Board on Public Safety Standards and Training Minutes

April 26, 2018 (Draft)

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, April 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

Travis Hampton, Superintendent Oregon State Police

Ray Byrd, Private Security Unarmed Policy Subcommittee

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, Portland Fire & Rescue

Loren Cannon, Federal Bureau of Investigation

Kacey Duncan, League of Oregon Cities

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

Bill Geiger, Private Security Industry (Teleconference)

Kelly Dutra, Public Safety Telecommunicators

Board Members Absent - Excused:

Jeff Hering, Non-Management Law Enforcement Danielle Outlaw, Chief, Portland Police Bureau James Cook, AFSCME/DOC Representative Doug Marteeny, ODAA

DPSST Staff:

Eriks Gabliks, Director

Jennifer Howald, Rules & Compliance Coordinator

Linsay Hale, Professional Standards Division Director

Marsha Morin, CJ Certifications Program Manager

Theresa Janda, Executive Assistant to the Director

Kristin Hibberds, Professional Standards Investigator & Coordinator

Mike Leloff, Training divisions Director

Jordan James-Largent, Professional Standards Investigator & Coordinator

Guests:

Barry Jerkins, Public Member Maxine Bernstein , The Oregonian

^{*}Requires a vote by the Board.

Administrative Announcement

"This is a public meeting, subject to the public meeting law and it will be recorded."

1. Introductions

Chair Myers welcomed new Board members, Darren Bucich and Doug Marteeny.

2. *Minutes

Approve minutes from the January 25, 2018 Meeting

Patricia Patrick-Joling motioned to approve the Minutes from January 25, 2018. Collette Peters seconded the motion. The motion carried with a unanimous vote.

3. Executive Committee

a.* Recommendation for Public Members to the Policy Committees - Approve

Approve Public Member additions to the Policy Committees.

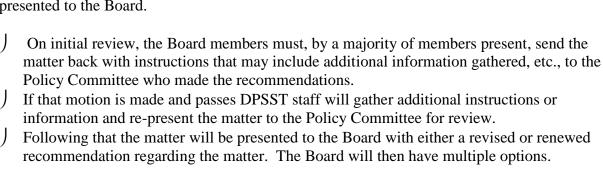
Recommended by consensus, to the Board, by the Executive Committee, on February 28, 2018.

J Barry Jerkins
By consensus, Executive Committee members unanimously supported Barry Jerkins'
appointment to the Corrections Policy Committee.
Reverend Dr. Deborah Brown
By consensus, the Executive Committee unanimously supported Dr. Reverend Brown's
appointment to the Fire Policy Committee.
Andre Lindauer
By consensus, the Executive Committee members unanimously supported Andre Lindauer's
appointment to the Telecommunications Policy Committee.

Patricia Patrick-Joling motioned to approve the recommendations by the Executive Committee to ratify the public members to the Policy Committees as stated above. Brian Wolfe seconded the motion. The motion carried with a unanimous vote.

<u>b. Information Only - Deferring/Overturning Policy Committee Recommendations:</u> Procedural Update - Temporary Rule

Professional Standards Division Director, Linsay Hale explained that the last Board meeting exposed a tension created when the Board disapproves a Policy Committee recommendation. Staff has filed a temporary rule that will allow the Board to handle disciplinary recommendations moving forward and it will apply to all matters pending. It outlines steps that must be taken if the Board members disagree with a Policy Committee recommendation presented to the Board.



- o To approve the recommendation in its entirety, which would be done by a majority of the members present.
- o If the Board or a member of the Board disagrees with the recommendation, still a motion could be made to disapprove the matter. Disapproval, requires by law, 2/3 of the Board vote to disapprove, or 16 members, regardless of how many are present.
- o If the motion is made and fails to get a second or the motion does not pass with 2/3 majority, then the recommendation as the Policy Committee made it, will automatically go forward as recommended in its entirety.
- If the Board disapproval stands and 16 of the members vote to overturn a recommendation, then staff will facilitate the conversation to create a new record for moving forward.

