBar; Appointment to the TPC to replace George Long representing APCO; 1st term effective 7/25/19.

Chair Patrick-Joling explained that Items G and I were originally pulled from the agenda for further discussion at her request. After some thought, however, she has decided that item I does not rise to the level to take further action in this case and she has decided to place item I back onto the consent agenda. Item G, however, remains off of the consent agenda for further discussion and will not be included in the consent agenda vote.

John Teague made a motion to approve the Criminal Justice Policy Committee consent agenda with the exception of Item G. DaNeshia Barrett seconded the motion. A vote was taken by roll call of members present and it carried with a unanimous vote.

Discussion on Item G: Linsay Hale clarified that if the Board disagrees with all or any part of a recommendation coming from a Policy Committee by majority of the members present, it must be sent back at least once to the Policy Committee with instructions on what to consider. A discussion was had in regards to what instructions should be given to the Police Policy Committee (PPC) for further review of item G. John Teague shared additional insight as to the voting that occurred on this item during the Committee meeting and the resulting recommendation. Other PPC members also commented that they shared similar concerns as the Chair in regards to this case and felt sending it back to the Policy Committee to reconsider was appropriate due to the facts of the case, which has caused concern about the original recommendation to take no action against Wommack's certifications.

DaNeshia Barrett made a motion to approve sending item 4.G. of the Agenda back to the Police Policy Committee for reconsideration with instructions as discussed above. Elizabeth Lawrence seconded the motion. A vote was taken by roll call of the members present and it carried with a unanimous vote.

e. *Adult Learning Core Curriculum and OAR 259-008-0085 Supporting Proposed Rule Change – Approve

Minimum training requirement for eligibility for DPSST employee Instructor Certification and supporting rule amendment, presented by Ryan Keck and Jennifer Howald.

- Ryan Keck gave an overview of the reason behind the rule change for consideration, explaining that it was in regards to the new language previously approved by the Board related to the certification of instructors for DPSST, in particular, Board-approved curriculum related to adult learning principles, which he would like to recommend

approval of at this time. The two-hour course, entitled the “Adult Learning Core” has been in use for some time, which focuses on adult learning principles. This product was built on many years of research which has been solidified down to four core principles of adult learning and during the course the difference is shown between instructor-lead presentation vs. one that engages the student in self-reflection and activity to solidify principles and concepts that are intended for them to understand. This is only a part of the instructor development course and not the sole concept and training for instructors and will be a two-hour core within the courses. This will ensure the instructors teaching for DPSST all receive consistent training, so that they all have the same foundational philosophy on how and why to engage adult learners in the way that we do.

- Jennifer Howald explained this Oregon Administrative rule and the change that is proposed on the agenda today. She explained that approval of the adult learning core will necessitate the Administrative rule to be updated to reflect the new course title and course requirements such as hours, learning objectives, etc. and referenced the draft administrative rule included in their Board packet. The language also codifies the Board’s approval of this item and once approved any changes to the instructional goal, learning outcomes or minimum course hours would then require it to come back for additional review and consideration for approval prior to being implemented. Changes in section 19(H) are amending the course title and successful completion requirements. No fiscal impacts are associated with this. Jennifer further explained that this only applies to those being certified in the future. Those already holding the certification have already received similar training and would not be affected by this as long as they remain employed by DPSST.

Action Item 1. Review and Approve the Adult learning core curriculum.

Kelly Dutra motioned to approve the adult learning core curriculum. James Oeder seconded the motion. The vote was taken by roll call of the members present and the motion carried unanimously.

Action Item 2: Review and approve the proposed rule change and fiscal impact statements for OAR 250-008-0085.

James Oeder motioned to approve the proposed rule change and fiscal impact statements as above. Elizabeth Lawrence seconded the motion. A vote was taken by roll call of the members present and the motion carried unanimously.

5. Private Security/Investigator Policy Committee

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

Thomas Thomas gave a brief update on the Private Security/Investigator Policy Committee news. There were three subcommittee meetings this month, the fourth was canceled due to lack of agenda items.

- The Private Security subcommittee met this month. Everyone met the new members and discussed the roles and responsibilities of membership. He reported that Information was presented by staff regarding the Administrative rule language in submitting a complaint against a PI.

