

Board on Public Safety Standards and Training
Minutes (Draft)
July 26, 2018

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, July 26, 2018 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
Kristine Allison, Oregon Association Chiefs of Police (Teleconference)
Travis Hampton, Superintendent, Oregon State Police
Patricia Connolly, Oregon State Fire Fighters Council (Teleconference)
James Walker, Oregon State Fire Marshal
Brian Wolfe, Oregon State Sheriffs' Association
James Oeder, Oregon Volunteer Firefighters Association
Mike Myers, Chief, Portland Fire & Rescue
John Teague, Oregon Association of Chiefs of Police
Mark Kreutzer, Oregon Fire District Directors Association
Elizabeth Lawrence, Bend Police Department
Colette Peters, Director, Department of Corrections
Kelly Dutra, Public Safety Telecommunicators
Jeff Hering, Non-Management Law Enforcement
James Cook, AFSCME/Department of Corrections Representative
Doug Marteeny, Oregon District Attorney's Association
Danielle Outlaw, Chief, Portland Police Bureau (Teleconference)

Board Members Absent

Loren Cannon, Federal Bureau of Investigation
Excused:
Bill Geiger, Private Security Industry
Darren Bucich, Oregon Fire Chiefs Association
Kacey Duncan, League of Oregon Cities

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Theresa Janda, Executive Assistant to the Director
Kristin Hibberds, Professional Standards Investigator & Coordinator
Mike Leloff, Training Division Director
Kayla Ballrot, Fire Certification Compliance Specialist

Guests:

Ted Luyben
Kalei Luyben
Maxine Bernstein, The Oregonian (Teleconference)

1. Introductions

2. *Minutes

Approve minutes from the April 26, 2018 Meeting.

Patricia Patrick-Joling motioned to approve the Minutes from April 26, 2018. 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 James Oeder deferred the update to Vice Chair James Walker, who reported that there had not been a meeting for a while, because of lack of agenda items. The last FPC meeting included the clean-up and clarification of several Administrative Rules and the consideration of five cases which all resulted in revocations and denials.

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

A. *OAR 259-009-0005 et al – Proposed rule change – Approve

Wildland Fire Operations Positions

Recommended to the Board by the FPC on May 23, 2018.

B. *OAR 259-009-0065 – Proposed rule change – Approve

Updates certification titles listed within the maintenance rule and includes additional revisions for clarity.

Recommended to the Board by the FPC on May 23, 2018.

C. *OAR 259-009-0070 – Proposed rule change – Approve

Addresses Board disapproval of a Policy Committee recommendation process.

Recommended to the Board by the FPC on May 23, 2018.

D. *OAR 259-009-0090 – Proposed rule change – Approve

Repeals outdated requirements for access to a fire service professional's training record.

Recommended to the Board by the FPC on May 23, 2018.

E. *Jeffrey J. Albright DPSST#F33547(Hoodland RFPD) – Deny Application for Certification

Recommended to the Board by the FPC on May 23, 2018.

F. *Andrew L. Klope DPSST#F36968 (Tri-City RFPD #4) – Deny Application for Certification

Recommended to the Board by the FPC on May 23, 2018.

G. *Aron Harrison DPSST#22033 (Lewis & Clark RFPD) – Revoke Certification and Deny Application for Certification

Recommended to the Board by the FPC on May 23, 2018.

H. *James T. Poore DPSST#16053 (Klamath County Fire District#1) – Revoke Certification and Deny Application for Certification

Recommended to the Board by the FPC on May 23, 2018.

I. *Kyle A. Dodenhoff DPSST#26245 (Rogue Valley International Airport Fire District)
– Revoke Certification and Deny Application for Certification
Recommended to the Board by the FPC on May 23, 2018.

J. *Committee Appointments

Fire Policy Committee Appointment

-) Kevin Larson; Appointment to the FPC to replace Jeff Hamilton; 1st term effective 10/23/18.

Patricia Patrick-Joling motioned to approve the Fire Policy Committee Consent Agenda, as above. Colette Peters seconded the motion. The motion carried with a unanimous vote.