This is currently in temporary rule form. The permanent rule making process has begun. This matter will be brought forth to all of the Policy Committees for review and recommendation to the Board for a permanent rule. This is being presented to the Board today, as information only.

4. Fire Policy Committee

a. Fire Policy Committee Update - James Oeder, Chair

Chair James Oeder gave a brief update to the Board on the Fire Policy Committee. He reported that the last meeting was cancelled due to a lack of agenda items. He also reported that all positions on the Fire Policy Committee are filled now, with two vacancies recently filled that will be ratified by the Board today; Paula Simone who will replace Bill Klein and Reverend Dr. Deborah Brown, who will fill the new public member position. There is a full agenda for the next FPC Meeting coming up in May.

b. *Committee Appointments

Fire Policy Committee Appointment

Paula Simone; Appointment to the FPC to replace Bill Klein,; 1st term effective 4/26/18

Patricia Patrick-Joling motioned to approve the recommendation to ratify Paula Simone's appointment to the Fire Policy Committees as stated above. Collette Peters Seconded the motion. The motion passed with a unanimous vote.

5. Criminal Justice Policy Committees

a. Police Policy Committee Update – Jeff Hering, Chair

Vice Chair, John Teague gave an update to the Board on the Police Policy Committee, in the absence of Chair Jeff Hering. Vice Chair Teague reported that the last meeting was seven hours long, but it was a good meeting with much good conversation. He expressed appreciation for the new members who participated, Patricia Patrick-Joling and Liz Lawrence.

b. Telecommunications Policy Committee Update - Kelly Dutra, Chair

Kelly Dutra gave a brief update on the TPC, stating the next meeting will be next week. She commented on the good work being done by the Telecommunications Academy

Curriculum Committee. Director Gabliks interjected, at Chair Dutra's request regarding the timeline for delivery of this new curriculum, stating that it should be coming to the Policy Committee for review and a vote on the staff recommendations possibly in January, following Beta testing in the Fall. Chair Dutra also expressed appreciation for DPSST Coordinator, Tami Atkinson's support.

c. Corrections Policy Committee Update – Jason Myers, Chair

Chair Jason Myers gave a brief update on the Corrections Policy Committee, stating that the last meeting was very long with a significant amount of cases. This resulted in the Committee requesting that less cases are presented at meetings going forward.

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

A. *OAR 259-008-0100 - Proposed Rule Change - Approve

Updates to the retirement card program

Recommended to the Board by the TPC on February 7, 2018. Recommended to the Board by the CPC on February 13, 2018. Recommended to the Board by the PPC on February 15, 2018. No Public Comments Received

B. *OAR 259 Division 8 -- Proposed Rule - Approve

Signature Authorities for DPSST Forms

Recommended to the Board by the TPC on February 7, 2018. Recommended to the Board by the CPC on February 13, 2018. Recommended to the Board by the PPC on February 15, 2018. No Public Comments Received

C. *OAR 259-008-0040 and OAR 259-008-0060 - Proposed Rule Change - Approve

Nine months of experience required for Basic Certification

Recommended to the Board by the TPC on February 7, 2018. Recommended to the Board by the CPC on February 13, 2018. Recommended to the Board by the PPC on February 15, 2018. No Public Comments Received

D. *OARS 259-008-0005 et al – Proposed Rule Changes – Approve

Multi-Discipline Certificate

Recommended to the Board by the TPC on February 7, 2018. Recommended to the Board by the CPC on February 13, 2018. Recommended to the Board by the PPC on February 15, 2018. No Public Comments Received

E. *Steve Watson DPSST#21400 (Columbia 9-1-1 Communications) - Revoke

Recommended to the Board by the TPC on February 7, 2018.

F. *Matthew Roberts DPSST#31889 (OLCC) – Revoke

Recommended to the Board by the PPC on February 15, 2018.

G. *James Duncan DPSST#35361 (Oregon State Police) – Revoke

Recommended to the Board by the PPC on February 15, 2018.

H. *Nicholas Markos DPSST#32110 (Washington County Sheriff's Office) - Revoke

Recommended to the Board by the PPC on February 15, 2018.