- The Armed Subcommittee developed a workgroup to work more on the topic of enhanced private security firearms instruction course, focused on instructorship, how to teach marksmanship, use of force and a fully armed professional course.
- Development of an on-line training program, and proposed administrative rule for a new type of certification, for individuals working in the Events and Entertainment industry will be approved by the Events and Entertainment Subcommittee and be presented to the Private Security and Investigator Policy Committee for review at the next meeting in August.

A. *Unarmed Instructor Development Curriculum - Approve

Amends certification requirements for private security instructors.

Recommended to the Board by the PSIPC on February 19, 2019.

B. * Committee Appointments

Private Security Investigator Policy Committee

- Daniel Lenzen; Re-appointment to the PSIPC; 2nd term effective 7/27/19.

Mark Kreutzer motioned to approve the Private Security and Investigator Policy Committee consent agenda. Colette Peters seconded the motion. A vote was taken by roll call of the members present and the motion carried unanimously.

6. Director's Report - Director Gabliks

Board Member Updates

Trish Connolly has submitted her resignation from the Board and its Fire Policy Committee as she has accepted a promotion within her agency (Bend Fire & Rescue) to rank of Battalion Chief which means she will no longer be in a non-management position. DPSST staff is working with the Oregon State Firefighters Council to select a replacement.

The City of Portland has selected Sara Boone as its next Fire Chief. Chief Boone will begin her new role in August and DPSST staff is working with the City of Portland to gather the necessary paperwork so she can become a member of the Board.

Policy Committee Additions

Director Gabliks shared with the Board that three policy committee membership changes were received after the Board book went to print and asked for their consideration to add the following:

- Cody Smith – Fills a vacant position on the Board's **Corrections Policy Committee (CPC)** for non-management City or County Corrections Officer; Effective 7/25/19
- Bruce Riley – Fills a vacant position on the Board's **Fire Policy Committee (FPC)** for Citizen member; effective 7/25/19
- Dale Cummins – Reappointment on the Board's **Police Policy Committee (PPC)** for Oregon Association of Chiefs of Police representative; 2nd term effective 7/25/19

John Teague motioned to approve the appointment and re-appointment of the above Policy Committee members, as presented by Director Gabliks. Doug Marteeny seconded the motion. A vote by roll call of members present was taken and the motion carried with a unanimous vote.

2019 Legislative Session

The 2019 Legislative Session concluded its work. DPSST did not ask for any legislation to be introduced this session but we did engage in a number of legislative efforts including School Safety Task Force, Hate Crimes, Campus Public Safety, Police Officer Wellness, Pre-Employment Psych Evaluations for Law Enforcement Officers, Trauma Informed Care, and many others. A sincere thanks to Jennifer Howald and Lindsay Hale for coordinating our 2019 legislative session by reviewing more than 4,000 bills, preparing and providing testimony, and answering questions from elected officials and our stakeholders. Eriks also thanked the members of the Board and stakeholder organizations who provided testimony and support for DPSST, and its employees, during the session.

Budget

On the budget side of the 2019 legislative session, DPSST was treated very well. Good deliberations with the Public Safety Ways & Means Sub-Committee regarding scarce state budget dollars resulted in both reductions and additions for our agency.

- Reductions
 - -4 Basic Police classes and eight FTE's (PSTS1) who would have delivered those classes (leaves 16 basic police classes instead of 20)
 - -2.3 million \$ one-time reduction of cash (we have cash that has accrued over time that we cannot use as we don't have limitation)
- Additions
 - + Make permanent the new position in Private Security working on training
 - + 2 FTE (PSTS2) for STOP Program / HB 2355
 - + Approved re-classes submitted to address those positions in work out of class (WOC) status
 - + \$436,000 to address Phase 1 and Phase 2 deferred maintenance needs at the Academy
- Ways & Means advised us that if additional basic classes are needed to address the needs of agencies we can return and request funds (including FTE) through the established process. This has worked in the past and we are very comfortable with this approach.
- Ways & Means acknowledged that DPSST will return to request the additional FTE (4 positions) in the 2021-2023 session as the STOP Program comes into maturity.
- Overall a good budget with lots of solid groundwork laid by DPSST on the future needs of the organization, and our stakeholders, as we prepare for hundreds of retirements of seasoned professionals around the state over the next three years.

2021 Legislative Session

While the 2019 legislative session just concluded, state agencies are working on legislative concepts for the 2021 session. DPSST staff is working on a number of proposals that include Public Safety Memorial Fund Board conflicting language with Higher Education Coordinating Council (HECC);

private security regulations; and an update to DPSST certified law enforcement officer statutory language.