5. Criminal Justice Policy Committees

a. Police Policy Committee Update – Jeff Hering, Chair

Chair Jeff Hering briefly updated the Board on the last Police Policy Committee meeting. He reported that the last meeting was long. The Committee undertook the Board's recommendation to review the O'Dea case, as well as five other cases.

b. Telecommunications Policy Committee Update – Kelly Dutra, Chair

Chair Kelly Dutra briefly updated the Board on the last Telecommunications Policy Committee meeting. She reported that the Committee met on May 2, 2018 and began with recognizing a member of the TPC, Sharyl Dresser, for her service as her second term is expiring. Erika Stohlhand will replace her to represent the position she is vacating. She also shared that they had a lengthy meeting which included a five-year review of agency rules, applicable to the TPC, had one proposed rule change, and several other issues which are on the Board agenda today.

c. Corrections Policy Committee Update – Jason Myers, Chair

Chair Myers briefly updated the Board on the last Corrections Policy Committee meeting. He reported that the next meeting is on August 14, 2018. There will be 7 cases to review. There were a number of cases at the last meeting which are on the agenda here, today with CPC recommendations.

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

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

Board Disapproval of a Policy Committee Recommendation

Recommended to the Board by the TPC on May 2, 2018. Recommended to the Board by the CPC on May 8, 2018. Recommended to the Board by the PPC on May 17, 2018.

B. *Randall Brandt DPSST#07626 (Portland Police Bureau – retired) - Revoke

Recommended to the Board by the PPC on May 17, 2018.

C. *Ronald Hosek DPSST#05927 (Not employed) – Revoke

12 to 2 vote to Recommended to the Board by the PPC on May 17, 2018.

D. *Travis Crosman DPSST #51361(Junction City Police Department) – No Action

Recommended to the Board by the PPC on May 17, 2018.

E. *Bradley Wright DPSST#42148 (Deschutes County Sheriff's Office) – Revoke
Recommended to the Board by the PPC on May 17, 2018.

F. *Rhett Hemphill DPSST#33695 (Deschutes County Sheriff's Office) – No Action
Recommended to the Board by the PPC on May 17, 2018.

G. *Lawrence O'Dea DPSST#18924 (Portland Police Bureau) – Revoke
Voted 7 to 6 to Recommended to the Board by the PPC on May 17, 2018.

H. *Shawn K. Hanson DPSST#58352 (Department of Corrections – CCCF) - No Action
Recommended to the Board by the CPC on May 8, 2018.

I. *Tyler Beers DPSST#58455 (Department of Corrections – EOCI) – Deny Application for Training and Subsequent Certification
Recommended to the Board by the CPC on May 8, 2018.

J. *James Edison DPSST#38290 (Department of Corrections - PRCI) - Revoke
Recommended to the Board by the CPC on May 8, 2018.

K. *Debbie Brooks DPSST#33906 (Lane County Sheriff's Office) - Revoke
Recommended to the Board by the TPC on May 2, 2018.

L. *Kenneth Tobin DPSST#21784 (Willamette Valley Communication Center) – No Action
Unanimous vote minus one recusal to recommend to the Board by the TPC on May 2, 2018.

M. Correspondence from Rebekah White - Form a Workgroup to review Administrative Rule governing the convictions that require mandatory denial, suspension and revocation of certification as a telecommunicator - Approve
Recommended to the Board by the TPC on May 2, 2018.

N. *Committee Appointments
Corrections Policy Committee

-) Gary Bergerson; Reappointment to the CPC; 2nd term effective 7/26/18
-) Matt English; Reappointment to the CPC; 2nd term effective 7/26/18
-) Carol Dishion; Reappointment to the CPC; 2nd term effective 7/26/18
-) Tim Svenson; Appointment to the TPC to replace Gary Bettencourt; 1st term effective 7/26/18.
-) Erika Stolhand; Appointment to the TPC to replace Sharyl Dresser; 1st term effective 7/26/18.
-) Andy Heider; Reappointment to the PPC; 2nd term effective 10/27/18.

Chair Myers addressed the Board members, explaining that John Teague had requested to pull item G from the Consent Agenda for further discussion prior to voting on it.

