

Board on Public Safety Standards and Training Minutes

April 25, 2019

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, April 25, 2019 in the Boardroom at the Oregon Public Safety Academy in Salem. Chair Jason Myers called the meeting to order at 9:00 a.m.

Board members present:

Jason Myers, Chair, Oregon State Sheriffs' Association
Patricia Patrick-Joling, Vice Chair, Public Citizen Member
Nadine Purington, Non-Management Parole and Probation (Teleconference)
Kristine Allison, Oregon Association Chiefs of Police (Teleconference)
James Walker, Oregon State Fire Marshal
Brian Wolfe, Oregon State Sheriffs' Association
James Oeder, Oregon Volunteer Firefighters Association
Danielle Outlaw, Chief, Portland Police Bureau (Teleconference)
Loren Cannon, Federal Bureau of Investigation (Teleconference)
Travis Hampton, Superintendent, Oregon State Police
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 (Teleconference)
Thomas Thomas, Private Security Industry
Scott Derickson, League of Oregon Cities

Board Members Absent

James Cook, AFSCME/Department of Corrections Representative
Excused:
Patricia Connolly, Oregon State Fire Fighters Council
Darren Bucich, Oregon Fire Chief's Association
Doug Marteeny, Oregon District Attorney's Association
Colette Peters, Director, Department of Corrections
Unexcused:

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Mona Riesterer, Executive Support Specialist - Training
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

Guests Present:

DaNeshia Barkley, Non-management Law Enforcement, Board member, term pending

1. Introductions

Chair Myers welcomed new Board members, DaNeshia Barkley and Scott Derickson. They have both been confirmed by the Senate, however their terms have not yet begun so they are present today as pending members and observers.

2. *Minutes

Approve minutes from the January 24, 2019 Meeting.

Patricia Patrick-Joling motioned to approve the Minutes from January 24, 2019. Brian Wolfe seconded the motion. The motion carried with a unanimous vote.

3. Fire Policy Committee

a. Fire Policy Committee Update – James Oeder, Chair

Chair Jim Oeder gave a brief update on the Fire Policy Committee, stating that at the last FPC meeting they had a proposed rule change on background investigations, as well as a task force for *Maritime Service* for which recommendations were made to the Board and one case was brought before the FPC in which certification was denied.

A. *OAR 259-009-0015 – Proposed Rule Change – Approve

Background Investigations

Recommended to the Board by the FPC on February 27, 2019

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

Maritime Fire Service Operator

Recommended to the Board by the FPC on February 27, 2019

C. *Joshua McCarty DPSST#36638 (Siuslaw Valley Fire & Rescue) – Deny Certification

Recommended to the Board by the FPC on February 27, 2019

Patricia Patrick-Joling made a motion to approve the Fire Policy Committee's consent agenda. Travis Hampton seconded the motion. The motion carried unanimously.

4. Criminal Justice Policy Committees

a. Police Policy Committee Update – John Teague, Chair

Chair Teague gave a brief update to the Board on the Police Policy Committee meeting, again mentioning new Board member and PPC member DaNeshia Barkley. He reported that the last meeting was shorter than expected, the results of which are included in today's criminal justice consent agenda.

b. Telecommunications Policy Committee Update – Kelly Dutra, Chair

Chair Kelly Dutra, gave a brief update to the Board on the Telecommunications Policy Committee meeting, stating that the TPC's by-laws were reviewed, they reviewed proposed rule changes to OAR 259-008-0070 as having been reviewed by the Criminal Justice Moral Fitness Workgroup, and one admin closure. They also had their first opportunity to use the changes to the Professional Standards Case Review, which had also been reviewed and discussed through the CJ Moral Fitness Workgroup in consideration of a case that is on the consent agenda for today. The next meeting will be on 5/1/19.

c. Corrections Policy Committee Update – Jason Myers, Chair

Chair Jason Myers gave a brief update to the Board on the last Corrections Policy Committee meeting, stating that the next meeting is scheduled for May 14, 2019 and that there appears to be a lighter caseload than usual for that meeting.

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

A. *OAR 259-008-0070 – Proposed Rule Change – Approve

Criminal Justice Moral Fitness Workgroup Recommendations, Part One.