- I. *Tanner Bazer DPSST#55400 (Springfield Police Department) No Action
- Recommended to the Board by the PPC on February 15, 2018.
- J. *Marc Brodeur DPSST#43446 (Yamhill County Sheriff's Office) Revoke

Recommended to the Board by the PPC on February 15, 2018.

K. *Tyler Audisio DPSST#58186 (Josephine County Sheriff's Office) - No Action against application for training and subsequent certification

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

L. *Robert Gilham DPSST#57870 (Warm Springs Police Department) – Deny application for training and subsequent cerification

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

- M. *Dan Peter DPSST#33705 (Washington County Community Corrections) Revoke Recommended to the Board by the CPC on February 13, 2018.
- N. *Joseph Pishioneri DPSST#09995 (Lane County Sheriff's Office) Revoke Recommended to the Board by the CPC on February 13, 2018.
- O. *Bruce Rava DPSST#48376 (Not currently employed) Revoke Recommended to the Board by the CPC on February 13, 2018.
- P. *Billy Severe DPSST#51493 (Dept. of Corrections SRCI) Revoke Recommended to the Board by the CPC on February 13, 2018.
- Q. *Robert Trono DPSST#42442 (Deschutes County Sheriff's Office) Revoke Recommended to the Board by the CPC on February 13, 2018.
- R. *Brenda Hein DPSST#48399 (Clackamas County Community Corrections) Revoke Recommended to the Board by the CPC on February 13, 2018.
- S. *Steven Goucher DPSST#40781 (Not currently employed) Suspend Recommended to the Board by the CPC on February 13, 2018.
- T. *Brandon Szabo DPSST#48987 (Deschutes County Sheriff's Office) Revoke Recommended to the Board by the CPC on February 13, 2018.
- <u>U. *Hector Torres DPSST#38280 (Dept. of Corrections TRCI) Revoke</u> Recommended to the Board by the CPC on February 13, 2018.
- V. *Robert Nungaray DPSST#55334 (Dept. of Corrections EOCI) Revoke Recommended to the Board by the CPC on February 13, 2018.

W. *Committee Appointments

Corrections Policy Committee

- Greg Martin; Appointment to the CPC to fill vacancy left by Jeff Hernandez; 1st term effective 4/27/18
- Matt Frohnert; Reappointment to the CPC; 2nd term effective 4/28/18

Patricia Patrick-Joling motioned to approve the Criminal Justice consent agenda, as above. John Teague seconded the motion. The motion passed with Bill Geiger recusing himself from the vote due to a conflict with item F. The motion carried with a unanimous vote, minus one recusal.

e. *Lawrence O'Dea DPSST#18924 (Portland Police Bureau - retired) – No Action Recommended to the Board by the PPC on February 15, 2018

Chair Myers explained that item (e.) of the Criminal Justice agenda was pulled from the consent agenda for further discussion at his request due to some concerns he has with this case. He stated concern that there are two open investigations currently, with findings of untruthfulness and a vetting by Portland Police Bureau's HR Director as well as the Independent Police Review Committee. Acknowledging the difficulties of understanding the case due to redactions, he still finds there are untruthfulness issues with this case and in good conscience cannot pass it forward. He feels there was also failure to take action in the case of a hostile work environment. He stated that the bar is very high in Oregon for law enforcement personnel, especially executives, as they set the tone for acceptable behavior. The Chair asked for a motion to send this back to the Police Policy Committee for additional review, recommending that it should be done with an un-redacted report, if possible.

Liz Lawrence, James Oeder and Patricia Patrick-Joling all expressed that they also had concerns about this case and agreed it should have been pulled for further review.

Patricia Patrick-Joling made a motion that the case is sent back to the Police Policy Committee for review and that it is sent back un-redacted. James Oeder seconded the motion. The motion carried with 18 ayes and 1 nay.

Professional Standards Division Director, Linsay Hale, explained that there was a court order that sealed some of the information that was redacted. She offered that staff could get a copy of the order and review the order with the legal counsel to see if the sealing of those records would apply to the purpose that we would be using it for. If so, it would not be reasonable to try to have it unsealed for this purpose. If we cannot get it un-redacted we will re-present without that information.

