

Board on Public Safety Standards and Training
Minutes
April 27, 2017

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, April 27, 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 (Teleconference)
Bill Geiger, Private Security Industry (Teleconference)
Nadine Purington, Non-Management Parole and Probation (Teleconference)
Mathew Workman, Oregon Association Chiefs of Police
Kelly Dutra, Public Safety Telecommunicators (Teleconference)
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
Patricia Connolly, Oregon State Fire Fighters Council (Teleconference)
James Walker, Oregon State Fire Marshal (Teleconference)
Brian Wolfe, Oregon State Sheriffs' Association
James Oeder, Oregon Volunteer Firefighters Association
Brian Burger, AFSCME Representative, DOC
John Teague, Oregon Association of Chiefs of Police
Daina Vitolins, Oregon District Attorneys' Association (Teleconference)
Mike Marshman, Portland Police Bureau (Teleconference)
Mike Myers, Portland Fire & Rescue (Teleconference)
Loren Cannon, Federal Bureau of Investigation (Teleconference)

Board Members Absent:

Greg Marlar, Oregon Fire Chiefs Association
Colette Peters, Director, Department of Corrections

DPSST Staff:

Eriks Gabliks, Director
Mike Leloff, Academy Training Division Director
Jennifer Howald, Rules & Compliance Coordinator
Linsay Hale, Professional Standards Division Director
Julie Olsen-Fink, Fire Certification Supervisor
Kayla Ballrot, Fire Certification Compliance Specialist
Katrina Robson, Professional Standards Investigator and Coordinator
Tami Atkinson, Telecommunications Coordinator
Marsha Morin, CJ Certifications Program Manager
Ryan Keck, Center for Policing Excellence Training Manager
Theresa Janda, Executive Assistant to the Director

Kevin Rau, CIT Coordinator, Center for Policing Excellence

Guests:

Carli Brosseau, The Oregonian

Rebecca Woolington, The Oregonian

Fred Kuest, Portland Public Schools

Andrea Tobin, Telecommunications Curriculum Committee Chair

1. Introductions

2. *Minutes

Approve minutes from the January 26, 2017 Meeting

Patricia Patrick-Joling motioned to approve the Minutes from January 26, 2017. Brian Wolfe seconded the motion. The motion carried unanimously.

3. Fire Policy Committee

a. Fire Policy Committee Update – Greg Marlar, Chair

Chair Marlar could not attend the Board meeting and Lindsay Hale and Vice Chair David Jones shared updates with the Board.

Lindsay Hale - Questions were raised at the last meeting regarding the discharge for cause standard that is in place for the Fire Service. In fact, one of the cases presented at the last Board meeting was sent back to the Fire Policy Committee for further review. During this and subsequent discussions involving discharge for cause for Fire Certification purposes disparity in the treatment of how revocations of fire certifications were being handled were realized. DPSST certification, as a Fire Service Professional, is not required due to the fact that the fire service is overwhelmingly made up of volunteers. It is also presumably why the Board does not have the authority to establish moral fitness standards for Fire Certification. In Oregon Revised Statute revocation is required when a Fire Service Professional is discharged for cause and that revocation is required to be permanent. However, discharges for cause for employment are not always the same as discharge for cause for certification purposes. For example, discharge for poor performance doesn't necessarily equate to certification violations that should result in revocation.

In 2015 the FPC reviewed and revised denial/revocation standards for DPSST Fire Certification with the goal of professionalizing DPSST Fire Certification. Though certification is not required in Oregon to be a fire service professional, the goal was to have those who do have certifications to at least meet a certain bar. Discharge for cause used to be handled administratively, however the FPC decided that they wanted the Committee to review discharges for cause to determine if the certification standards had been violated. It was discovered that discharge for cause cases were being handled in a way that turned them into moral fitness violations, causing major inequities in how they were being treated. Chair Marlar worked with staff since the last FPC meeting to develop a Draft Rule that will be presented at the FPC in May to address this disparity and hopefully brings the rule for handling discharge for cause cases in regards to fire certification more in line with the original intent of the statute.

Vice Chair David Jones reiterated that discharge for cause cases have gray areas in the fire service, depending on the reasons for discharge and agreed the voluntary nature makes it so that even if certification is revoked, the fire service professional may still be working. For this reason the standards cannot be at the same level as police officers. He also said it is not an easy task to weigh these matters and it is still a work in progress.