Recommended to the Board by the PPC on February 21, 2019. Recommended to the Board by the CPC on February 12, 2019. Recommended to the Board by the TPC on February 6, 2019.

B. *Samantha Hall DPSST#59027 (Medix Ambulance) – No Action against application for training and subsequent certification.

Recommended to the Board by the TPC on February 6, 2019.

C. *Jason Baker DPSST#46912 (Dept. of Corrections – WCCF) – Revoke.

Recommended to the Board by the CPC on December 13, 2018.

D. *Shannon Brown (aka Kuehl) DPSST#40076 (Josephine County Sheriff's Office) – Revoke

Recommended to the Board by the CPC on December 13, 2018.

E. *Lejeune Bryant DPSST#56580 (Dept. of Corrections – CCCF) – No Action against certification.

Recommended to the Board by the CPC on December 13, 2018.

F. *Robert Gable DPSST#48832 (Dept. of Corrections – OSP) – Revoke

Recommended to the Board by the CPC on December 13, 2018.

G. *Stephanie Jones DPSST#49703 (Dept. of Corrections – SRCI) – Revoke

Recommended to the Board by the CPC on December 13, 2018.

H. *Nicholas Kempas DPSST#56639 (Dept. of Corrections – TRCI) - No Action against application for training and subsequent certification

Recommended to the Board by the CPC on December 13, 2018.

I. *Reece McClendon DPSST#56137 (Douglas County Sheriff's Office) – Revoke
Recommended to the Board by the CPC on December 13, 2018.

J. *Billy Sharp DPSST#52472 (Dept. of Corrections - OSP) – Revoke
Recommended to the Board by the CPC on December 13, 2018.

K. *Sherrill Vaughn DPSST#18399 (Marion County Sheriff's Office) – Revoke
Recommended to the Board by the CPC on December 13, 2018.

L. *Jenalee Nichols DPSST#59284 (Lane County Parole & Probation) – No Action against application for training and subsequent certification.
Recommended to the Board by the CPC on February 12, 2019.

M. *Hannah Foster (aka Fredrickson) DPSST#58034 (Umatilla County Sheriff's Office) – No Action against application for training and subsequent certifications.
Recommended to the Board by the CPC on February 12, 2019.

N. *Andrew Jackson DPSST#54783 (Polk County Sheriff's Office) – Revoke
Recommended to the Board by the CPC on February 12, 2019.

O. *Brandon Theriault DPSST#59154 (Dept. of Corrections - SRCI) – Deny application for training and subsequent certification.
Recommended to the Board by the CPC on February 12, 2019.

P. *Roger Singleton DPSST#45748 (Dept. of Corrections – WCCF) – Revoke
Unanimous vote minus one refusal to recommend to the Board by the CPC on February 12, 2019.

Q. *Steven Muschek DPSST#46720 (Washington County Sheriff's Office) – Revoke
Recommended to the Board by the CPC on February 12, 2019.

R. *Gregory Williams DPSST#59293 (Oregon State Police) – No Action against application for training and subsequent certification.
Recommended to the Board by the PPC on February 21, 2019.

S. *Pete Marcellais DPSST#45295 (Marion County Sheriff's Office) – Revoke
Recommended to the Board by the PPC on February 21, 2019.

T. *James Wolfer DPSST#51798 (Grand Ronde Tribal Police Dept.) – No Action against certification.
Recommended to the Board by the PPC on February 21, 2019.

U. *Dustin Hald DPSST #33090 (Columbia County Sheriff's Office) – No Action against certifications.
Recommended to the Board by the PPC on February 21, 2019.

V. *Joshua Lineberry DPSST#51879 (Columbia County Sheriff's Office) – No Action against certifications.
Recommended to the Board by the PPC on February 21, 2019.

Brian Wolfe Motioned to approve the Criminal Justice consent agenda. Patricia Patrick-Joling seconded the motion. The motion carried with a unanimous vote.

