

Board on Public Safety Standards and Training Minutes

October 24, 2019

The Board on Public Safety Standards and Training held a regular meeting on Thursday, October 24, 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
James Walker, Oregon State Fire Marshal (Teleconference)
James Oeder, Oregon Volunteer Firefighters Association
John Teague, Oregon Association of Chiefs of Police
Elizabeth Lawrence, Bend Police Department (Teleconference)
Kelly Dutra, Public Safety Telecommunicators
Thomas Thomas, Private Security Industry
Darren Bucich, Oregon Fire Chief's Association
Doug Marteeny, Oregon District Attorney's Association
DaNeshia Barrett, Non-Management Law Enforcement (Teleconference)
Travis Hampton, Superintendent, Oregon State Police
Sara Boone, Chief Portland Fire & Rescue

Board Members Absent

James Cook, AFSCME/Department of Corrections Representative

Excused:

Danielle Outlaw, Chief, Portland Police Bureau
Scott Derickson, League of Oregon Cities
Loren Cannon, Federal Bureau of Investigation
Colette Peters, Director, Department of Corrections
Nadine Purington, Non-Management Parole and Probation
Kristine Allison, Oregon Association Chiefs of Police
Mark Kreutzer, Oregon Fire District Directors Association

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Kristin Hibberds, Professional Standards Investigator & Coordinator
Jordan James-Largent, Professional Standards Investigator & Coordinator
Jennifer Howald, Rules & Compliance Coordinator
Kayla Ballrot, Fire Certification Compliance Specialist
Julie Olsen, Fire Program Manager
Terry Moss, Leadership Curriculum Development Specialist
Theresa Janda, Executive Assistant
Ryan Keck, Center for Policing Excellence, Manager
Ryan Knapp, Accountant

Guests Present:

Linda Spohr, SEIU

Yasmine (Last name unknown), SEIU Local 49

1. Introductions

Chair Patricia Patrick-Joling welcomed new Board member, Sara Boone.

2. *Minutes

Approve minutes from the July 25, 2019 Meeting.

Darren Bucich asked to make a correction on the roster. He was physically present at the meeting in July and the minutes showed him attending by teleconference.

Kelly Dutra motioned to approve the Minutes from July 25, 2019 with one correction, as stated above. James Oeder 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, stating the agenda was small at the last meeting. One OAR was approved to bring forward and two cases were reviewed and brought forward to the Board.

A. *OAR 259-009-0005 and OAR 259-009-0062 – Proposed Rule Change – Approve
NFPA Fire Fighter

Recommended to the Board by the FPC on August 28, 2019.

B. *Mary M. Steward DPSST#39-95 (Central Oregon Coast Fire & Rescue) – Deny
Recommended to the Board by the FPC on August 28, 2019.

C. *Joshua J. Evans DPSST#F33221 (Netarts-Oceanside RFPD) – Revoke and Deny
Recommended to the Board by the FPC on August 28, 2019.

John Teague motioned to approve the Fire Policy Committee consent agenda. Brian Wolfe seconded the motion. A vote was taken by roll call of members present and the motion carried with a unanimous vote.

4. Criminal Justice Policy Committees

a. Police Policy Committee Update – John Teague, Chair

Chair Teague updated the Board, reporting that Ronald Wommack's case was sent back to this Board by the Police Policy Committee (PPC) after reconsideration and is on the agenda. He also reported that the next PPC meeting agenda appears to be large.

b. Telecommunications Policy Committee Update – Kelly Dutra, Chair

Chair Dutra gave a brief update to the Board stating that there was no August meeting due to lack of agenda items. The next meeting will be November 6, 2019 and two new members will be present, Chelsea LaBar who is replacing George Long, representing APCO and Jackson County Fire Chief, Bob Horton, replacing Randy Wood, representing the Oregon Fire Chiefs Association. There will be an agenda of OAR's at the next meeting, including a discussion about the CPR/First Aid requirements for Telecommunicator/EMD certification.

c. Corrections Policy Committee Update – Nadine Purington, Chair

Linsay Hale briefly updated the Board in Chair Purington's absence, stating that the upcoming meeting in November will have several Rules to consider and a full load of cases.

