

Board on Public Safety Standards and Training Minutes

January 23, 2020

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

Board members present:

Patricia Patrick-Joling, Chair, Public Citizen Member
Brian Wolfe, Vice-Chair, Oregon State Sheriffs' Association
Nadine Purington, Non-Management Parole and Probation
Kristine Allison, Oregon Association Chiefs of Police (Teleconference)
James Walker, Oregon State Fire Marshal
James Oeder, Oregon Volunteer Firefighters Association
Mark Kreutzer, Oregon Fire District Directors Association
John Teague, Oregon Association of Chiefs of Police
Elizabeth Lawrence, Bend Police Department (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
Colette Peters, Director, Department of Corrections
DaNeshia Barrett, Non-Management Law Enforcement
Travis Hampton, Superintendent, Oregon State Police
James Cook, AFSCME/Department of Corrections Representative
Sara Boone, Chief, Portland Fire & Rescue
Matt English, Oregon State Sheriff's Association
Loren Cannon, Federal Bureau of Investigation (Teleconference)

Board Members Absent

Scott Derickson, League of Oregon Cities

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Chris Enquist, DPSST Parole & Probation Coordinator
Kristen Hibberds, Professional Standards Investigator & Coordinator
Jennifer Howald, Rules & Compliance Coordinator
Michael Anderson, Facilities Manager
Theresa Janda, Executive Assistant

Guests Present:

Mike Fletcher Columbia 9-1-1
Kendall Biggs, Public Citizen
Ken Tobin, TCB Security

1. Introductions

Chair Patrick-Joling welcome new Board member, Matt English.

2. *Minutes

Approve minutes from the October 24, 2019 Meeting.

Brian Wolfe motioned to approve the Minutes from October 24, 2019. Kelly Dutra 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 Oeder had no update for the Policy Committee due to the last Fire Policy Committee being canceled.

4. Criminal Justice Policy Committees

a. Police Policy Committee Update – John Teague, Chair

Chair Teague briefly updated the Board stating that the PPC recommended approval of the pre-employment psychological screening rule change, which is on the agenda today under item 4A., and two re-appointments to the Committee, Sheriff Zanni and Brad Robertson.

b. Telecommunications Policy Committee Update – Kelly Dutra, Chair

Chair Dutra briefly updated the Board, stating that the TPC considered and recommended approval for a number of OARS's dealing with moral fitness, background investigations, and revocation and expiration of professional certifications, which are on the agenda today. First Aid and CPR Training was also discussed. Ongoing CPR certification and training requirement was recommended for Basic Telecommunicator and EMD certification. Public comment was received and those recommendations will be discussed at the February 5th meeting, which has a full agenda, including five professional standards cases.

c. Corrections Policy Committee Update – Nadine Purington, Chair

Chair Purington briefly updated the Board stating that the February agenda for the CPC will review an OAR coming forward following the P&P Firearms curriculum that will be reviewed today. Also it will be approving a number of re-appointments to the CPC and a new member, Sheriff Pixley from Columbia County who is taking the place of Sheriff English. The February meeting agenda is full and the Committee will be considering an OAR change and a number of Professional Standards cases.

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

A. *OAR 259-008-0010 – Proposed Rule Change – Approve

Establishes Pre-Employment Psychological Screening Standards for Compliance with SB 423.

Recommended to the Board by a unanimous vote by the PPC on November 21, 2019

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

Criminal Justice Moral Fitness Workgroup Recommendations. Part 2

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

C. *OAR 259-008-0015 - Proposed Rule Change – Approve

Background Investigations

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

D. *OAR 259-008-0010, 259-008-0011, 259-008-0067 – Proposed Rule Change - Approve

Establishing the expiration of DPSST Public Safety Professional Certifications.

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

E. *Steven Boles DPSST#50091 (Not Affiliated) – Revoke

Recommended to the Board by the CPC on November 12, 2019.

F. *Steven Fierro DPSST#55521 (Washington County Sheriff's Office) – Revoke

Recommended to the Board by the CPC on November 12, 2019.

G. *Joshua Frame DPSST#60022 (Curry County Sheriff's Office) – No Action

Recommended to the Board by the CPC on November 12, 2019.

H. *Tim Hallam DPSST#33316 (Department of Corrections - SRCI) - Revoke

Recommended to the Board by the CPC on November 12, 2019.

I. *Austin McCullough DPSST#60081 (Department of Corrections TRCI) – No Action

Recommended to the Board by the CPC on November 12, 2019.

J. *Jason Miller DPSST#47735 (Department of Corrections WCCF) – Revoke

Recommended to the Board by the CPC on November 12, 2019.