5. Private Security/Investigator Policy Committee

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

Chair Thomas gave an update to the Board on the last Private Security and Private Investigator Policy Committee meeting stating that all of the subcommittees met earlier this year, the most activity was in regards to the Armed, Unarmed and the Event and Entertainment Subcommittees.

- The Armed Subcommittee is moving forward with developing a more in-depth Private Security firearms instruction course, focused on instructorship, how to teach marksmanship skills, and use of force in the full armed professional course. They will be having a meeting later this month.
- The Unarmed subcommittee will ask staff to move forward with the Unarmed Instruction Development Course put forth to enhance the training requirements with the purpose of improving the overall qualifications of unarmed instructor applicants.
- The Event and Entertainment Subcommittee have worked with staff to develop a new type of certification and training program for those working in the events and entertainment industry. The training will be specific for the security duty and will be both off and on-line. The program is in the development stage for the on-line program.
- Also, recruiting is on-going to recruit and fill vacancies for subcommittees and the Policy Committee.

A. * Committee Appointment

Private Security Investigator Policy Committee

- Fred Kuest; Reappointment to the PSIPC; 2nd term effective 4/25/19

B. *OAR 259-060-0060 and 259-060-0135 – Approve

Amends certification requirements for private security instructors.

Recommended to the Board by the PSIPC on February 29, 2019.

C. *Hope M. Kindel, PIID#33603 (Not affiliated) – Deny application for licensure.

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

Patricia Patrick-Joling motioned to approve the Private Security and Investigator Policy Committee consent agenda. James Oeder seconded the motion. The motion carried with a unanimous vote.

6. Administrative

a. Five-Year Review of Adopted Rules – Informational Update

Presented by Jennifer Howald: Pertains to Fire and Private Investigator Disciplines.

Review of adopted rules within five years of adoption required by ORS 183.405.

Jennifer Howald reviewed the information included in the Board members packet regarding the Administrative Rules, adopted five years ago. She explained that it is required by statute to review rules five years after adoption to determine whether the rule had the intended effect, whether the anticipated fiscal impact was over/under estimated, whether other subsequent changes were needed and if the rule is still needed. The report of the findings is then filed with the Secretary of State and the Permanent Administrative Rule record. No new research is required in this study.

In summary, OAR 259-009-0015 is a fire certification rule, adopted to establish standardized criteria for completing background investigations for individuals considered for employment as a fire service professional. The rule was found to have achieved its desired effect. It has been revised for clarification and to meet further needs of the Oregon Fire Service. No information related to fiscal impact and staff recommends maintaining the rule, as needed.

In summary, OAR 259-061-0300 is a private investigator rule, regarding denial and revocation processes and was adopted as part of a rule reorganization. It was found to achieve its desired effect. It has been revised to update reference citations. There was no information related to its fiscal impact and staff recommends maintaining the rule as needed for private investigator licensure standards.

b. *Review of Board Bylaws – Approve and Adopt Amendments to the Board by-laws

Linsay Hale reported that all by-laws were reviewed this last quarter by the Policy Committee groups, specifically related to some recommendations that came from the Criminal Justice Workgroup dealing with the training of our policy committee members, given the gravity of issues being considered by those groups as well as the Board's ability to remove members if they are not participating in the process. All updated by-laws were adopted by the Policy Committees. The Board by-laws were reviewed as well. Changes and recommendations are not as plain, since the Board is appointed by the Governor, and we do not have the ability to require training or to remove members. Some things did transfer and are updated in the revisions before the Board today.

There are a number of housekeeping changes, dealing with statutory references, corrections to the resignation procedures and how members are removed through the Governor's office. We revised the core of the voting language and included the addition of a roll call vote, so that upon adoption, future votes by the Board, will be by roll-call, which helps us with record keeping requirements for posterity. A definition was also added that was developed by the Workgroup for conflict of interest.

Travis Hampton motioned to approve and adopt the amendments to the Board by-laws. Patricia Patrick-Joling seconded the motion. All present and on the phone, were asked individually, and voted aye to adopt. The motion carried unanimously.