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

A. *Ronald Wommack DPSST#38511 (Tigard Police Department) – Suspend
Recommended to the Board by the PPC on August 15, 2019.

B. *Wesley Darling DPSST#59704 (Eugene Police Department) – No Action
Recommended to the Board by the PPC on August 15, 2019.

C. *Logan Martin DPSST#60009 (Josephine County Sheriff's Office) – No Action
Recommended to the Board by the PPC on August 15, 2019.

D. *Ryan Schmierbach DPSST#41342 (Oregon City Police Department) – Revoke
Recommended to the Board by the PPC on August 15, 2019.

E. *Gregg Lewis DPSST#22515 (Portland Police Bureau) – Suspend
Recommended to the Board in a 7/5 vote by the PPC on August 15, 2019.

F. *Daniel Altabef DPSST#45330 (Stayton Police Department) – No Action
Recommended to the Board in a 5/4 vote by the PPC on August 15, 2019.

G. *Isaac Lackey DPSST#39648 (Portland Police Bureau) – No Action
Recommended to the Board by the PPC on August 15, 2019.

H. *Steven Jones DPSST#23649 (Portland Police Bureau) - Revoke
Recommended to the Board by the PPC on August 25, 2019.

I. *Richard Abundis DPSST#48657 (Lane County Parole & Probation) – Suspend
Recommended to the Board by the CPC on August 13, 2019.

**J. *Ross Harper DPSST#55511 (Washington County Sheriff's Office) – No Action
against application for training and subsequent certification.**
Recommended to the Board by the CPC on August 13, 2019.

K. *Andrew Nichols DPSST#59805 (Klamath County Sheriff's Office) – No Action
Recommended to the Board by the CPC on August 13, 2019.

L. *Patricia Garcia DPSST#36026 (Department of Corrections - SRCI) – Suspend
Recommended to the Board by the CPC on August 13, 2019.

M. *Samuel Allen DPSST#47602 (Department of Corrections – OSP) - Revoke
Unanimous vote minus one refusal to recommended to the Board by the CPC on August 13, 2019.

N. *Aaron McGehee DPSST#57858 (Department of Corrections - SRCI) - Deny
Recommended to the Board by the CPC on August 13, 2019.

O. *Bobby Lundy DPSST#49128 (Tillamook County Sheriff's Office) – Revoke
Recommended to the Board by the CPC on August 13, 2019.

P. *Curtis Fetzer DPSST#52256 (Tillamook County Sheriff's Office) - Revoke
Recommended to the Board by the CPC on August 13, 2019.

Thomas Thomas made a motion to approve the Criminal Justice Policy Committee consent agenda. James Oeder seconded the motion. A vote was taken by roll call of members present and it carried with a unanimous vote.

e. *OAR 259-012-0010 and 259-012-0035 Proposed Rule Change
Updates to the Student Rules and Regulations Publication

Jennifer Howald presented an overview of the proposed rules from Item (4)(e), stating that the Rule change applies to Rules and Regulations for students attending Basic courses in the criminal justice disciplines. The Rules and Regulations provide guidelines on acceptable conduct as well as unacceptable conduct and the possible action taken if rules are not followed, including up to dismissal from the academy. The Rules and Regulations were recently updated by the Department, and a memo which explains the changes is included in the Board packet as well as a copy of the Rules and Regulations. Proposed changes reconcile the rule language with specific definitions and processes included in the Rules and Regulations and the draft administrative rules are included within the memo. No fiscal impacts were identified. The Department recommends approval of the amendments and filing as permanent rules if no substantive comments are received. The Action Item can be found on page 7 of the memo.

