

Board on Public Safety Standards and Training
Minutes
January 26, 2017

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, January 26, 2017 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
Bill Geiger, Private Security Industry
Nadine Purington, Non-Management Parole and Probation
Mathew Workman, Oregon Association Chiefs of Police (Teleconference)
Kelly Dutra, Public Safety Telecommunicators
Colette Peters, Director, Department of Corrections
Mike Araiza, Non-Management Law Enforcement
Travis Hampton, Superintendent Oregon State Police
Kacey Duncan, League of Oregon Cities
Ray Byrd, Private Security Unarmed Policy Subcommittee
Jeff Hering, Non-Management Law Enforcement
David Jones, Oregon Fire District Directors' Association
Greg Marlar, Oregon Fire Chiefs Association (Teleconference)
Patricia Connolly, Oregon State Fire Fighters Council (Teleconference)
James Walker, Oregon State Fire Marshal
Brian Wolfe, Oregon State Sheriffs' Association (Teleconference)
James Oeder, Oregon Volunteer Firefighters Association

Board Members Absent:

Mike Marshman, Portland Police Bureau
Mike Myers, Portland Fire & Rescue
Daina Vitolins, Oregon District Attorneys' Association
Brian Burger, AFSCME Representative, DOC
John Teague, Oregon Association of Chiefs of Police

DPSST Staff:

Eriks Gabliks, Director
Mike Leloff, Academy Training Division Director
Jennifer Howald, Rules & Compliance Coordinator
Linsay Hale, Professional Standards Division Director
Suzy Herring, Private Security/Investigator Program Manager
Carissa White, Private Security/Investigator Compliance Investigator
Rob Meeks, Private Security/Investigator Curriculum Development Specialist
Julie Olsen-Fink, Fire Certification Supervisor
Kayla Ballrot, Fire Certification Compliance Specialist
Katrina Robson, Professional Standards Investigator and Coordinator
Mona Riesterer, Professional Standards Assistant

Guests:

Carli Brosseau, The Oregonian

Chris Davis, Portland Police Bureau

Tom Williams, Portland Fire & Rescue

1. Welcome New Member – Ray Byrd - and Introductions

Chair Myers welcomed new member, Ray Byrd and asked him to briefly introduce himself.

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

A. *Minutes

Approve minutes from the October 27, 2016 meeting

B. (Moved item to regular agenda for discussion)

C. *OAR 259-008-0010, 259-008-0011, 259-008-0075, 259-008-0080 – Proposed Rule Change - Approve

Amend drafted language requiring public safety professionals to report arrests, adding “or criminal citations” to DPSST, as presented.

Unanimous vote to recommend to the Board by the TPC on November 2, 2016, Unanimous vote to recommend to the Board by the CPC on November 8, 2016 and Unanimous vote to recommend to the Board by the PPC on November 17, 2016.

D. *OAR 259-008-0065 – Proposed Rule Change - Approve

Adds maintenance for certification for corrections officers, parole and probation officers and regulatory specialists, includes additional amendments to clarify maintenance requirements and processes.

Unanimous vote to recommend to the Board by the CPC on November 8, 2016 and Unanimous vote to recommend to the Board by the PPC on November 17, 2016.

E. *OAR 259-008-0090 – Proposed Rule Change - Approve

Updates rule language to reflect changes in the submission of training records to DPSST.

Unanimous vote to recommend to the Board by the TPC on November 2, 2016, Unanimous vote to recommend to the Board by the CPC on November 8, 2016 and Unanimous vote to recommend to the Board by the PPC on November 17, 2016 with clarifications to section (7).

F. *OAR 259-008-0010, 259-008-0011, 259-008-0085 - Proposed Rule Change - Approve

Provides recommended updates and clarifies retest options for PCOD/CCOD courses.

Unanimous vote to recommend to the Board by the TPC on November 2, 2016, Unanimous vote to recommend to the Board by the CPC on November 8, 2016 and Unanimous vote to recommend to the Board by the PPC on November 17, 2016.

G. *OAR 259-061-0018 – Proposed Rule Change – Approve

Amends rule language regarding the expert witness exemption from licensure as a private investigator.