Patricia Patrick-Joling motioned to approve the Criminal Justice consent agenda, minus item G. Kelly Dutra seconded the motion. The motion carried with a unanimous vote.

Item 5(d.)(G.): A discussion was held regarding Item 5(d.)(G.) Chair Myers reported that written correspondence has been received from citizens with input on the recommendation that the Police Policy Committee is making on this case, as well as concerned citizen members are present at this meeting to witness the outcome of this decision. John Teague explained he requested this item to be pulled because it is heavily nuanced, with a 7 to 6 recommendation, previously being a 13 to 2 recommendation for no action. It was returned to the Committee to reconsider two things. 1. Portland twice sustained allegations of dishonesty and 2. O'Dea failed as a leader. Portland's investigations are unclear, heavily redacted and conclusions are obtruse. Failure of leadership came up three quarters of the way through the discussion and then as an aggravating factor. The discussion of failed leadership lead to the 7/6 vote. He stated that if one does not have a working knowledge of this case then you should not affirm a close nuanced vote based upon a vote and a standard that does not appear in Rule. He explained to the Board that a "no" vote would mean that the packet would come back to this Board for reconsideration and the opportunity to make an informed decision.

Chair Myers stated that we have a recommendation that has been voted on by the Police Policy Committee. He asked for each to state their vote aye or nay after the discussion ended, stating that he personally feels that the final decision by the Police Policy Committee, based mostly around untruthfulness, was the correct one.

James Oeder motioned to accept the Police Policy Committee's recommendation. Patricia Patrick-Joling seconded the motion. Chair Myers called the vote. The vote carried with 14 ayes, 4 nays and 1 abstention.

e. *Officer Malcus Williams DPSST#33171 - City of Ashland Police Department – Memorial Wall Nominaion - Approve

Add Officer Malcus Williams name to the Law Enforcement Memorial Wall during the 2019 Law Enforcement Memorial Ceremony.

Recommended to the Board by the PPC on May 17, 2018.

Director Gabliks presented the case of Officer Malcus Williams who lost his life on March 2, 2018 from a severe medical emergency during an on-duty enforcement action . The Police Policy Committee is recommending that Officer Malcus Williams name be added to the Fallen Officer Memorial here, next May 2019 during the annual ceremony, which is before the Board today for confirmation. The Chair asked for a motion to approve the addition of Officer Malcus Williams' name.

Brian Wolfe motioned to approve the addition of Officer Malcus Williams name to the Memorial Wall at the 2019 Fallen Law Enforcement Officer Memorial. Jeff Hering seconded the motion. The motion carried with a unanimous vote.

6. Private Security/Investigator Policy Committee

a. Private Security Investigator Policy Committee Update – Bill Geiger, Chair

Linsay Hale briefly updated the Board, in Chair Geiger's absence, regarding the last Private Security/Investigator Policy Committee meeting. She reported that the PSIPC reviewed rules at the last meeting and that public comment was received on one of the rules, which was

pulled from the Board's PSIPC consent agenda today (Item B. – below). It will go back to the Policy Committee and the Board will see it on the agenda again, in October 2018.

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

A. *OAR 259-060-0015 and 259-061-0018 – Proposed Rule Change – Approve

Clarification for the exemption from certification and licensure related to providing services for a federal employer.

Recommended to the Board by the PSIPC on June 5, 2018.

B. Removed – Public Comment received.

C. *OAR 259-061-0018 and 259-061-0195 – Proposed Rule Change – Approve

Private Investigator Rules of Professional Conduct and Maintaining Client Confidentiality.

Recommended to the Board by the PSIPC on June 5, 2018.

D. *Committee Appointments

Private Security Investigator Policy Committee (PSIPC)

-) Edward Sharpe; Appointment to the PSIPC to replace Dwayne Fund first term effective 7/26/18.

Polygraph Licensing Advisory Committee (PLAC)

-) Patrick Hartley; Appointment to the PLAC to replace Scott Sudaiser; First term effective 7/26/18.