John Teague made a motion to approve the amendments to the OAR's as stated above. James Oeder seconded the motion. A vote was taken by roll call of members present and it carried with a unanimous vote.

f. *OAR 259-008-0010 Proposed Rule Change - Approve
Pre-employment Psychological Screening Standards for Compliance with SB423
Recommended to the Board by the PPC on August 15, 2019.

Jennifer Howald presented a summary of the proposed rule change which establishes pre-employment psychological screening standards for compliance with SB 423, passed during the 2019 session. Effective January 1, 2020 new employment as a police officer or a reserve officer requires a pre-employment psychological screening. She explained the Bill directs the Board to adopt rules that establishes standards for the qualifications and training

necessary for the screener and also policies and procedures for conducting the screening. Comments received during public comment will go back with the proposed rule changes to the Police Policy Committee (PPC) in November to be reviewed. The Board will receive those recommendations for a vote in January of 2020. The Department recommends the Board approve a Temporary Rule in the interim, since the Bill requires screening to start January 1, 2020. The temporary ruling is an amended version intended to provide clarity and revisions are unrelated to the public comment received. The Department recommends approval of the temporary rule to provide law enforcement units with minimum standards to follow for selection of their qualified mental health professional screeners and standards for conducting the screening until the final vote on the Rule in January 2020. Temporary rules are effective for up to 180 days, allowing time for the permanent rule process to be completed. Action Item can be found on page 8.

Brian Wolfe made a motion to approve the Temporary Rule as described above. Travis Hampton seconded the motion. A vote was taken by roll call of members present and it carried with a unanimous vote.

5. Private Security/Investigator Policy Committee

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

Chair Thomas gave a brief update to the Board saying the Private Security Private Investigator Policy Committee (PSIPC) reviewed several items, including a Rule regarding the Event and Entertainment Private Security Professional's training and certification requirements. The Rule was open for public comment and one comment was received. The comment was reviewed by the Event and Entertainment Subcommittee at the last meeting on October 15, 2019. The Policy Committee also reviewed three legislative concepts that were moved forward to this Board which are on the agenda today.

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

A. *OAR 249-060-0025 AND 259-060-0135 - Approve

Clarifying Continuing Education for Private Security Instructors.

Recommended to the Board by the PSIPC on August 20, 2019.

James Oeder made a motion to approve the PSIPC consent agenda. Kelly Dutra seconded the motion. A vote was taken by roll call of members present and it carried with a unanimous vote.

c. *DPSST Regulation of Private Security Uniforms/Vehicles – Proposed Legislative Concept - Approve

File with DAS for consideration during the 2021 Legislative Session

Recommended to the Board by the PSIPC on August 20, 2019

Linsay Hale gave a brief summary of the Executive Branch legislative development steps and process. She explained that going forward with an agency-initiated legislative concept first starts with the Policy Committee for

recommendation and is then sent to the Board for affirmation of that recommendation. Next, the concept of the legislative change will be presented to the Department of Administrative Services (DAS), who oversees all of the Executive Branch concepts for State Agencies to avoid conflicting with each other. Once approved, the concept will advance to the Governor's Office for another review and affirmation. If approved by the Governor, then a Bill will be drafted by Legislative Counsel and the Bill will enter into the legislative process, which comes with public hearings, committee testimony, etc. Today we are asking for the approval of a concept. Language was included within to explain the concept being presented. Linsay explained that Legislative Counsel actually writes the language, not DPSST. As an Executive Branch agency, we can only introduce Bills at the Legislature at long sessions, so if approved, these concepts will not be presented to the Legislature until 2021. We are asking the Board to approve these concepts moving forward, not necessarily the language.

Director Gabliks added to keep in mind that during the legislative process there is public testimony, house and senate discussions through different committees and if the Bill moves forward it goes to the Governor's office for final review and updates. The Bill can change drastically through the process or may not even move and the process is lengthy.