7. Annual Directors Evaluation – Chair Myers

Chair Jason Myers made a comment, that he has thoroughly enjoyed working with Eriks over the 28 years that Eriks has worked his way up through the ranks, with the Academy. He also stated that he does an outstanding job of engaging with all stakeholders, not just law enforcement, but the fire community, corrections, community corrections, etc. He further stated his appreciation for Eriks' willingness to work with everyone to make public safety professionals better trained as well as all that the DPSST team does across the State.

He finished by saying that the annual director's evaluation came back with great marks and comments and that it is a privilege for him to sign the letter to the Governor saying that Director Gabliks is doing outstanding work.

Director Gabliks thanked the Chair, stating that it was also the work of a great staff and a great Board, whom he appreciates, that gets the work done.

8. Director's Report - Director Gabliks

Director Gabliks shared with the Board that a number of policy committee members had come after the Board's meeting book went out in the mail. He asked the Board to consider approving the following individuals for Board policy committees:

Private Security and Investigator Policy Committee members:

- Les Youngbar to fill the citizen member vacancy; 1st term effective 4/25/19
- Myron Sanders to replace Chris Bloom; appointed by the Oregon Bar Association; 1st term effective 4/25/19
- Melvin Levinson to replace Jimmie Edmonds as the Alarm Monitor representative; 1st term effective 4/25/19

Corrections Policy Committee members:

- Kevin Marshall to fill the citizen member vacancy; 1st term effective 4/25/19

All of these individuals were vetted by DPSST staff with Board Chair, Jason Myers.

Patricia Patrick-Joling motioned to affirm the new Committee members to their respective Policy Committees, as stated above. John Teague seconded the motion. The motion carried with a unanimous vote.

Take Your Child to Work Day

Director Gabliks asked Board members not to be alarmed by the age of individuals at the Academy this morning. DPSST has more than three dozen participants attending the annual Take Your Kids to Work Day event being held at the Academy and across the nation to share career opportunities with young men and women.

Budget

DPSST presented its 2019-2021 budget to the Public Safety Sub-Committee Ways & Means in January. DPSST now awaits the initial budget presentations of our partner public safety agencies to be completed. The main discussion points between the Legislative Fiscal Office and DPSST staff have been regarding the number of Basic Police classes needed to address the retirement wave and the positions needed for HB 2355 (racial profiling) program. DPSST also is working to continue a recently created training position within the Private Security Program which will be funded by licensing fees. Enrollment concerns are based not only on retirement data but also discussions between DPSST staff and Portland, Eugene and the Oregon State Police which indicate ramped-up hiring over the next two years.

Legislative

On the policy front, the 2019 legislative session continues at full speed. More than 3,000 bills have been introduced and DPSST is actively monitoring legislation, providing factual information to legislators and stakeholders, participating in public safety legislative forums, and completing fiscal impacts on proposed legislation. Bills of interest to DPSST includes campus public safety legislation (Kaylee's Law), disarming university police officers at the University of Oregon and Portland State University, law enforcement officer wellness, law enforcement officer pre-employment psych evaluations, and regulatory streamlining initiatives. DPSST is also tracking legislation that would make PTSD a presumption for public safety professionals. DPSST is very aware of the issues officers have experience with PTSD but is tracking this bill as it would have an impact on the Public Safety Memorial Fund which has a very limited budget and may not be able to sustain a large influx of additional cases.

Program Updates

- The enrollments for Academy classes continue to be monitored on an on-going basis. The June class was slated to not run as many agencies around the state delay hiring until budgets are approved at the local level. This was communicated with agencies and well received. The may Basic Police class started with 38 officers and the July Basic Police class is full with enrollments now going into the August class. Not running the June class will allow staff to implement the Phase 2 changes to the 16-week Basic Police class.
- DPSST will begin an overview and update on the Supervision and Management classes over the next few months. Committee members and stakeholders (police, corrections, 9-1-1, parole and probation, OLCC) from around the state will be invited to assist. Interested parties should contact Leadership Program Training Coordinator, Terry Moss, at DPSST.
- DPSST is working to continue the Phase III work group that will review the final four weeks of the 16-week Basic Police Course and recommend changes. There is interest from across the state for the Basic Police Curriculum Work Groups.
- The changes previously approved by the Board to the Basic Parole and Probation Course have been well received and the newly redesigned three-week Basic Telecommunications Course is in the process of being delivered with very favorable feedback to date.
- The recently created update to the private security training program has been well received with kudos to Suzy and Coy for their work.
- The Board and PPC approved proposed changes to the 16-week Basic Police Course at the January 2019 meeting. The curriculum advisory panel identified training items that are best suited for agency delivery during field training rather than the Basic Police Course. Based

