

**Board on Public Safety Standards and Training**  
**Minutes**  
**October 22, 2015**

The Board on Public Safety Standards and Training held a regular meeting on Thursday, October 22, 2015, in the Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Vice Chair Scott Stanton called the meeting to order at 9:05 a.m.

**Board members present:**

Scott Stanton, Vice-Chair, Oregon Volunteer Firefighters Association  
Jacque Betz, League of Oregon Cities (teleconference)  
Greg Bretzing, FBI Special Agent in Charge (teleconference)  
Brian Burger, AFSCME Representative, DOC (teleconference)  
Paul Castleberry, Private Security Industry (teleconference)  
Bill Geiger, Private Security Industry (teleconference)  
Erin Janssens, Chief, Portland Fire & Rescue (teleconference)  
David Jones, Oregon Fire District Directors' Association  
Greg Marlar, Oregon Fire Chiefs Association (teleconference)  
Jason Myers, Oregon State Sheriffs' Association (teleconference)  
Patricia Patrick-Joling, Public Citizen Member  
Colette Peters, Director, Department of Corrections (teleconference)  
Joseph Siebert, Oregon State Fire Fighters Council (teleconference)  
James Walker, Oregon State Fire Marshal (teleconference)  
Mathew Workman, Oregon Association Chiefs of Police (teleconference)  
Michael Wells, Non-Management Law Enforcement  
Nadine Purington Non-Management Parole and Probation  
Daina Vitolins, Non-Management Law Enforcement (teleconference)  
Kelly Dutra, Public Safety Telecommunicators (teleconference)  
Brian Wolfe, Oregon State Sheriffs' Association

**Board Members Absent:**

Kent Barker, Chair, Oregon Association Chiefs of Police  
Rich Evans, Superintendent, Oregon State Police  
Larry O'Dea, Chief, Portland Police Bureau

**DPSST Staff:**

Eriks Gabliks, Director  
Todd Anderson, Training Division Director  
Monica Walker, PS/PI Operations Supervisor  
Leon Colas, Professional Standards Investigator and Coordinator  
Sharon Huck, Rules & Compliance Coordinator  
Kristen Hibberds, Professional Standards Investigator and Coordinator  
Julie Johnson, Compliance Specialist  
Carissa White, Compliance Specialist

## Chair's Report and Administrative Announcements

“This is a public meeting; subject to the public meeting law and it will be taped recorded.”

### **1. CONSENT AGENDA (The following items to be ratified by one vote)**

#### **A. \*Minutes**

*Approve minutes from the July 23, 2015 meeting.*

#### **B. \*OAR 259-060-0010, 259-060-0015 and 259-060-0145; Proposed Rule Change**

Crowd Management

#### **C. \*OAR 259-009-0059 & 259-009-0070 – Proposed Rule**

Denial/Revocation, Public Comment

#### **D. \*OAR 259-061-0120 – Proposed Rule Change**

Interim Investigator's License

#### **E. \*OAR 259-061-0018 – Proposed Rule Change**

Expert Witness Exemption

#### **F. \*OAR-259-009-0062 – Proposed Rule Change**

NFPA Fire Officer Standards, Public Comment

#### **G. \*OAR 259-009-0005 & 259-009-0062 – Proposed Rule Change**

NFPA Technical Rescuer Standards, Public Comment

#### **H. \*ORS 181-878 – Legislative Concept**

Suspension of Armed Private Security Professional and Firearms Private Security Instructor Certification.

#### **I. \*David Anderson DPSST#F05176 – Not Revoke**

*Unanimous vote to recommend to the Board by FPC on August 26, 2015.*

#### **J. \*Thomas Martine DPSST#F13609 – Revocation**

*Unanimous vote to recommend to the Board by FPC on August 26, 2015*

#### **K. \*Blake Mason DPSST#F32731 – Not Deny Application for Certification**

*Unanimous vote to recommend to the Board by FPC on August 26, 2015*

#### **L. \*Richard Chambers PSID#11622 – Civil Penalty**

*Unanimous vote to recommend to the Board by PSIPC on August 18, 2015*

#### **M. \*Eric R. Anglin DPSST#15826 – Civil Penalty**

*Unanimous vote to recommend to the Board by PSIPC on August 18, 2015*

#### **N. \*Armed Refresher Manual**

*Unanimous vote to recommend to the Board by PSIPC on August 18, 2015*

**O. \*Allen Zaugg PSID#08941- Review Correspondence**

*Unanimous vote to recommend to the Board by PSIPC on August 18, 2015*

**P. \*Committee Appointments**

Polygraph Licensing Advisory Committee – Private Examiner

- Robert Lundell – Reappointment

**Patricia Patrick-Joling moved to approve the consent agenda. Dave Jones seconded the motion. The motion carried with a unanimous vote.**

**2. \*OAR 259-008-0005, 259-008-0010, 259-008-0025, 259-008-0040, 259-008-0060, and 259-008-0100 – Proposed Rule Change**

House Bill 3400, Regulatory Specialist (OLCC) and House Bill 2372, Implied Consent.