Linsay Hale explained that the Oregon Legislature considered, and the Governor signed, Senate Bill 576, known as Kaylee's Law, brought forward due to a tragic event that occurred on a Community College campus, specifically dealing with campus public safety. Ultimately the tragedy tied back to the representation of the campus public safety officer and their uniform and the vehicle they were driving. During this process we recognized that this problem was not unique to campus public safety and so let the legislature know that we would like to address this for the entire private security industry in Oregon, once Kaylee's Law was implemented, so as not to distract from Kaylee's Law and what it was trying to accomplish. We let them know that we would come to the Board to address this for the entire public security community. This concept before the Board would give this Board Rule-writing authority to limit the uniforms and vehicles that are permitted to be used by private security as a whole. Again, the legislative process described above will impact the language and eventual final Bill to come out of this concept and so it is this concept, itself, that we are asking for approval on, today.

Thomas Thomas motioned to approve the proposed legislative concept as described above. Brian Wolfe seconded the motion. A vote was taken by roll call of members present and it carried with a unanimous vote.

d. *DPSST Regulation of Private Security Businesses – Proposed Legislative Concept - Approve

File with DAS for consideration during the 2021 Legislative Session
Recommended to the Board by the PSIPC on August 20, 2019

Linsay Hale gave an overview of the proposed legislative concept. She clarified the memo title by explaining that DPSST's purpose is to make sure the people providing

private security services in our state are trained and competent to do so. Currently the Board lacks the authority to hold the businesses accountable who are employing the Private Security Professionals. DPSST can issue certification to competent trained individuals, however there is no ability to follow-up and make sure the employer is monitoring the competency of the provider. This proposed concept is intended to give the Board the authority regulate businesses to be accountable in monitoring and ensuring those that they employ remain competent throughout DPSST's jurisdiction. There are many examples on how we have addressed this with armed providers, however we have recognized that some of these regulations should be applied to providers of unarmed private security. The proposed concept we are wanting to move forward would require an entity employing private security providers, whether armed or unarmed to register with the Secretary of State, update and maintain some sort of liability insurance if their providers have the authority through their employment to interact physically with the public, that the entity have a policy on use of force and citizen's arrest and also for the armed business, specifically, to ensure that the weapons that their providers are carrying are the ones they qualified on. Again, the legislative process described above will impact the language and eventual final Bill to come out of this concept and so it is this concept that we are asking for your approval on, today.

Upon questioning by John Teague as to who would regulate this and if requirements are not met, what would the consequence be, Lindsay explained that it would potentially be this Board's ability to apply civil penalties to businesses who were out of compliance.

Director Gabliks added that this has a different element than other disciplines regulated by DPSST, since this is regulating businesses, rather than people.

John Teague motioned to approve the legislative concept as described above. Travis Hampton seconded the motion. A vote was taken by roll call of members present and it carried with a unanimous vote.

e. *Private Investigator Application Requirements (ORS 703.425) – Proposed Legislative Concept - Approve

File with DAS for consideration during the 2021 Legislative Session

Recommended to the Board by the PSIPC on August 20, 2019

Lindsay Hale gave an overview of the proposed legislative concept. She explained that applications of private investigators are outdated and overly burdensome currently, so we are asking to change language that is used by other private disciplines to make the application form that is provided by the Department to ask more relevant questions and to not require a legislative process. This also is asking to clean up the fingerprint authority language and add language that states, when denying certification because of criminal history, that history must tie directly to their ability to provide private investigator services.

John Teague asked a question about the standards that constitute relevant criminal history. Lindsay explained that each discipline has very specific rules in place describing behaviors that result in a denial or revocation. There will have to be a nexus and statute that, by law,

a regulatory agency has to tie the criminal behavior to what the license and the law allows them to do.

John Teague motioned to approve the proposed legislative concept as described above. James Oeder seconded the motion. A vote was taken by roll call of members present and it carried with a unanimous vote.

6. Administrative

a. *2020 Legislative Session – Budget Request

Request funds from Ways & Means during 2020 Legislative Session for four additional Basic Police Classes and staff to support them.