K. *Jeff Moura DPSST#35987 (Not Affiliated) – No Action

Recommended to the Board by the CPC on November 12, 2019.

L. *Bryant Poelz DPSST#39212 (Department of Corrections - CCF) – Revoke

Recommended to the Board by the CPC on November 12, 2019.

M. *James Candiff DPSST#51133 (Scappoose Police Department) – Revoke

Recommended to the Board by the PPC on November 21, 2019.

N. *Timmy Evans DPSST#29606 (Portland Police Bureau) – No Action

Recommended to the Board by the PPC on November 21, 2019.

O. *Zach Gibson DPSST#48800 (Clatskanie Police Department) – Revoke

Recommended to the Board by the PPC on November 21, 2019.

P. *William Lupton DPSST#41371 (Jacksonville Police Department) – No Action
Recommended to the Board by the PPC on November 21, 2019

Q. *Patrick O'Malley DPSST#33330 (Lebanon Police Department) – Revoke
Recommended to the Board by the PPC on November 21, 2019

R. *Nathan Thomas DPSST#53344 (Roseburg Police Department) – Suspend
Recommended to the Board by the PPC on November 21, 2019

S. *Changes to the Basic Corrections Local Curriculum – Approve
Recommended to the Board by the CPC on November 12, 2019.

T. *Committee Appointments

- James Oeder; Appointment to the PSMFB to replace Trish Connolly; Effective 1/23/20
- Craig Zanni; Re-Appointment to the PPC; 2nd term effective 1/28/20.
- Bradley Robertson, Re-appointment to the PPC; 2nd term effective 1/28/20
- Rob Persson; Re-appointment to the CPC; 2nd term effective 1/25/20
- Jamie Russell, Re-appointment to the CPC; 2nd term effective 1/28/20
- Greg Martin; Re-appointment to the CPC; 2nd term effective 4/26/20
- Brian Pixley, Appointment to the CPC to fill seat vacated due to Matt English's change to Board member seat; 1st term effective 1/23/20.

Prior to voting, items N. and item Q were removed from the consent agenda. James Oeder motioned to approve the Criminal Justice consent agenda minus Item N. and Item Q., which were removed from the consent agenda for discussion. Mark Kreutzer seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

Discussion: Item Q. Doug Marteeny abstained from discussion and voting on Item Q, stating that the Lebanon Police Department is in Linn County, which is within his jurisdiction and that he personally had previously been involved in matters regarding former Police Officer O'Malley and had therefore has already reached conclusions regarding the matter.

Matt English motioned to approve revocation of Officer O'Malley's certifications. Travis Hampton seconded the motion. A vote was taken by roll call of members present and with one absention, the motion carried.

Discussion: Item N. Linsay Hale corrected an error in the staff memo for the record, explaining that the memo stated there was a unanimous vote by the PPC to recommend "No Action", which was incorrect. It was actually an 8 /2 vote with two members abstaining to recommend no action. This information was provided to the Board by an email prior the Board meeting.

Linsay Hale reminded the Board that if they disagree with the recommendation on a case coming from the Policy Committee the procedure for the Board is to review and discuss and if they choose, to send it back to the Policy Committee with instructions. If a majority disagree with the recommendation, the instructions must include why and what further discussion you would like the Policy Committee to consider.

Board members who are also on the Police Policy Committee (PPC) explained that it was discussed thoroughly during the PPC meeting and the decision was made because the Portland Police Bureau (PPB) had found no evidence of impropriety and no lack of moral fitness. Members stated that they found that PPB addressed the issue and the PPC agreed it was adequate and no further action was needed.

John Teague motioned to take no further action on Item N and approve the recommendations made by the PPC. DaNeshia Barrett seconded the motion. A vote was taken by roll call of members present and with a vote of 18 ayes and 1 nay, the motion carried.

e. *2020 Armed Parole & Probation Curriculum changes – Approve

Recommended to the Board by the CPC on November 12, 2019.