Linsay Hale closed saying that the Policy Committee will discuss it in May and their conclusions will be before the Board, possibly as early as July and eventually go through the rule writing process.

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

A. *Jimmy Dearborn DPSST#29217 (Canby RFPD #62) – Revoke, not eligible to reapply for certification for 7 years.

Unanimous vote to recommend to the Board by the FPC on February 22, 2017.

B. *Riley Walker DPSST#F32469 (Marion County fire District #1) – Not Revoke

Unanimous vote to recommend to the Board by the FPC on February 22, 2017.

C. *Steven Kha DPSST#F34740 (Marion County Fire District # 1) – Not Revoke

Unanimous vote to recommend to the Board by the FPC on February 22, 2017.

D. *Christian Fritz DPSST#F28303 (Sandy RFPD#72) – Not Revoke

Unanimous vote to recommend to the Board by the FPC on February 22, 2017.

E. *OAR 259-009-0062 - Urban Search & Rescue Prof. Certifications - Approve

Update fire service professional certification standards for US&R Rescue Technician, US&R Medical Technician, US&R Rigging Technician and US&R Search Technician and to archive as inactive US&R certifications for Logistics Manager, Rescue Company Officer, Rescue Team Manager, Safety Officer, Search company Officer, Search Team Manager and Task Force Leader.

Unanimous vote to recommend to the Board by the FPC on February 22, 2017.

Brian Burger motioned to approve the Fire Policy Consent Agenda. Jim Oeder seconded the motion. The motion carried with a unanimous vote.

4. Criminal Justice Policy Committees

a. Police Policy Committee Update – Matt Workman, Chair

Chair Workman reported that the next Police Policy Committee meeting which will be on May 18, 2017, has a large agenda. This will be Chair Workman's last Policy Committee meeting as chair, due to his term expiring. No new updates from the last meeting.

b. Telecommunications Policy Committee Update – Kelly Dutra, Chair

TPC Chair Dutra reported that at the last meeting on March 6, 2017 the TPC received an update on the Basic Telecom curriculum by DPSST from Tami Atkinson and Andrea Tobin, on the large amount of work that has been done to identify the important training additions to the current curriculum, extending it by a week to become a three-week Basic Academy. She shared that it is very exciting to know that this group worked toward extending student comprehension, increasing student retention, enhancing job performance and developing career confidence. The TPC recommended bringing it to the Board today and are looking

forward to the work to come that will fill in the very comprehensive outline so far. In addition the TPC has forwarded several proposed rule changes that will be addressed today as well. The next meeting will be on May 3, 2017.

c. Corrections Policy Committee Update – Brian Burger, Chair

Chair Burger had no new updates. Next meeting is May 9, 2017.

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

A. *Gordon Adams DPSST#44152 (Morrow County Sheriff's Office) – Not Revoke

9/2 Vote to recommend to the Board by the PPC on February 16, 2017.

B. *Erik Utter DPSST#31192 (Deschutes County Sheriff's Office) – Not Revoke

9/1 Vote with one recusal to recommend to the Board by the PPC on February 16, 2017.

C. *Ryan Paul DPSST#48676 (Lebanon Police Department) - Revoke

Unanimous vote to recommend to the Board by the PPC on February 16, 2017.

D. *Alecia Zefakay DPSST#18241 (Bureau of Emergency Communications) - Revoke

Unanimous vote to recommend to the Board by the TPC on March 6, 2017.

E. *Erik Banick DPSST#52200 (Marion County Sheriff's Office) - Revoke

Unanimous vote minus one recusal to recommend to the Board by the CPC on February 14, 2017.

F. *Michael Badilla DPSST#56937 (Crook County Sheriff's Office) – Not Deny Application for Training and Subsequent Certification

Unanimous vote to recommend to the Board by the CPC on February 14, 2017.

G. *K. Marie Tyler DPSST#21119 (Washington County Sheriff's Office) – Not Revoke

Unanimous vote to recommend to the Board by the CPC on February 14, 2017.

H. *Alicia Thurman (Young) DPSST#42597 (Warm Springs Police Department) - Revoke

Unanimous vote to recommend to the Board by the CPC on February 14, 2017.

I. *OAR 259-008-0064 – Proposed Rule Change - Approve

The Telecommunications/EMD Maintenance Training Workgroup recommendations for maintenance training requirements.

Unanimous vote to recommend to the Board by the TPC on March 6, 2017.