Director Gabliks explained the request before the Board by first stating that by statute the Department carries out the work of the Board and also has to work with the Board on legislative concepts and also budget discussions. As mentioned in previous updates, we have reported on the number of Basic classes that were budgeted for, versus how many Basic classes are needed. Seats have been added to the Telecom classes to accommodate extra students, Corrections enrollments have stayed consistent and Parole and Probation has actually slowed down a bit, due to State funding issues. However Police retirement numbers are forecasted to continue at the same pace which means hiring will have to keep pace. With our current budget we will be out of Basic Police classes by November 2020, which we anticipated and have discussed with the Legislature, the Board and partner organizations. We have been getting new hires into the Academy within 90 days and in order to continue to keep up with the hiring trends, we will need to ask for additional funds, which we did last session. The two-part approach involves asking for four additional classes in the 2020 session, which should accommodate us up to 2021 and then if we need additional classes after that to finish up the biennium we can ask for additional classes in the 2021 session. The request in front of you is asking for permission to request the additional funds for the classes, as well as some additional infrastructure positions; a custodian for the defensive tactics building, another IS position and a few others.

Travis Hampton motioned to approve the Budget request as stated above. James Oeder seconded the motion. A vote was taken by roll call of members present and it carried with a unanimous vote.

7. Director's Report - Director Gabliks

Board Member Updates

- Sara Boone, Portland's new Fire Chief was welcomed to the Board. Chief Boone has designated her new Professional Standards Section Chief Greg Espinosa to serve as her representative on the Board's Fire Policy Committee.
- Governor Brown has also approved Hood River County Sheriff Matt English to serve on the Board taking the place of recently Sheriff Jason Myers representing the Oregon State

Sheriff's Association and Chief Jim Oeder of Nestucca Fire for a second three-year term on the Board representing the Oregon Volunteer Firefighters Association.

- DPSST staff continues to work with the Oregon State Fire Fighters Council on a replacement for Trish Connelly who recently resigned from the Board after being promoted to the rank of Battalion Chief with Bend Fire & Rescue, which is not a represented position.

Program Updates

Enrolment at the Oregon Public Safety Academy remains steady for Basic Police and Basic Telecommunications classes. Basic Corrections remains manageable but Basic Parole and Probation has slowed. Feedback indicates the slowdown in Parole and Probation is tied to state funding reductions which will be discussed during the 2020 Oregon legislative session.

The agency continues to actively update training classes in a variety of areas.

- DPSST recently completed an important training program in its Private Security Section for Crowd Management personnel. The Office of State Fire Marshal and Oregon Liquor Control Commission worked with private security professionals and DPSST to develop this unique program for those who help ensure the safety at large events such as sports arenas, convention centers and fairgrounds and small venues such as bars. The new online class includes safety, fire and evacuation elements. DPSST appreciates the assistance of all parties involved who assisted with this important program.
- Revisions to the 16-week Basic Police class continue. Phase 2 changes were implemented with the Basic Police class that began in July with much success. Phase 3 is still in work group with a focus on vehicle stops and investigations. The Phase 3 work group is on schedule to have its work ready for presentation to the Police Policy Committee in the Spring of 2020.
- The recently updated three-week Basic Telecommunications class has been offered twice with very good feedback. The Oregon Chapter of the Association of Public Safety Communications Officers (APCO) and National Emergency Number Association (NENA) recognized the curriculum work group with an award at its recent conference.
- A complete review and update of the two-week Supervision and Middle-Management courses continues with the assistance of a diverse work group that includes police, corrections, 9-1-1, and parole and probation stakeholders. Dr. Steven James from Washington State University is assisting DPSST staff and the work group.
- The Board's Corrections Policy Committee approved a request from the Parole & Probations Firearms Work Group to increase the length of the optional Parole & Probation Firearms class from one to two weeks and offer a pilot course to evaluate the proposed changes. The feedback from students and instructors was that a one week course for individuals who have, in many cases, never carried a firearm was too short plus there was no time for related topics such as confrontational simulation and scenario-based training. The two-week pilot will be offered in October after which the results and feedback will be evaluated by the work group. If the class is successful the work group will ask the Corrections Policy Committee to adopt the change as a new program instead of a pilot with that recommendation finally to be reviewed and approved by the Board.
- A work group to update the Parole & Probation field training manual held its first meeting. This group's work will take a number of months to complete with a target of the Summer of 2020 for completion.