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

7. Administrative

a. Information Only: ORS 183.405 – Five-Year Review of Agency Rules Adopted

Presented by Linsay Hale

Linsay Hale explained the Rule to the Board members, stating that Oregon Law requires all Rules advisory panels to review any Administrative Rule adopted within the last 5 years to determine whether the Rule had its intended effect, whether there was an appropriate fiscal impact, and whether the Rule should be repealed or amended and whether there is a continued need for the Rule. She explained that the memos containing the staff analysis for all of the appropriate rules applied here are in the Board packet, which have been presented to all of the Policy Committees who have reviewed them with no comment. This overview is for information only and unless there are questions, we will consider this statutory requirement satisfied.

b. Information Only: New Annual training required for Board and Policy Committee members – “Preventing Sexual Harrassment”.

Presented by Director Gabliks

Director Gabliks explained to the Board members that this item came from the Legislative Session, requiring all Board and Policy Committee members to receive training on preventing sexual harassment. Due to recent media attention on these issues, the Legislature

wants to make sure members who represent the State have this training and are aware of their actions and the consequences for them. He explained that the training is on-line through a system called I-learn which each member will be set up with an account on, in order to comply with this training requirement. In response to a question by Colette Peters, Director Gabliks added that State employees who have already completed this training requirement, can forward that information to the Director's Office at DPSST to be documented as having satisfied the training requirement.

8. Director's Report - Director Gabliks

Board and Policy Member Changes

- J Ray Byrd has accepted a new position and has resigned from the Board and its Private Security/Private Investigator Policy Committee. Ray has accepted the position of Inspector General with the Oregon Youth Authority. DPSST staff is working with Governor Brown's office to find a replacement.
- J Jim Whalen of Umatilla County Fire District #1 has retired from the fire service after a 48-year career. Jim served on the BPSST Board for six-years and returned a few years ago to serve as the Oregon Fire Instructors Association representative on the Board's Fire Policy Committee. Jim indicated he will remain on the Fire Policy Committee until his term expires later this year.

***Policy Committee Member Appointments and Re-Appointments**

A number of Policy Committee renewals and appointments were requested after the agenda was created. Director Gabliks asked the Board for permission to approve the following:

- J Corey Goss, Non-management Corrections Officer, Appointment to replace Donna Petit on the CPC; 1st term effective 7/27/18.
- J Ron Graham, ODF Representative, Reappointment to the FPC; 2nd term effective 10/24/18
- J Zachary Kenney, Non-management law enforcement, appointment to the PPC to replace Scott Dillon; First term effective 7/24/18.
- J March Rauch, Private Citizen Member, Appointment to the PPC; 1st term effective 7/26/18.
- J Lindy Morgan, Line-level Communicator, Reappointment to the TPC, 2nd term effective 10/27/18.
- J Robin Sells, OACP representative to replace Mike Moran on the TPC: 1st term effective 10/24/18

Patricia Patrick-Joling made a motion to approve the Policy Committee appointments and appointment renewals as presented by Director Gabliks. Colette Peters seconded the motion. The motion carried with a unanimous vote.

Budget Update

- J DPSST continues to prepare for the 2019 legislative session. DPSST staff has finalized its 2019-2021 Agency Request Budget that was approved by the Board at its April meeting. The budget will be submitted next week which will begin the process. DPSST was required by statute to submit a 5% and 10% reduction as part of its budget submission. To address these reductions, DPSST has proposed a reduction of basic police classes.

-) DPSST is also working on its various Key Performance Measures (KPMs) which are presented as part of the budget. The annual customer service survey has been sent to constituents and Eriks asked Board members to share this information with their respective organizations.
-) DPSST is working on three legislative matters.
- o The first is the return of basic corrections officers training to DPSST at the request of the Department of Corrections.
 - o Second, discussions with campus public safety officers and campus public safety directors regarding standards and training. DPSST has been very clear that campus public safety officers are considered private security officers and are not police officers. DPSST has also made clear it is not interested in creating a new certification and training program for campus public safety officers as they are not considered law enforcement officers.
 - o Third, DPSST met with Representative Marsh who is interested in trauma-informed support training for law enforcement officers to better help victims of domestic violence and sexual assault. DPSST shared the training offered in basic classes and said that more could be done on a regional basis if additional funds could be provided to support this training.
- Eriks promised to keep the Board posted with updates on legislative and budget discussions.