Linsay Hale clarified that this case will be re-presented at the next Police Policy Committee with instructions to revisit the dishonesty found in two separate investigations, as well as the hostile work environment that was created and as discussed, staff will research the possibility of acquiring un-redacted documents prior to this review.

At the request of a Board member, Linsay Hale explained that under the new temporary rule's process, if the Board ultimately does not agree with the PPC's recommendation, the Board would then have the responsibility of stating the basis of their findings, just as the Policy Committee does, in order to justify their vote.

6. Private Security/Investigator Policy Committee

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

Bill Geiger gave a brief update on the Private Security/Investigatory Policy Committee. He reported that the February meeting was cancelled and the next meeting has been moved from May to June. The Committee has some Rule updates coming up and the "Armed" curriculum is still under review and the new "Event" curriculum is progressing well.

b. *Committee Appointments

Private Security Investigator Policy Committee (PSIPC)

Steve Swenson; Reappointment to the PSIPC; 2nd term effective 6/12/18

Polygraph Licensing Advisory Committee (PLAC)

Sally Jo Donahue; Appointment to the PLAC; 1st term effective 4/26/18

Scott D. Sudaisar; Appointment to the PLAC; 1st term effective 4/26/18

Edwin Taber; Appointment to the PLAC; 1st term effective 4/26/18

James Oeder motioned to affirm the appointments to the Policy Committees as listed above. Patricia Patrick-Joling seconded the motion. The motion carried with a unanimous vote.

7. Administrative

a. *OAR Chapter 259 Division 12 – Proposed Rule Change – Approve and File with Secretary of State

The Oregon Public Safety Academy; Standards of Student conduct; and Student Dismissal Recommended to the Board by DPSST Staff

Jennifer Howald reviewed the proposed rule change for the Board. This is commonly known as the Academy Conduct Rule. Two issues were identified:

Issue 1: Outdated information since changes have occurred within the Academy curriculum and there have also been process changes in the enrollment procedures since the last Rule update.

Issue 2: Current rules in place do not currently connect the student's dismissal to the process in place for a moral fitness review through DPSST Professional Standards, the Policy Committee and the Board. Dismissal from the Academy due to violations of the standards of conduct has the potential to affect their employment and ability to be certified. Due to the condition of this impact, it is important to ensure that the rules include the appropriate path of review and due process. Staff prepared a draft rule change to address these issues:

- Page 3, 259-12-5 Recommendation to adopt a new rule that will include definitions for the Rule Division. Proposed revisions have been retitled "Use of OPSA Facilities" and has been rewritten in its entirety. It replaces old language in regards to approval to attend the training and the prioritization of scheduling with content that focuses on the use of the Academy.
- Page 6, 259-12-10 Addresses standards of conduct. The old language focused on reporting to the Academy as directed through the registration process, how students Rules and Regulations are distributed and items that are prohibited for use. These are Policy oriented topics and have been replaced with the actual conduct that would warrant

- dismissal. Providing these violations in Rule, in addition to being provided in the Student's Rules and Regulations document, will make expectations of conduct very clear.
- Page 9, 259-12-35 The change focuses on reorganization and clarification of the existing dismissal process, which includes clarifying the authority on who makes that determination, adding the process for the issuance of the notice of intent to deny an application and updated timelines for student and employer dismissal appeal rights. These revisions bridge the gap between current practices and the application of the rules to ensure the suspension or dismissal actions are administered consistently.

Staff recommends adoption of OAR 259-12-1 for definitions, and approval of rules 5, 10 and 35 and for the Board to direct staff to file the Rule Changes with the Secretary of State as a proposed rule and as a permanent rule if no comments are received.

No fiscal impacts were identified.

Kelly Dutra motioned for staff to file the rule changes associated with OAR 259-12-5, 259-12-10, and 259-12-35 to be filed as a proposed rule change and as a permanent rule if no comments are received. Kacey Duncan seconded the motion. The motion carried with a unanimous vote.

By Consensus, the Board found no fiscal impact was identified.