- In 2020 DPSST's Training Division will begin a comprehensive review of the Basic Corrections class. This review will bring together city, county and state corrections professionals.

DPSST's Fire Program has also been very active.

- DPSST was successful in a grant application with the FEMA Assistance to Firefighters Grants (AFG) program. DPSST was awarded more than \$400,000 which will allow the agency to replace self-contained breathing apparatus (SCBA), acquire burn pans for the oil car at the Oregon Public Safety Academy, and purchase a driver training simulator and pump panel simulator that will be trailer mounted and mobile for regional fire training use. Across the state, more than a dozen grant awards have been given to Oregon career and volunteer fire agencies for equipment, training, apparatus and health and safety.
- With the large number of retirements taking place around the state at career fire departments and fire protections districts, DPSST's Fire Training Team is focusing on classes to aid with succession planning. This includes Fire Officer 1 – 4, Fire Instructor, and Fire Inspector 1 and 2. Classes are being offered at the Oregon Public Safety Academy and on a regional basis.
- The review and redesign of DPSST's fire training staffing plan continues with the goal of providing excellent customer service to fire agencies around the state

Legislative Updates

On the legislative front, DPSST is working on a number of projects for both the 2020 and 2021 sessions.

- DPSST was requested by the House Veterans Committee to participate on a work group looking at the Office of State Fire Marshal and Oregon Emergency Management. Both of these organizations receive management support from parent organizations. The work group will look at mission, fit and support for both organizations. DPSST was asked to participate as both of these organizations also have a training component as part of their respective missions.
- DPSST will be working with the Oregon Department of Corrections to ensure that a legislative concept is proposed to address the sunset clause in Oregon Revised Statute regarding basic corrections training. Currently DOC provides training to its newly hired corrections officer in-house with DPSST approval and audit. While both DPSST and DOC would like to see the program return to the Oregon Public Safety Academy, this simply isn't possible with the current workload at DPSST and volume of individuals that are retiring and those being hired to fill the ranks needing to attend training at the Academy. DPSST did work with DOC during the 2019 session by submitting a Policy Option Package (POP) that would have added dorm rooms and classrooms at the Academy to help begin the return of state corrections officers training. With limited state funds, this POP was not approved.

General

- DPSST is working with the Oregon Fire Chiefs Safety and Health Section along with other public safety partners to support the first-ever Public Safety Peer Support conference. This event being held at the Salem Convention Center will be open to all public safety peer

support members and clinicians. The pre-conference with various training classes will be on Tuesday, February 4, 2020 and the conference will be held on February 5-7, 2020.

- DPSST is offering a new opportunity in 2020 called the Elected Officials and Community Partners Academy. This five-hour session will give attendees insight into the work of the Board, Policy Committees, DPSST, and the responsibilities of employers. A tour of the Academy will also be offered. DPSST has hosted similar opportunities for the Association of Oregon Counties, Oregon Mayors Association, League of Oregon Cities, and many Citizen Police Academies with much success. This project will be very similar but offered on a quarterly basis for elected officials and community partners from around the state, not a single organization or community.
- Mike Leloff, DPSST's Training Division Director recently resigned. Mike retired from the Portland Police Bureau as Assistant Chief and joined DPSST over two years ago. During a recent performance appraisal meeting, Lindsay Hale, DPSST's Professional Standards Division Director, asked to oversee the Training Division on an interim basis to learn more about the organization and to broaden her leadership capabilities. Lindsay has been doing a very good job working with the solid management team in the Training Division.

8. Next Meeting Date: January 23, 2020