on the approved curriculum changes, DPSST's Training Division has made the following modifications to the Police Officer Field Training Manual. Module I: Officer has completed sexual and workplace harassment prevention training. Module I: Officer has completed disease awareness and prevention training. Module IV: Officer has completed FEMA Incident Command System training. [Courses ICS 100 and 200]. Module IV: Officer has completed U.S. Homeland Security Weapons of Mass Destruction (WMD) training. [Course AWR-160]. This new Manual will be phased-in on May 1, 2019 in advance of the new Basic Police Course which will be implemented on July 1, 2019. The new field training manual is available now and can be obtained by sending a request to DPSST.

- The Fire Training Program recently received delivery of a new \$500,000 mobile fire training unit which was funded by a FEMA grant and will allow for regional live-fire training delivery around the state. Another FEMA grant in process will replace the aging fire tender at the Academy with delivery expected in July. DPSST met with members of the Oregon National Guard to review Operation Plan Smokey through which DPSST trains members of the Guard activated by the Governor to help with wildfire suppression efforts. DPSST staff has engaged fire service stakeholders in a number of work groups to update fire certification standards such as Airport and Maritime Firefighter.

Fallen Law Enforcement Officer Memorial

The Oregon Fallen Officer Memorial will be held on May 7th at 1:00 pm at the Academy. The names of four fallen officers, approved by the Board, will be honored during this year's ceremony. Ashland Police Officer Malcus Williams, Bend Police Sgt. John Lawrence, and two Multnomah County Sheriff's Deputies, Deputy Robert Ray "Bobby" Anderson and Deputy Sheriff Irving Burkett, who were seriously injured in the line of duty and retired as a result of their injuries. Both of these are being added under the historic recognition program which allows fallen officers from previous years to be honored on the memorial after careful review and approval. Governor Brown is expected to be in attendance and former State Representative Andy Olson is the keynote speaker.

Professional Standards Updates:

- The Professional Standards work group looking at criminal justice revocation and denial standards has completed its work with updates starting at the upcoming police, corrections and telecommunications policy committee meetings.
- DPSST did not complete any compliance reviews this quarter due to staff vacancies created by retirements. The positions have been filled and compliance reviews will resume with updates to follow.

General:

- Around campus, new carpeting is being installed and also employees are moving to bring work units closer together. The Boardroom is scheduled for an AV upgrade that will enable meetings to be streamed live to those interested. DPSST continues to work with the City of Salem on the addition of 60 parking spots at the front of the Academy.
- DPSST staff is reviewing the Student Conduct Guide with plans to have it reviewed and approved by the Board at its July 2019 meeting. The document has served the agency well for over a decade but some changes and updates are needed.

New Board Chair and Vice-Chair Selection:

In closing Eriks thanked Sheriff Jason Myers for his years of dedicated service on the Board, his leadership of the Board and Corrections Policy Committee, and congratulated him on his upcoming retirement. Jason will serve as Chair until his term on the Board expires on June 30, 2019. Sheriff Myers thanked the Board and DPSST staff for their great work and commitment to doing what is right.

- Patricia Patrick-Joling was selected as the new Chair to replace out-going Chair Myers after his retirement.

Travis Hampton motioned to approve Patricia Patrick-Joling as Chair to the BPSST. Brian Wolf seconded the motion. The vote carried unanimously.

- The selection of Patricia-Patrick Joling for the Chair position subsequently left the Vice-Chair seat vacant. Brian Wolfe was then selected to fill the Vice Chair's position on the Board.

Patricia Patrick-Joling motioned to approve Brian Wolfe as Vice-Chair to the BPSST. Travis Hampton seconded the motion. The motion carried with a unanimous vote.

9. Next Meeting Date: July 25, 2019