Unanimous vote to recommend to the Board by the PSIPC on November 15, 2016

H. *OAR 259-061-0010 and 259-061-0110 – Proposed Rule Change – Approve

Amends rule language regarding the application and process for temporary investigator licensure.
Unanimous vote to recommend to the Board by the PSIPC on November 15, 2016.

I. *OAR 259-060-0015 et al – Proposed Rule Change – Approve

Review of public comment regarding proposed rule language to amend and adopt responsibilities and compliance regarding use of prohibited business name per HB 4142.

Unanimous vote to recommend to the Board by the PSIPC on November 15, 2016.

J. *OAR 259-060-0010 – Proposed Rule Change - Approve

Amends definition of “Alarm Monitoring Facility” to exclude a facility that provides temporary services during an outage or emergency.

Unanimous vote to recommend to the Board by the PSIPC on November 15, 2016.

K. *Updated 2016 Unarmed Private Security Training Course (Curriculum) and 2016 Unarmed Private Security Refresher Course - Approve

Vote to recommend to the Board by the PSIPC on November 15, 2016.

L. *Unarmed Curriculum Testing – Approve

Allows for DPSST curriculum staff to compose test questions based on approved curriculum and learning outcomes and to update questions if needed for clarification or ORS/OAR updates.

Updates effecting Learning Goals and Outcomes would be forwarded to Unarmed Subcommittee and PSIPC for review.

8/2 Vote to recommend to the Board by the PSIPC on November 15, 2016.

M. *Christian Fritz DPSST#F28303 (Sandy RFPD/ #72) – Not Discharge for Cause – Not Revoke

5/4 vote to recommend to the Board by the FPC on November 16, 2016.

N. *Geanna Harrison DPSST#F29281 (Warrenton Fire Department)) - Not Revoke

Unanimous vote to recommend to the Board by the FPC on November 16, 2016.

O. *Lyndon B. Johnson DPSST#32221 (Evans Valley Fire District #6) – Revoke

Unanimous vote to recommend Revocation and 8/1 vote to recommend to not allow re-application for two years to the Board by the FPC on November 16, 2016.

P. *Marc Brodeur DPSST#43446 (Yamhill County Sheriff’s Office) – Revoke

8/6 vote to recommend to revoke and unanimous vote to recommend a 5-year ineligibility to the Board by the PPC on November 17, 2016.

Q. *Richard Tirico DPSST#23776 (John Day Police Department) – Revoke

Unanimous vote to recommend to the Board by the PPC on November 17, 2016.

R. *Jordan Kirksey DPSST#54339 (Linn County Sheriff’s Office) - Not Deny Application for Training and Subsequent Certification

Unanimous vote to recommend to the Board by the PPC on November 17, 2016.

S. *Bryan Holman DPSST#56585 (Warm Springs Police Department) – Not Deny Application for Training and Subsequent Certification

Unanimous vote to recommend to the Board by the PPC on November 17, 2016.

T. * Adam Garner DPSST#49574 (Marion County Sheriff's Office) – Revoke
Unanimous vote to recommend to the Board by the CPC on November 8, 2016.

U. * Dawn Kennard DPSST#32548 (Marion County Sheriff's Office) - Revoke
Unanimous vote to recommend to the Board by the CPC on November 8, 2016.

V. * Michael Yanez DPSST#56333 (DOC - CCCF) – Not Deny Application for Training and Subsequent Certification
Unanimous vote recommend to the Board by the CPC on November 8, 2016.

W. * Patrick Williamson DPSST#56589 (DOC – EOCI) – Not Deny Application for Training and Subsequent Certification
Unanimous vote to recommend to the Board by the CPC on November 8, 2016.

X. * Bradley Kave DPSST#56605 (Lane County Sheriff's Office) – Not Deny Application for Training and Subsequent Certification
Unanimous vote to recommend to the Board by the CPC on November 8, 2016.

Y. * Joseph Hutchison DPSST#56564(Grant County Sheriff's Office) – Not Deny Application for Training and Subsequent Certification
Unanimous vote to recommend to the Board by the CPC on November 8, 2016.

Z. * Dustin Herron DPSST#56417 (DOC - TRCI) – Not Deny Application for Training and Subsequent Certification
Unanimous vote to recommend to the Board by the CPC on November 8, 2016.