Chris Enquist presented to the members of the Board, handing out copies of the Executive Summary for the Parole & Probation Curriculum changes. He briefly explained that the Parole & Probation training at DPSST consists of two components – a five-week Basic program for all officers in the State and then previous to this pilot there was a one-week program for armed officers. The armed program is an optional program which has existed since the mid 90's and includes 34 out of 36 counties that provide services with "generally" armed officers. Impetus to review the program came from changes in the field over the years and the curriculum, itself has not been updated since 2002, so there was both an instructional need, as well as a Broader system-wide need to review it. The pilot created by staff with support from Oregon Association of Community Corrections Directors essentially extended training by a week and brought it more in line with the model used for training in all other disciplines at DPSST. Changes were more structural than content-based, such as shorter blocks of training to retain more information over two weeks to allow them multiple opportunities to qualify. The Corrections Policy Committee (CPC) approved the pilot previous to its introduction last September. It was well received, students like it and data collected looked strong, anecdotal observations from students as well as a number of visiting instructors was positive and outcomes were good. The proposal before you today is to approve making the pilot a permanent program and to replace the former Firearms Parole and Probation program with the new Armed Parole & Probation program. An OAR to follow will not mandate this program for all officers, but agencies who employ Armed Parole & Probation officers would be required to have their officers pass this program either here at DPSST or at their own agencies, if they have the capacity to provide the training. He referenced the back of the packet that was provided to the Board which includes a list of the constituent members, including a community member and a member of the State Police who assisted in crafting the new curriculum, alongside DPSST staff.

John Teague motioned to approve the proposed 2020 Armed Parole & Probation Curriculum changes. Colette Peters seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

f. *Correspondence from Rachel Stappler – Physical Standards

Request to Form a Workgroup

Linsay Hale explained correspondence received from Rachel Stappler who is a public citizen and formerly, a constituent, regarding physical standards, stating that currently public safety officers are required to demonstrate their physical ability to perform their jobs prior to graduating which includes a medical exam signed off by a licensed physician or surgeon. The specific concern is that some communities don't have these specific professionals available to perform this function. In light of this discussion, we would like to look at medical standards at this time, since it has been five years since they were looked at and also to clarify the role that DPSST and the Board play regarding this, in the hiring of public safety officers. Some applications of the standard lean towards pre-employment screening and others lean toward pre-academy screening. For this reason we are requesting permission to form a formal Workgroup to look at this standard in its entirety which would be comprised of all of the public safety disciplines, as well as an occupational physician, a nurse practitioner and most likely a member of an insurance carrier from around the State.

James Oeder motioned to approve the formation of a work group for the purpose stated.

John Teague seconded the motion. A vote was taken by roll call of members present and the motion carried unanimously.

5. Private Security/Investigator Policy Committee

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

Chair Thomas briefly updated the Board stating that the Private Security and Investigators Policy Committee met on November the 20th 2019 to review a public comment received on a proposed rule pertaining to Events and Entertainment Private Security professional's training requirements. The proposed rules and curriculum are brought to you today. Additionally the committee is in the process of transforming the previous subcommittees into workgroups. This will allow the ability to require a subject matter expert to assist and advise on topics related specifically to Private Security topics.

Linsay Hale added to Chair Thomas' comments, highlighting that this curriculum is something that this Department has been working on for nearly a decade. It recognizes the specified role that crowd management professionals play in providing security and has developed a certification and curriculum for that, in partnership with the Oregon Liquor Control Commission as well as the Fire Marshal's Office. We appreciate the partnership and work that went into its development.

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

A. *Event and Entertainment Curriculum - Approve

Provides event and entertainment industry-specific training by providing learning outcomes directly related to the services provided while working in an event and entertainment business or venue.

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

B. * OAR Chapter 259 Division 60 – Proposed Rule Change - Approve

Adoption of an Event and Entertainment Private Security Professional Certification as a new Private Security Provider Certification.

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

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

6. Administrative

a. Instructor eligibility for the Law Enforcement Memorial – Proposed Legislative Concept

Clarify Memorial Eligibility of Instructors of Public Safety Professionals

Linsay Hale asks the Board consider a legislative concept that deals with the Law Enforcement Memorial Wall, specifically to address a disparity that exists between certified and non-certified instructors employed by DPSST.

DPSST staff are able to retain their certifications while employed full-time at DPSST under certain circumstances. Currently the statutory construct requires an officer who is a victim of a tragedy to be certified in order to be recognized on the Wall. This creates a disparity in the case of a non-certified DPSST instructor and a certified DPSST instructor being recognized differently should tragedy strike, since the Board would be allowed to only consider the certified trainer for placement of their name on the Wall. The other would not meet the eligibility criteria because of their lack of certification. The proposed concept would recognize what the public safety trainer is doing, rather than whether they are certified, in this case, to equalize their eligibility to be recognized on the Wall.

Action Item is to give the Board permission to move forward with this concept, which would include going to the Governor's office and asking permission and then going through the actual legislative process.

A discussion was held in regard to the proposed legislative concept regarding the differences between public safety officers holding certifications and public safety instructors and personnel not holding certifications. Members discussed that while all are equally valuable not all are law enforcement officers and therefore should not be eligible to be added to the Wall which is designated for recognizing Fallen Law Enforcement Officers killed while on duty.