J. *OAR 259-008-0060 - Proposed Rule Change – Approve

Review of Public Comment - Amends language regarding supervisory certification, removes old language, and includes minor housekeeping.

Unanimous vote to recommend to the Board by the TPC on March 6, 2017, Unanimous vote to recommend to the Board by the CPC on February 14, 2017, Unanimous vote to recommend to the Board by the PPC on February 16, 2017.

K. *OAR 259-008-0025 – Proposed Rule Change - Approve

Adds requirement for 8 hours of Firearms/Use of Force training to minimum standards for training and amends corresponding time extension language.

Unanimous vote to recommend to the Board by the CPC on February 14, 2017 and Unanimous vote to recommend to the Board by the PPC on February 16, 2017.

L. *OAR 259-008-0020 – Proposed Rule Change - Approve

Review of Public Comment - Amends language to require the signature of a department head or a currently certified public safety professional authorized by the department head on the F4 Personnel Action Report Form.

Unanimous vote to recommend to the Board by the TPC on March 6, 2017, Unanimous vote to recommend to the Board by the CPC on February 14, 2017, Unanimous vote to recommend to the Board by the PPC on February 16, 2017.

M. *Committee Appointments

Telecommunications Policy Committee Appointments

- George Long – Reappointment to the TPC; 2nd term effective 7/24/17
- Randy Wood – Reappointment to the TPC; 2nd term effective 4/26/17

Police Policy Committee Appointments

- Dale Cummins - Appointment to the PPC to fill vacancy left by Kristine Allison due to Board appointment; 1st term effective 7/1/17

Kelly Dutra motioned to approve the Criminal Justice consent agenda. John Teague seconded the motion. The motion carried with a unanimous vote.

e. *OLCC Basic Curriculum Update - Presented by Ryan Keck – Center for Policing Excellence – Approve

Ryan Keck presented the Police Policy Committee's recommendation on changes to the OLCC Basic Academy curriculum. He reported that changes focused on some deficiencies that were recognized during the first Academy, as well as a couple of areas where training was not as relevant for regulatory specialists as for other disciplines.

- Defensive driving as well as weapons familiarization were removed in place of more needed and applicable subject for the Specialists.
- Areas were expanded with more relevant material on some singular topics such as communication, field work labs, and time to work on projects related to performance evaluation. Ultimately the Academy ended up with four less hours than originally intended. The OLCC Academy will be at 156 hours, instead of 160 hours. The 4-hour adjustment will be made on graduation day.

Unanimous vote to recommend to the Board by the PPC on February 16, 2017.

Mike Araiza motioned to approve the changes to the OLCC Basic Curriculum, as recommended. Patricia Patrick-Joling seconded the motion. The motion carried with a unanimous vote.

f. *Basic Police Mental Health Curriculum Update – Presented by Kevin Rau – Center for Policing Excellence Crisis Intervention Training - Approve

Unanimous vote to recommend to the Board by the PPC on February 16, 2017.

Kevin Rau presented proposed changes to the Basic Police Mental Health curriculum. He referred to the flow chart included in the Board packets and also handed out to Board members during the meeting. He explained that some topics were brought together under one area, new content was added, scenario training was doubled, and the piece on legal

considerations was separated with a two-hour block, specifically targeting Mental Health case law, ADA, Police Officer custody, etc. Also the de-escalation piece was pulled out of the current eight hours and was given a separate block, spending eight hours on an introduction to mental illness and mental health and handling de-escalation as a separate piece. The goal is to spread out the training in more digestible chunks, disbursed throughout training. 25 hours of scenarios on Mental Health will be stand-alone, in addition to others intermingled within the rest of the BP training.

Brian Wolfe motioned to approve the changes to the Basic Police Mental Health curriculum as presented. Jeff Hering seconded the motion. The motion carried with a unanimous vote.

g. *Basic Telecommunications Academy Revision & Update – Tami Atkinson – Telecommunications Training Program Coordinator - Approve

Unanimous vote to recommend to the Board by the PPC on February 16, 2017.