This proposed rule change implements provisions of House Bill 3400. The term “Liquor Enforcement Inspector” has been changed to “Regulatory Specialist” throughout the entire rule set. Further, the word “marijuana” has been added to the definition of “Regulatory Specialist”. This proposed rule change was scheduled to be presented to the Executive Committee meeting scheduled for September 10, 2015; however, the meeting was cancelled due to a lack of a quorum.

**Brian Burger moved to approve filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Patricia Patrick-Joling seconded the motion. The motion carried with a unanimous vote.**

**By consensus it was determined by the Board that there is no significant fiscal impact on small businesses.**

**3. Director’s Report – Director Gabliks**

Four New Members Approved for Board on Public Safety Standards and Training

The Senate Confirmation Committee approved four new members to the Board on Public Safety Standards and Training (BPSST) when it met in Salem earlier this month. Crook County District Attorney Daina Vitolins will represent the Oregon District Attorney’s Association, Malheur County Sheriff Brian Wolfe will represent the Oregon State Sheriffs Association, Washington County Consolidated Communications Agency (WCCCA) Director Kelly Dutra will represent Oregon APCO-NENA, and Parole Officer Nadine Purington of the Multnomah County Department of Community Justice will represent non-management parole and probation officers (FOPPO). We welcome all four to the Board and look forward to working with all of them.

2015 Listening Tour

DPSST’s Leadership Team traveled across the state visiting with constituents on our 2015 Listening Tour earlier this month. As a service organization, it is essential that we have the input and feedback of our constituents. It is equally important that they know what we are doing and why. The Listening Tour traveled to Troutdale, The Dalles, Pendleton, Baker City, Bend, Klamath Falls, Medford, Coos Bay, Albany, Eugene, Newport, Keizer, West Linn, Hillsboro, and Astoria. A session was to be held in Roseburg but it was postponed due to the Umpqua Community College incident. DPSST staff will work to reschedule this in partnership with local constituents later this year.

The goals of the Listening Tour were as follows: 1) To share information on the work of the Board, its various committees, and the agency. 2) To receive feedback from our customers on how we are doing in serving them (Quality Improvement/Quality Efficiency) (QA/QI). 3) To provide a forum through which constituents can ask questions. Most important, during the Listening Tour we ask three specific questions: 1) What are we doing well? 2) What can we do better? 3) What are we not doing that we should be?

The participation was very good and the feedback was very useful. DPSST staff is collating the information and will share it with the Board at its next meeting.

### The Oregonian – Public Records Release

Thanks to the work of public safety labor organizations, chiefs, sheriffs, and others, HB 2208-A2 was passed during the 2015 legislative session which addressed the release of confidential and sensitive information that DPSST maintains on public safety personnel. This legislation, with an emergency clause, protects the records of both those currently certified by DPSST and those who have been previously.

Equally important the DPSST legal matter regarding a public records request filed by The Oregonian is completed. DPSST's filed a notice of intent to seek declaration with Marion County Circuit Court that officer dates of birth are exempt from disclosure under Oregon's Public Records law. We (DPSST) had serious concerns about releasing DOB information regarding thousands of city, county, state and tribal law enforcement officers who are, or have been, certified by DPSST. Our options were to either release the information or hire an attorney and go to court and ask that a judge review the DOJ Order and determine if they agree with DOJ's direction to DPSST. DPSST decided to seek independent counsel based on Oregon Revised Statute 192.450 and hired John Junkin of Garvey-Shubert and Baker to serve as our lead. John has more than 40 years of experience in the public sector. He has served as County Counsel for Washington County, Oregon for a number of years before joining private practice and has an extensive background in public records laws. Will Aitchison, of the Aitchison Law Group, also assisted with this case. Will has an extensive background with public sector labor relations and has served more than one hundred public safety bargaining units during his career. We are glad to have both work with us on this important issue.

DPSST understands that law enforcement officer (police, corrections, parole and probation, and 9-1-1) training, employment and certification information within our certification database is public and we handle requests for these on a daily basis. This central issue for us was the release of DOB information. DPSST issue was not with The Oregonian, it is with the Order. Our concern is very basic, that is releasing a large amount of digital information that contains the DOB of every current and past city, county, state and tribal law enforcement officer (police, corrections, parole and probation, and 9-1-1) in the state of Oregon.

The issue is closed and DPSST did not release any confidential or sensitive information. We value and appreciate the feedback of our stakeholders and their assistance in resolving this important issue.