AA. * Sabrina Herrera DPSST#56571(DOC - CCCF) – Not Deny Application for Training and Subsequent Certification
Unanimous vote to recommend to the Board by the CPC on November 8, 2016.

BB. * Tyrel Caswell DPSST#56431 (DOC - EOCI) – Not Deny Application for Training and Subsequent Certification
Unanimous vote to recommend to the Board by the CPC on November 8, 2016.

CC. * Matthew Allen DPSST#56379 (DOC) – Not Deny Application for Training and Subsequent Certification
Unanimous vote to recommend to the Board by the CPC on November 8, 2016.

DD. * Daniel C. Kor PSID#03990 (Bravo Event Services Inc.) – Assess Civil Penalty
Vote to recommend to the Board by the PSIPC on November 15, 2016.

Item Y: Linsay Hale gave an update regarding Consent agenda Item Y: Joseph Hutchison, Grant County Sheriff's Office. The application for Basic Corrections Training was reviewed at the last Corrections Policy Committee due to a previous conviction prior to his employment in the corrections field. The CPC is recommending to the Board today that that application be approved. There has since that time been another somewhat high profile arrest involving Mr. Hutchison, which is not being reviewed at this time as only the application for training is currently being considered. DPSST has opened another case involving Mr. Hutchison that will be reviewed as the Court proceedings conclude. This is to provide clarification as to why the application was not denied.

Item M: Patricia Patrick-Joling requested to pull item M. - Christian Fritz - to send back to the FPC for further review. She felt there was a pattern of destructive behavior and felt that revocation should be reconsidered. Greg Marlar requested a summary review of the Fire Standard and the definition of cause under the new OAR, from Lindsay Hale to explain how the FPC came to their decision. Lindsay explained this case before the Board is the first case involving a discharge for cause by a Fire Service Professional under the new standard. However, after lengthy discussion by the FPC it was decided that considering the course of events the discharge of the individual is not “for cause” for certification purposes. Greg Marlar recalled for the Board that a previous vote for revoking certification failed. Lindsay Hale further explained that once a determination has been made that someone is discharged for cause they are permanently ineligible for certification, which is different than what has been historically discretionary. This one is different because the law requires that there is no consideration given for certification following discharge for cause once ineligible. The distinction is that the employing Agency discharge for cause discussion is not necessarily the same as the certification discussion for discharge for cause, according to the State of Oregon, which is why there is a definition for that adopted in the Rule.

Patricia Patrick-Joling motioned to pull item M and send back to the Fire Policy Committee for further Review. Kelly Dutra seconded the Motion. The motion carried with a 10/5 vote.

Greg Marlar motioned to approve the consent agenda with the exception of item M. James Walker seconded the motion. The motion carried with a 14/1 vote with Patricia Patrick Joling voting Nay on items N., S., T., V., W., X., Y., Z., AA., BB., CC.

3. *OAR 259-008-0005, 259-008-0010, 259-008-0011, 259-008-0070, 259-008-0080 – Proposed Rule Change - Approve

The Criminal Justice Denial/Revocation Workgroup recommendations for denial and revocation standards.

Unanimous vote to recommend to the Board by the TPC on November 2, 2016, Unanimous vote to recommend to the Board by the CPC on November 8, 2016, Unanimous vote to recommend to the Board by the PPC on November 17, 2016.

Jennifer Howald referenced attachment “D” that was distributed electronically to the Board. Attachment D is in reference to Consent item B, which was pulled from the original consent agenda. This details the changes being made to OAR 259-008-0070 based upon the recommendations of the CJ Revocation Workgroup, staff recommendations, reviews from the Department of Justice and reviews by the Telecommunications, Corrections and Police Policy Committees. These proposed rule changes were pulled from the consent agenda in order to present to the Board and verbally on the record additional recommendations received from the Department of Justice. These recommendations change some of the OAR draft language included in the memo for review. The changes are to the revocation by stipulated order process and voluntary surrender of certifications.

Part 1: Changes included the addition of language that outline a process for surrendering certifications and recognition that a person may surrender their certification at any time and in some cases prior to DPSST’s knowledge of conduct that may lead to review. The original proposed language is included in the memo as section 6g and attachment D provides the new recommendation from DOJ to create that as a separate section and added additional new language.