Professional Standards

- Professional Standards Division staff are conducting lots of outreach with agencies regarding awareness and compliance with BPSST standards. This has been well received with sessions being offered on an on-going basis. Staff have also been holding rule making hearings on a statewide basis with little attendance. Director Gabliks believes this is in part due to the outreach done by staff and stakeholders as proposed administrative rules are being developed.
- In response to recently passed legislation, DPSST staff has crafted a draft Oregon Administrative Rule regarding pre-employment psych testing which has been shared with stakeholders for feedback. DPSST/BPSST may need to adopt an Emergency Rule while the organization develops a permanent rule to meet the timelines within the statute.
- The Professional Standards Division is working with a group of criminal justice stakeholders to review and update Oregon Administrative Rules on background investigations. The group is exploring what role DPSST might play to assist local agency background investigators.
- Staff is working with the Oregon Association of Community Corrections Directors to clarify and update rule language regarding armed parole and probation officer training. These proposed rules will go to the Board's Corrections Policy Committee and then the Board before beginning the process for permanent adoption.

Program Updates

- DPSST recently completed the delivery of the new three-week Basic Telecommunications Course with much success and very good feedback from stakeholders.
- July will be a special month as Phase 2 changes to the Basic Police Course are implemented. Phase 1 was implemented last year with much success and the hard work of our staff, and our experiences from Phase 1, will help guide the success of our implementation of Phase 2. The Phase 3 work group has begun its task and will be working with staff to look at the final four weeks of training.
- Field Training Manuals for a number of programs are in the process of being reviewed and updated. These will come to the respective policy committee and then the Board before being adopted.
- DPSST's Leadership Training Coordinator Terry Moss is leading a workgroup to review and update the Supervision and Middle Management courses offered at DPSST.
- DPSST received a new 53ft Mobile Fire Training Unit for live-fire training of firefighters around the state. The unit is being beta tested with Salem Fire before being deployed around the state.
- With wildfire season upon us, DPSST staff is preparing for the training of members of the Oregon National Guard as wildland firefighters in case their assistance is needed and the Governor approves their activation.
- Director Gabliks has asked the Fire Training Section to look at its structure to evaluate if it has the right people, in the right place, doing what is most effective to serve our fire service stakeholders. This is in part due to a number of failed recruitments for full-time training coordinator. The challenge is that these positions work a lot of weeknights and weekends as

80% of the Oregon fire service is made-up of volunteer firefighters. The mission of DPSST is solid, the question for staff is to see if there are other ways to deliver the service.

General

- The Salem Cadet Academy at DPSST was a success. The FBI Teen Academy was held in early July and DPSST will host the American Legion / Oregon State Police Youth Academy in August. All of these allow young men and women to learn about possible public safety careers. A similar request is being addressed from the Northwest Fire Diversity Council to offer a similar opportunity at the academy for young men and women from diverse backgrounds interested in fire service career opportunities.
- The HIDTA Program recently went through a lengthy audit. The results of the audit were very positive and recognized the great work done by HIDTA and DPSST staff.
- The Boardroom at DPSST has undergone a major renovation in technology over the past month. The changes will enable DPSST to live-stream Board and policy committee meetings. This is part of DPSST's on-going commitment to transparency and awareness of the work done by our organization and Board. This technology will be available for other meetings as needed.
- DPSST has tightened up access to the Academy. This was not done in response to any specific threat but an overall assessment of security. Some of the changes include more doors being locked restricting access to various portions of the campus, restricted parking areas, and restricted access to the dining hall.
- DPSST staff is working to update the Academy Student Rules & Regulations Guide. The changes are to bring the manual up to date and help identify what is required for each of the various classes the Academy offers. The revised document is being piloted before it comes to the Board for review and approval, hopefully in October.
- DPSST is working to create what is being called the DPSST Elected Officials and Community Leaders Academy which will be a four-hour experience at that Academy which will explain the work of DPSST, a professional standards overview, and a tour of the Academy. This will be phased-in during the Fall of this year with those interested being required to have their police chief or sheriff enroll them with DPSST.
- DPSST is honored to host the State's fallen firefighter memorial ceremony on September 19, 2019 at the Academy. Kim Lightley, a Bend resident, employee of the United States Forest Service will be the guest speaker. Kim was a member of the Prineville Hot Shots when a number of her colleagues died fighting the Storm King Mountain Fire in Colorado twenty-five years ago.

7. Next Meeting Date: October 24, 2019