Mark Kreutzer requested clarification on three items in the memo:

- As to the definition of "Department", in regards to this document. Linsay Hale confirmed that for this purpose, Department refers to DPSST.
- As to whether alcohol consumption by students attending the Academy was forbidden both on campus and off campus. Director Gabliks explained that no alcohol is allowed on the campus, however students are allowed to visit businesses off campus and consume alcohol, while attending the Academy. Intoxication, however, would be handled as a disciplinary matter.
- As to the intent of the rule regarding physical contact. Clarification was given that Intimate physical contact of any type was not allowed on campus.

8. Annual Director Evaluation – Chair Myers

Chair Myers reported that the annual survey was distributed and results were very positive for Director Gabliks. He read the letter addressed to the Governor aloud to the members of the Board and signed it in the presence of the Board. Chair Myers expressed gratitude for the great partnership shared between the Oregon Public Safety Academy and his Agency. He added that he is very proud of the training facility that Oregon has for law enforcement and thanked Eriks for running it so well and being accountable to the law enforcement community. Several Board members thanked Director Gabliks for, among other things, his responsiveness and for keeping them up to date and for his effective communication, in general.

By Consensus the Board agreed on the results of the survey and to forward the letter to the Governor, as written.

9. Director's Report - Director Gabliks

Budget Update

Director Gabliks explained the high level budget request that was emailed to the members, in advance of the meeting and was provided on a handout to the Board members today. He first gave an overview and summary, first of what is not included, and then of the items included in the budget request, stating that he would like to secure their permission to move the Budget forward today.

- Director Gabliks explained there will be no requests for the Fire Section in this request, as it is paid for through Fire Insurance Premium Tax and there is not a lot of revenue generated currently to expand that program at this time. We have been fortunate to apply for and receive funds through FEMA Assistance to Firefighters grants, which we will continue to use to purchase high ticket items for the Fire Program, for the time being. This helps staffing remain at current levels and also helps purchase some of the tools we need for our regional program.
- The Center for Policing Excellence will not have any requests in this budget. The positions for CPE were included when HB2355 was passed. As those positions need to be filled a request will be made through the Emergency Board or through the Legislature to get those in place. Two positions are currently in the works to be added to that section in the Fall for trainers.
- As many know, the DOC is interested in returning their Basic training to the Academy. That will be separate from the budget and done with a formal step taken by the Legislature and a fiscal impact statement will have to be made at the time.

Policy Option Package

Director Gabliks reviewed the Policy Option Package document before the Board.

- 1. Thirteen additional positions to provide the training mission as well as to support the infrastructure on campus are requested. Director Gabliks explained each of the positions being requested and the reason they were needed. No additional classes are asked for in this request, as we will continue to make requests through the E-Board as the need arises, just as we have been doing.
- 2. Private Security Policy Committee working with staff requests a distance learning curriculum development position for their program. Private Security is a fee-based program and would require them receiving permission from the Legislature to raise fees to generate the needed funds for this, as no State revenue is used for this program. The cost in the package is \$300,000.00, spread out over more than 10,000 Private Security providers, which is not a large fee increase.
- 3. Senate Bill 1067 in 2017 allows 2% to be put aside in the budget for Facilities Maintenance costs, which are necessary in order to be good stewards of the infrastructure here at the Academy.
- 4. Bring a project manager in to help identify what an online learning program will look like and to explore what tools are available to enhance training options.
- 5. Architectural design costs to add a third wing to the dormitory. We are operating at a very high capacity. The proposal includes classrooms on the first floor of the dormitory wing. The current lodging capacity is 350, the addition would add another 100 to 125 dormitory rooms. We are also currently looking at adding 60 parking slots to the parking lot, with Salem's permission.

- 6. A full time public information position will also be a part of the request, as DPSST is growing at a pace where there is now a need for this position to handle the many requests for information.
- 7. The addition of full-time active shooter training instruction for the Regional Program. Schools are asking for more help in regards to this, as well, so we would have the ability to do more training on this subject.
- 8. Reserve training program. There has been some need for a while for a reserve program for law enforcement and the ability to train and certify reserve officers. The package requests a coordinator to develop that program to see what that would look like and whether there could be funding for it.
- 9. Youth and Community Outreach Coordinator. DPSST has sponsored several youth camps focused on Law Enforcement, here at DPSST. This requests the ability to have a full time position here to not only get youth interested in public safety careers, but also do some outreach.
- 10. COOP emergency power study. This package is intended to provide funds for A&E work to determine feasibility of emergency backup power at DPSST during a disaster or large scale emergency. This would support both DPSST as well as our partners who have requested use of the facilities here in the case of a major incident.