Tami Atkinson, presented the proposed revisions to the Basic Telecommunications curriculum. She explained that Telecom training began in 1993 at DPSST with two weeks of training, after Oregon became the first state to require and establish minimum training standards for telecommunicators. A Job Task Analysis was completed in 2016. Since then an extensive amount of work by the Curriculum Committee has been done and is presented in the recommendations before the Board. Tami referred to the Basic Telecommunications overview and curriculum map included in the Board materials which includes the topics and enhancements recommended; 10 additional topic areas and enhancement of many existing topic areas. Additions include topics such as diversity training, mental health training, map reading, emerging technologies and adding in a wellness thread to further promote health and wellness for the telecommunicators doing the work. Delivery of instruction based on student-centered learning, problem solving, legitimacy, as well as an expanded list of topics and expanded scenario based training designed for telecommunicators requires that the curriculum does recommend an increase of 40 hours to the Basic Academy. Next steps will be content development, modifying existing topics and developing added topics.

The Mental Health component will have its own segment and will be added in as well.

Director Gabliks explained that this request is to approve the concept of the enhanced program and the implementation of this full program may not happen until July of next year because this curriculum will have to be built and funding will have to be secured from OEM for the additional week of instruction as well as working with partners to prepare them for their recruits to train for an additional week.

Patricia Patrick-Joling motioned to approve the recommended revisions to the Telecommunications Curriculum. Kelly Dutra seconded the motion. The motion carried with a unanimous vote.

5. Private Security/Investigator Policy Committee

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

Chair Geiger reported that work continues on the “Unarmed” curriculum, which was approved by the Board recently. Also work is being done on a new “Event” curriculum specializing in security requirements for an actual event.

The next meeting is May 16, 2017.

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

A. *Committee Appointments

Private Security Investigator Policy Committee

- Fred Kuest – Appointment to the PSIPC to fill vacancy left by Ray Byrd due to Board appointment; 1st term effective 4/27/17

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

6. Annual Director Evaluation – Chair Myers

Chair Myers discussed the annual Director's evaluation and the letter addressed to the Governor, stating that the evaluation showed that the Director has done an outstanding job. Chair Myers thanked Director Gabliks for his work, for collaboration with many organizations and for the work being done at the Academy, both in the instruction as well as the partnership with constituents in the use of the facility for different workgroups, all of which makes law enforcement and public safety stronger, as a whole. Chair Myers thanked Director Gabliks personally for his great leadership and work. Chair Myers signed the letter in the presence of the Board.

7. Director's Report - Director Gabliks

- *Private Security Investigator Policy Committee Appointment
The Oregon State Bar submitted a recommendation that Chris Bloom be appointed to the BPSST Private Security/Investigators Policy Committee as their representative.

Brian Burger motioned to approve the appointment of Chris Bloom to the BPSST Private Security/Investigators Policy Committee. James Oeder seconded the motion. The motion carried with a unanimous vote.

Legislative/Budget Update

- Legislative Session – All three of the bills approved by the Board are moving forward. The Bill to add a citizen member to each policy committee had a hearing earlier this week and will be moving forward to the Governor for consideration and anticipated approval. The bills clarifying Private Security and LEDS statutory language are scheduled for a hearing next week. DPSST continues to send out a monthly legislative update to Board members showing the bills the agency was tracking. Eriks thanked Lindsay Hale, Jennifer Howald, and the DPSST Business Division for their work during the session. Eriks also shared that a bill was approved earlier this week that would allow those in the United States under the Compact of Free Association (COFA) to serve as police officers, corrections officers and parole and probation officers. Current statutory language requires that applicants be citizens of the United States. COFA is a unique treaty between the United States and three island nations; Republic of the Marshall Islands, Federated States of Micronesia, and the Republic of Palau. Under the Compact, the Islanders from these nations are entitled to live, work and study in the United States. This bill was a topic of discussion at the Keizer law enforcement community forum that was held last year and attended by the region's law enforcement leaders. This bill would help agencies diversify their work forces.

- DPSST has been scheduled for a Phase II budget hearing with Public Safety Ways and Means for the second week of May. Eriks shared that the recently released Co-Chairs budget aligns with the Governor's Proposed Budget and reduces the number of classes (subtracts two police and one corrections) DPSST has budgeted in the 2017-2019 biennium. In comparison, DPSST started the 2015-2017 biennium with 13 police classes and 6 corrections classes and requested and were approved for 7 additional police and 3 additional Corrections classes during a number of E-Board appearances to address the hiring trends. Eriks is comfortable with the proposal with the understanding that if additional classes are needed during the 17-19 biennium that DPSST can ask for assistance from the E-Board.