Academy Training Updates

-) Academy enrollment continues to be steady. DPSST postponed a Basic Police class due to low enrollment numbers. The downturn in enrollments was not unexpected as each year city and county agencies hold vacant positions as local governing board decide local budgets. Since July 1, enrollments have been steady and DPSST staff has been working with the Portland Police Bureau which is looking to hire more than three dozen new officers in the upcoming months. The August class has 40 enrolled and DPSST is now enrolling into the August Basic Police class. Under the current volume of retirements and hirings, DPSST will need to request additional Basic classes from the Legislature to meet hiring and training demands to finish the biennium (June 30, 2019).
-) DPSST has been requested to provide wildland firefighter training to 200 citizen-soldiers and citizen-airmen from the Oregon National Guard next week at the Oregon Public Safety Academy in Salem. This is the second group proactively trained this year with 200 already trained earlier this month at Camp Rilea. This group of 400 will be available for deployment in a rapid manner should their assistance be needed this summer by the Oregon Department of Forestry. Because of the size of the class and fire deployments around the state which have taken away in-state instructors, DPSST has activated our compact, bringing in instructors from New Jersey, Arizona, and Illinois.
-) DPSST's Center for Policing Excellence continues to work on curriculum updates to Basic Police, Basic Parole and Probation, and Basic Telecommunications courses. Phase 1 changes to the first four weeks of the Basic Police course have been well received.

DPSST Updates

-) On the environmental front, DPSST did successfully work through the recent water emergency that affected the City of Salem. Two students reported illness but their situation could not be narrowed down to drinking water. DPSST staff took proper precautions to issue notice to staff, students and guests and also provided bottled water to anyone who

wanted it. This week, to address high temperatures, DPSST has implemented safety protocols to ensure the safety of staff and students working outdoors.

-) During the month of June, DPSST, in partnership with the Oregon Fire Chiefs Association Safety & Health Section, hosted the American College of Occupational and Environmental Medicine's (ACOEM) Public Safety Medicine Section two-day class for physicians and medical providers that work with fire service and law enforcement agencies. This two-day workshop offered state-of-the-art training in applying the guidelines and standards currently used for conducting post-offer, return-to-work, disability, or annual examinations of law enforcement officers (LEOs) and fire fighters. More than three dozen attended the class. Attendees included 12 physicians who provide medical evaluations (pre and post hire) for public safety agencies in Oregon and SW Washington. The others in the class were risk managers, human resources managers, and public safety agency heads. This is only the third time this class has been offered, and the first time it has been offered on the west coast.
-) During the Summer months, DPSST has had the opportunity to host a number of youth programs at the Academy. The Salem Police Cadets Academy was held in early July. Last week, the FBI Youth Academy was held at DPSST. In two weeks, we will host the Oregon State Police – American Legion law enforcement camp. All of these activities bring awareness to the work done by public safety professionals and also allow youth to see what career opportunities they may want to consider as they grow up.
-) DPSST held a meeting with community college criminal justice programs that participate in a consortium with the agency. Officers attending the Basic Police course can apply for and receive 21 college credits and those attending the Basic Corrections class can receive 12 credits. The meeting was held to clarify current practice and discuss improvements. The consortium will also reach out to other Oregon community colleges to seek their participation in the program.
-) DPSST continues to work with the City of Salem on the parking lot expansion. The permitting process is under way. The project may be addressed in two phases. The first would be gravel and rock this summer/fall. The second, asphalt paving in the Spring/Summer of 2019. This would allow the area to settle before being paved.
-) Finally DPSST's Professional Standards and Training Divisions have been actively involved in constituent outreach with regional training sessions and listening tours. Attendees include agency leaders and also field training officers and administrative staff who work with the various forms DPSST requires for training and certification. The sessions are allowing DPSST staff to gather valuable feedback regarding the training and services it provides and equally important, areas for improvement.

9. Next Meeting Date: October 25, 2018

With no further business to discuss the meeting was adjourned at 9:33 a.m.