Patricia Patrick-Joling motioned to move forward on developing the budget package as outlined by Director Gabliks for the 2019-2021 biennium. Colette Peters seconded the motion. The motion carried with a unanimous vote.

DPSST Updates

The Director expressed his appreciation for everyone's help on the budget discussion so far and gave the following report to Board members. .

- Linsay Hale worked on a package introduced by Representative Olsen and Senator Prozanski which fixed a loophole in the scholarships for the beneficiaries of fallen public safety officers, which affects Police, Fire, Corrections and all public safety disciplines.
- Director Gabliks reported that as of Monday, staff made a decision to fold the May and June Basic Police Classes into one, starting on the June date. Enrollments had slowed slightly and so a decision was made to not run a class unless full. We have heard that most agencies have either exhausted their lists or they are waiting until July until funds are available, before they begin to hire. After discussions with OSP and PPB more positions will need to be filled later in the biennium.
- Director Gabliks reported that the Basic Police curriculum Phase I implementation that was approved last meeting has been going very well. The Phase II changes are being worked on currently.
 - o The Basic Parole and Probation class approved as a pilot, went very well with good results and a report will be given to the Corrections Policy Committee at their next meeting, where a vote to formalize the curriculum will be taken.
 - o Linsay has a Workgroup beginning work on the Leadership/Management standards this afternoon.

Recruitment –

o We are recruiting for a number of vacant positions in the Fire Program and have been receiving a number of good candidate responses.

- There are also a number of positions being recruited for in the Criminal Justice Training section for positions being vacated by people moving and taking different positions.
- Today is "Take Your Kids to Work Day" and there are about 40 young people on our campus right now. We provide a program every year to share different career opportunities on campus with the children who attend with their parents.
- The Fallen Officer Memorial will be hosted here at DPSST on May 8, 2018. Director Gabliks was glad to report that no names will be added this year, which means no Line of Duty Deaths occurred last year. The Firefighter Memorial is also being worked on for September and again, no names will be added. Sadly, Officer Malcus Williams from Ashland Police Department did die recently, during an enforcement action, which was deemed to be a Line of Duty Death. The Public Safety Memorial Fund Board did have an emergency meeting where benefits were approved for Officer Williams' family. Officer Williams will be added to the Wall next year, which will be approved by the Police Policy Committee.
- DPSST manages the license plate account, for the Public Safety, with a Trust Fund, which is a 501c3. That fund is very healthy and funds programs here to honor the Fallen. Director Gabliks announced that the Trust Fund has had a change in leadership, as Mary Nunnenkamp has retired and moved to Florida. He also stated that Sheriff Brian Wolfe, a Board member and Jim Whitehead who is the President of Concerns of Police Survivors are also both on the Trust Fund Board. He asked Board members to consider whether they might know someone who would like to serve on the Trust Fund Board that they could recommend to fill the position that was vacated by Mary Nunnenkamp's retirement.
- Director Gabliks announced that Denver Peterson, the IS and Business Services Director at DPSST, announced that he would be leaving our Agency in June. In discussions with Denver, he expressed that it is difficult to combine the two sections together and do justice to both. With Denver's departure, the Leadership Team has decided to make a change to flatten the organization and move to three Divisions. The two current sections will remain the same, with Linsay Hale as the Professional Standards Division Director, Mike Leloff as the Training Division Director and then Brian Henson, who currently oversees Facilities and Human Resources, will also pick up Business and IS with the caveat that we will add a Business manager and an IS manager to provide better oversight for the separate sections, and Brian will oversee these sections as Director of Operations.

10. Next Meeting Date: July 26, 2018

With no further business to discuss the meeting was adjourned at 10:02 a.m.