Linsay Hale asked for this discussion to be tabled today and to reconsider this concept based on the comments and concerns shared during this discussion by members of the Board. Additional work will be done in an attempt to address the stated disparity and return it to the Board at a later date with additional considerations.

b. DPSST Procurement Authority (ORS 181A.410) – Proposed Legislative Concept

Housekeeping Changes to DPSST's Procurement Authority

Linsay Hale explained a housekeeping correction in DPSST's authorizing statutes, reading to the members from the staff memo provided in the Board packet. The statutory authority given to DPSST to contract with persons or agencies for the purposes of doing business has existed since the inception of this body. The statutory wording has outlived the terminology used in contracting code today. Although the legislative intent is largely silent, we believe strongly the intention was to allow the Department to conduct business in the manner that we currently do. We are asking the Board's permission to proceed with the concept that brings the authority up to date with the current contracting language. The suggested language has been provided in the memo and could potentially be changed during the legislative process.

John Teague motioned to approve the proposed legislative concept, as described in the memo. Brian Wolfe seconded the motion. A vote by roll call of the members present was taken and the motion carried unanimously.

7. Director's Report - Director Gabliks

Board Member Updates

- Director Eriks Gabliks welcomed new Board member Sheriff Matt English of the Hood River County Sheriff's Office as a representative of the Oregon State Sheriff's Association. Sheriff English takes the place of recently retired Sheriff Jason Myers of Marion County.
- Eriks shared that Chief Danielle Outlaw of the Portland Police Bureau recently accepted the Police Commissioner's position with the City of Philadelphia with an effective date of February 1, 2020. DPSST is working with the Portland Police Bureau and their new Chief Jamie Resch to complete the necessary documents required for her to join the Board. Chief Resch has indicated to staff that she will ask Chris Davis to remain on the Board's Police Policy Committee as her representative in his new role as Deputy Chief.
- DPSST is working with the Oregon State Firefighters Council on a replacement for Tricia Connelly.
- DPSST staff has also met with a private security professional in retail, who is interested in the vacant Board position.

Executive Committee Meeting Update

On December 10, 2019 the Executive Committee of the Board met at the request of staff to discuss two matters with urgent timelines. The Executive Committee consists of the Board Chair and the Chairs of the various Policy Committees. The Executive Committee affirmed a recommendation from the Corrections Policy Committee regarding a professional standards case involving Tyler Beers of the Department of Corrections. The Executive Committee also affirmed a recommendation from the Police Policy Committee regarding the academy dismissal of Caleb Saulo of the Warm Springs Police Department.

Program Updates

- Academy enrollment continues to be steady. The large numbers of retirements of certified personnel that were predicted have continued, which has meant an on-going demand for basic and advanced training classes at the Oregon Public Safety Academy. The largest demand continues to be in the 16-week Basic Police Course which offered eleven classes during 2019. The forecast for 2020 shows that this trend will continue for at least another year, or two. DPSST is not experiencing any delays in getting newly hired personnel into basic training classes.
- Curriculum updates continue to occur in all areas. The implementation of the Phase II changes to the 16-week Basic Police Course have been, for the most part, well-received. One area we are working to address are concerns raised by some constituents regarding a new technique (Vertical Ready) implemented in the firearms unit of the Course. DPSST staff is working to create a video which shows and explains this new addition, as well as a request for feedback, to help determine whether this technique is too advanced for the Basic Course. This issue will be addressed by staff once feedback is received. Feedback will be provided to the Police Policy Committee as to how this is addressed.
- The Phase III Basic Police Curriculum Review Work Group continues its work. Focus for Phase III (the final four weeks of the 16-week course) is vehicle stops, investigations, and scenarios. Eriks anticipates this will be ready for the Police Policy Committee by Spring of this year, with discussion on implementation to follow.
- The review and update of both the 80-hour Supervision and 80-hour Middle-Management classes continues as does a work group formed to develop a Field Training and Evaluation (FTEP) train-the-trainer class to address retirements taking place within this instructor cadre.
- With the completion of the revisions to the 16-week Basic Police Course forecast by the end of 2020, next up is a comprehensive review and update of the 6-week Basic Corrections Course. This review will involve city, county, and state corrections professionals, citizens, and DPSST staff. This effort will be led by our Center for Policing Excellence which oversees all curriculum changes. There are rumors already circulating that the class will move from six to eight weeks in length. Eriks asked the Board to not believe everything they hear because it's not true. Any additions to the current six-week course, once approved by the Board and its Corrections Policy Committee, would require additional funding by the legislature as DPSST doesn't have any funds to expand the current course. As our 2021 budget will be ready for submission in July of 2020, if an addition is warranted, it would be included in a Policy Option Package (POP) for the 2023 legislative session.