DPSST News/Update

- Eriks shared that DPSST was participating in the national Take Our Kids to Work Day activities at the Academy and that more than three dozen youth were in attendance. The goal was to share what their family members do but also to share what careers young men and women might be interested in when they grow up.
- Academy enrollment numbers remain steady. One seat is available in the May Basic Police Class and three seats are available in the upcoming Basic Corrections Class. DPSST staff continues to work with agencies to address their hiring needs and maintain on-going communications. The concern for staff is still the large number of certified law enforcement personnel who are eligible to retire.
- Marsha Morin has been in a professional development role as the interim Criminal Justice Standards and Certification Program Manager for a number of months. A recruitment and selection process was recently conducted and Marsha was selected to fill this important position on a permanent basis.
- The State's Fallen Law Enforcement Officer Memorial will be held at Oregon Public Safety Academy at 1:00 pm on May 2, 2017. The name of Sgt. Jason Goodding will be added to the memorial during this year's ceremony.
- DPSST staff are working with the Polygraph Licensing Advisory Committee (PLAC) to update the Oregon Administrative Rules for this licensing program under DPSST's purview. Eriks anticipates that the rules will be ready for the Board's next meeting.
- At the January Board meeting, Eriks introduced Mike Leloff as DPSST's new Training Division Director. Mike has hit the ground running and over the past 90 days has met with all of the employees of the training division one on one, is connecting with Academy students regarding the training provided and their experiences at the Academy, and reaching out to chiefs and sheriffs regarding the programs and services DPSST provides. Mike is using this feedback to realign and refocus certain elements of the training division to better serve our constituents and improve the academy and training experience students have at the Academy.
- In closing Eriks shared that this summer DPSST staff will work with stakeholders to bring together a Basic Police Course Review Committee. The current course has been running for over a decade, and while minor updates have been made, it's time to put the course under a

major review to ensure that it is meeting the needs of our students, their agencies, and their communities.

Secretary of State Audit Report

The Secretary of State (SOS) Audits Division performance audit of the Oregon Department of Public Safety Standards and Training (DPSST) that began on November 18, 2016 is completed. The review looked at various portions of the agency. The audit team conducted random interviews with staff and constituents; looked at a wide variety of areas across the organization; sat-in on classes regarding use of force and other matters; looked at how we schedule classes; manage enrollment; and budget our classes. They looked at our training and professional standards areas and benchmarked us against other states. They also looked at how we manage our inventory and assets.

Dissatisfaction with the number of basic classes offered by DPSST was heard during numerous discussions with constituents. This was not an audit finding as the SOS review team identified that DPSST had no control over how many classes the legislature is able to fund.

SOS Audits also shared that some criminal justice constituents wanted a process through which a test could be developed, and administered, to those seeking upper certification levels but again could not find any national standard against which to measure this.

SOS Audits also looked at our professional standards sections and benchmarked them against other states. The SOS Audits team found that Oregon is used as a benchmark by most states they contacted. Eriks shared that this is because of ongoing discussions the Board, policy committees, and staff have to address this important area.

The final report did identify one issue - doing a better job managing our firearms and ammunition. Eriks shared that the report does not place blame, it identifies areas for improvement. Eriks also shared that no weapons or ammunition were missing. DPSST is working to address the issues in a pro-active manner.

General

- The OSSA-OACP Mental Health Work Group has completed its work. The recommendation regarding changes to the Basic Police mental health curriculum was one outcome of this group. The group has also designed a scalable policy framework that local public safety and mental health organizations can use as a tool. The work group also identified advanced training needs for first responders and helped create a statewide standard for Crisis Intervention Team (CIT) training classes.

8. Other

- Patricia Patrick Joling thanked the staff for making the electronic/on-line version of the Board book available and stated that it worked perfectly.

- Chair Myers recognized members of the Board whose terms will be expiring prior to the next Board meeting. He presented plaques to David Jones, Brian Burger and Matt Workman and thanked them for their many years of service to the Board and Policy Committees.
- Director Gabliks asked the members for feedback on the new agenda format used for this meeting. Chair Myers felt that it seemed to work well and possibly allowed for better discussion to have it broken down by Policy Committee.
- Kelly Dutra requested the Chair's approval, which he gave, to congratulate the Basic Telecommunications Class on their graduation on behalf of the Board at the graduation that she will be the guest speaker at next week.

9. Next Meeting Date: July 27, 2017

Meeting adjourned