Part 2: The proposed rule changes to 259-008-0070 included a change in the language for a stipulated order revoking certifications based upon a person’s voluntary relinquishment. The

draft on page 25 of the memo labeled subsection (f) changed the language from relinquishment to surrender in recognition of the use of the term surrender in the Oregon Revised Statute. Historically DPSST has offered a stipulated order to those who have voluntarily agreed to relinquish their certification instead of proceeding through the Policy Committee and Board Review process (without the public record review, as an individual stipulates to the terms and relinquishes their certifications). The term relinquishment leads an individual to believe they are resolving the issue with a lesser offense or a better outcome than an actual revocation. Attachment D provides new language from the DOJ based upon their recent recommendation to update this process to issuance of a final order and requirement that the person withdraw any request for a hearing and agree in writing to accept the permanent revocation of their certifications. The new language is intended to provide a clearer process and a better understanding of the permanency of revocation for the affected individual who chooses this option.

James Walker motioned to approve the recommended changes as described above. Collette Peters seconded the motion. The motion carried with a unanimous vote.

4. Professional Standards Update – Linsay Hale

Linsay Hale thanked the Board for their consideration of the rule changes as identified in Item 3 and explained that they will be open for public comment in March. She also gave an update on rule changes voted on today as well as other proposed rules filed.

- The proposed rule change for OAR 259-008-0065 involves the implementation of a maintenance training standard for Corrections, Parole and Probation and the OLCC Regulatory Specialists. There is a grandfather clause allowing a three year period to familiarize the affected agencies with the law enforcement maintenance standard. There will also be a public comment period for this as well.
- Another rule voted on today was regarding the requirement of officers to report arrests rather than convictions which was pulled off of the consent agenda at the last Board meeting. The language has been worked out and resolved and was presented again in the consent agenda today.
- A rule to require a department head signature on the F-4 form for criminal justice, which are personnel action changes reported to DPSST was voted on today. We did receive public comment on that and so it will be presented again at the next Board meeting.
- Supervisory certification changes for law enforcement, which was voted on at the last Board meeting to recommend filing permanently has received public comment and will hopefully be presented again for a vote at the next meeting.
- Two more filed from Criminal Justice, Telecommunications and EMD maintenance. A Workgroup is convened and looking at standards. We are hoping to have that recommendation to the Telecommunications Policy Committee in March to present to the Board in April.
- Finally the management and executive certification levels for criminal justice will be reviewed.

- The biggest change in the Fire group is the denial/revocation standard that was affected on 1/1/16. The case discussed today which has been affected by this will be taken back to the Fire Policy Committee to work through that process to make it as clean as possible.
- A proposed rule change recommended to The Board by the Private Security and Private Investigators Policy Committee was voted on today regarding language that implements the intent of House Bill 4142 which was passed in the 2016 Legislative Session, dealing with creating a distinction between those who are employed in a law enforcement capacity and those who are employed in a Private Security capacity. Public comment was received and issues that came forward were addressed and the language was presented in the consent agenda today and the statutory requirements will be implemented.
- The PSPI group continues to be very active working on curriculums for Private Security. The Board voted on the “Unarmed” curriculum today, which was a much needed update and will be delivered to the private security community so that they are receiving the most up to date and current training.
- The Polygraph Committee is re-visiting and focusing on regulation which includes a substantial re-write of their governing rules as well. Hopefully this will be ready for the next Board meeting as well.

Linsay thanked the Board for their concern and dedication in considering these items and approving them so that public safety regulations can continue to improve.

5. Director’s Report – Director Eriks Gabliks

Eriks shared that Mike Leloff has been hired as the new Training Division Director at DPSST. Mike has served in law enforcement for more than 20 years having and worked with the cities of Cornelius, Tualatin and Portland. Mike recently retired as the Assistant Chief of the Portland Police Bureau and DPSST is pleased to have him on our staff.