Professional Standards Update

DPSST received a question last week from members of the Oregon State Sheriff's Association and Oregon Association of Chiefs of Police regarding the recently adopted pre-employment psychological screening standards. The question was regarding employees who move from one position to another, within the same agency, and completed the same pre-employment psychological evaluation when hired. Eriks stood by the work of staff and shared that this question was sent to the Attorney General's Office for review and feedback.

Budget

- With permission granted by the Board at its October meeting, DPSST submitted a Ways & Means request for the 2020 session for funds to deliver four additional Basic Police classes in our current (2019-2021) budget. If this request is not approved, DPSST will run out of funds for Basic Police classes probably by November of 2020, based on the volume of newly hired law enforcement officers being hired by city, county, state, tribal and university agencies around the state. The request also includes funds for an additional custodian and an information services position. DPSST is not aware of any legislation being introduced for the 2020 session that will affect the Board or the Department, but if any issues arise, the Board will be made aware of the issues.
- DPSST staff is working on the Agency Request Budget (ARB) for the 2021 legislative session. DPSST will present the ARB, along with any Policy Option Packages (POP), which are requests for funds for additional personnel or services/supplies at an upcoming Board meeting.

General

- Eriks thanked Board members for their patience with the on-line harassment training that is required of all state employees and board members. In addition to short timelines, the I-Learn system being down did not help matters. The system is up and running and also impacted private security providers who were looking to access on-line training programs created by the Department. Eriks shared that in 2020, DPSST will move to offer the training in-person at Board and Policy Committee meetings as an option. Chief Teague liked the proposal and asked that it be done at the end of the meeting so that members who have completed the training wouldn't have to go through it on multiple occasions. Eriks agreed this was a good suggestion and would be the manner in which staff moves forward.
- The 2020 Oregon Fallen Law Enforcement Officers Memorial has been scheduled for 1 pm on May 5, 2020. The City of Silverton Police Department submitted a name for consideration based on the historic recognition process. This nomination will be evaluated at the February meeting of the Board's Police Policy Committee. If approved for addition, the name would not be added until the 2021 ceremony.
- Oregon's 16-week Basic Police Course, and mandatory Police Field Training Manual, was recently evaluated by the Bureau of Indian Affairs (BIA) as meeting or exceeding the BIA requirements for law enforcement officer training. This issues was raised by several tribal police chiefs in Oregon who asked that equivalency be granted. DPSST worked with BIA staff to complete the review and were appreciative of the subsequent approval of equivalency. Tribal police officers in Oregon will need additional training from the BIA after the DPSST Basic Police Course to perform their duties using federal authority as described in your letter. DPSST has shared BIA's letter with our tribal police chiefs, the United States Attorney for the District of Oregon, the Oregon Legislative Commission on Indian Services, and the Governor's Public Safety Policy Advisor.
- DPSST Fire Program will host the largest two-day training opportunity in the Pacific Northwest for career and volunteer firefighters at the Academy in February. More than 300 firefighters are expected to attend more than a dozen classes being offered. Two of the National Fire Academy classes had to be cancelled because enrollment minimums were not met. There is no fee for anyone to attend this training event.

- DPSST's Fire Program is working with the Northwest Fire Diversity Council, a metro-based group of fire agencies and educational providers, who are working on sharing career opportunities with women and individuals from diverse backgrounds in the fire service. This group is looking to offer a two-day, hands-on, fire-rescue experience at the Academy later this year to bring exposure to the career field. DPSST will host the hands-on training which will be based on the Oregon State Police/American Legion Law Enforcement Career Camp and FBI Teen Academy. No fee will be charged for the opportunity and DPSST will cover meals and lodging.
- To address recent recruiting challenges, DPSST's Fire Program is continuing its internal evaluation on how personnel resources are allocated and what changes might be implemented to assist in hiring and service delivery. The model will remain very similar to what it currently looks like with some changes in personnel deployment and also augmentation by part-time trainers.
- DPSST's recent Elected Officials – Community Partners Academy was well received. The class was full with 20 individuals from various communities around the state attending. The feedback was very positive with many of the attendees asking for more time in the training venues to watch the work of our staff and their students.
- Eriks shared that by Oregon Revised Statute the Board is required to complete an annual performance appraisal of his work. Theresa Janda will work with Chair Patrick-Joling to craft the review which will be sent to all Board members for completion. The review will be discussed at the April meeting of the Board.

8. Next Meeting Date: April, 23 2020