Legislative/Budget Update

- Eriks gave an update on discussions taking place with the legislative Ways and Means Committee. In December, DPSST requested additional Basic Police and Basic Corrections classes to meet the hiring needs of constituents. DPSST also requested funds to replace the Fire and Life Safety System at the Oregon Public Safety Academy which is aging and replacement parts are no longer available. DPSST also requested permission to apply for a FEMA Assistance to Firefighter Grant (AFG). The Ways & Means Emergency Board (E-Board) approved the grant application request and also provided funds to replace the fire and life safety systems. The E-Board did not provide funds for additional basic classes as it could not approve budget limitation. The E-Board did advise the agency to bring this request back to the 2017 session. Eriks shared that if additional funds are not received basic classes scheduled for Spring of 2017 will need to be cancelled.
- DPSST continues to prepare for the budget discussions that will take place in the 2017 session regarding the organization’s budget. The Governor’s Recommended Budget (GRB) proposes a reduction of two basic police classes but acknowledges that if additional classes

are needed to meet needs of local communities additional classes can be requested through the E-Board. The Co-Chairs of the Ways & Means Committee have asked state agencies to submit proposed reductions of up to 15% which, for DPSST, would reduce the number of Basic Police classes by six.

- Eriks shared that DPSST is tracking dozens of the bills that have been introduced for the 2017 Legislative Session, many of which will have an impact on DPSST. Lindsay Hale, DPSST's Professional Standards Division Director, is overseeing this process and the agency will keep the Board up to date on bills that are being tracked. Eriks shared that a high level update will be sent on a monthly basis to the Board and if any members wanted detailed information on any bill DPSST staff would be available to provide that.

DPSST News/Update

- Last week DPSST hosted several members of the House and Senate Judiciary Committee's for a session on use of force that was provided jointly by the Oregon Association of Chiefs of Police, Oregon State Sheriff's Association, Oregon State Police, Portland Police Bureau and the Oregon Coalition of Police & Sheriffs (ORCOPS). Additional sessions are being discussed over the next few weeks to highlight the Academy but also to provide for specific opportunities to see and experience the decisions officers make around the state on a daily basis.
- Eriks shared that the enrollment data continues to remain strong for all basic classes offered at the Academy. DPSST staff have seen no slow-down in the number of officers retiring and the number of new officers being hired. DPSST staff continues to provide quality training and is working to get newly hired officers into available academy classes as soon as possible.
- Eriks shared that the Private Security Program is caught-up on its licensing requests and is keeping up with the workload. The Criminal Justice Standards and Certification Section is also caught up with the entry of training rosters (Form F-6) in officer records.
- Finally, the Fire Program at DPSST is getting ready to host the largest two-day firefighter training event in the Pacific Northwest at the Academy which is called the Winter Fire School and will attract approximately 400 career and volunteer firefighters. DPSST also recently hosted a work group to look at the Urban Search and Rescue (USAR) training and certification standard which will be making recommendations for consideration to the Board's Fire Policy Committee.

General

- The Secretary of State Audit continues with numerous discussions taking place among auditors, DPSST staff, and constituents. The focus of the audit has not been determined to date but Eriks said that the organization welcomes the review and looks forward to the report.
- The Oregon Association of Chiefs of Police and Oregon State Sheriff's Association continue their work on the mental health crisis response work group that is looking at a

statewide response framework and also training needs of public safety responders. Eriks shared that more than 600 students have attended training classes on mental health crisis responses ranging from Mental Health First Aid, Crisis Intervention Training, and one-day topic specific classes. Recently DPSST's mental health team met with the public safety personnel at Portland International Airport that is looking at creating a crisis intervention team for incidents at the airport.

6. Other

The Board discussed delivery method options of Board meeting materials to Board members. The possibility of using a Google Drive account where members would have the option of looking at the Board packet materials in an electronic format was suggested. Some members were interested in this as an option, but some would also like to keep the physical hard copy format. It was agreed that this option will be offered as a pilot for the next meeting and members will be given an option as to how they would like to receive their Board meeting packet.

7. Policy Committee Update

- Corrections Policy Committee – Brian Burger, Chair – No report.
- Fire Policy Committee – Greg Marlar, Chair – No report.
- Police Policy Committee – Matt Workman, Chair – No report.
- Private Security Policy Committee – Bill Geiger, Chair – Reported that most updates have been already covered during the meeting but added that the Event Subcommittee is working on an Event/Crowd Management Curriculum.
- Telecommunications Policy Committee – Kelly Dutra, Chair – Chair Dutra reported that the next TPC meeting originally scheduled for February 1, 2017 has been rescheduled to take place on March 3, 2017.

8. Next Meeting Date: April 27, 2017