### Academy Enrollment

DPSST is experiencing what we thought might happen as local budgets improve and as a "baby boomers" retire, we are seeing a significant increase in requests for Basic classes. Basic Police hiring has ramped up and our August, September and October in 2015 are all filled with 40 students in each class. We added a class for November which filled up right away. Our January class is full with 40 and ten officers are already enrolled for the February 2016 Basic Police course. Basic Corrections is also having an uptick. Our Basic Corrections classes scheduled for October and January are fill with 40 in each class. We are now enrolling corrections deputies/officers into the April 2016 class. As a result of our authorized class number, city, county, state, university and tribal law enforcement agencies to hire and wait long periods of time prior to sending a student to the Basic Police class.

To address the hiring trend, DPSST added a 16-week Basic Police class which will begin on November 9th, 2015. This class filled up right away. In order to deliver this class, additional Limited Duration staffing are being brought on-board and we are using funds that were allocated for basic training classes later in the biennium. We also will have to move shorter duration classes that are scheduled in the classroom, as there are at least three weeks during the 16-week training period, that no classrooms were available. This class will have significant breaks, as the Academy is closed the week of Thanksgiving and two-weeks during the Christmas/New Year's Holiday season. Because of the holiday gaps, the November class will actually be 19 weeks from start to finish. We shared our concerns regarding this possibility with Public Safety Ways & Means during our recent 2015-2017 budget presentation. As you can see from the above, we are at a place where this is no longer a "blip" on the screen but a reality.

DPSST continues to monitor hiring and enrollment trends on an on-going basis to ensure we are meeting your needs. We continue to also monitor corrections, parole and probation, and 9-1-1 hiring trends to ensure we are meeting the training needs of these DPSST partners. You may have heard me use the term "Perfect Storm" - what we have heard around the state is that agencies are moving forward with filling vacancies but are also struggling to find applicants who can make it through the background investigation process. "Baby Boomers" are getting ready to retire, new recruits are not making the cut and are being dropped through the field training program, and local budgets have improved so positions held vacant due to the budget downturn are being filled. Larger agencies are recruiting seasoned officers from smaller agencies as lateral hires for more pay and opportunities.

As you are aware, we have significant fewer staff members now, compared to 2008. We have reached the point where we are asking for funds for two additional 6-week Basic Corrections classes and four additional 16-week Basic Police classes from the Oregon Legislature's Emergency Board. The funds will include dollars for staffing (training, support, facilities) as well as related expenses such as meals and ammunition. We submitted a written request for these funds earlier this month and the Board on Public Safety Standards and Training (BPSST), through formal motion, supported DPSST's request at this morning's meeting.

#### Center for Policing Excellence

DPSST, as part of its 2015-2017 Agency Request Budget, submitted Policy Option Package 102 which would have enhanced the work being done at the Center for Policing Excellence (CPE). While the work of CPE was praised during the session by members of the Oregon Legislative Assembly and our constituents, the final budget did not allow for any additional state funds to be authorized. Through a partnership with the Oregon Criminal Justice Commission, they were able to secure a Byrne Grant for \$959,000 to help fund the positions and projects contained within Policy Option Package 102.

Director Gabliks asked the Board for concurrence to move forward with the request for four additional Basic Police and two additional Basic Corrections classes and to request limitation to accept the \$959,000 for DPSST's Center for Policing Excellence.

**Patricia Patrick-Joling moved to approve the request for additional classes and limitation request as presented. Brian Wolfe seconded the motion. The motion carried with a unanimous vote.**

#### Addition to Private Security/Investigator Policy Committee

Director Gabliks received a request after the consent agenda was created to add Eric Morse to the Private Security/Investigator Policy Committee as the manufacturing representative. Bill Geiger the Private Security/Investigator Policy Committee Chair supports the addition.

**Patricia Patrick-Joling moved to approve the policy committee changes. David Jones seconded the motion**

**The motion carried with a unanimous vote.**

**Todd Anderson** – The budget is for 13 Police classes' biennium and five basic correction courses. We will be holding nine classes the first year of the biennium which will be putting us close to being on track during our peak time. We have a basic corrections course currently and a basic parole and probation that will graduate on Friday. Since 2008 we have downsized our staff for training, but because of the increase in the upcoming classes we are looking at filling some of the positions.

#### **4. Policy Committee Update**

- Corrections Policy Committee – Brian Burger, Chair  
No meeting in August due to no agenda items. Workgroups are continuing to progress with their work.
- Fire Policy Committee – Joe Seibert, Chair, The Committee met in August and approved the Technical Refuse Standards and Fire Officer Standards. There were a few revocation/denial cases as well.
- Police Policy Committee – Kent Barker, Chair, No meeting in August due to not having a quorum. The next meeting in November will be a full agenda.
- Private Security Policy Committee – Bill Geiger, Chair, The subcommittees have been established and are working very well with each other. There has been quite a bit of feedback on curriculum development and the process is moving forward in a positive manner.
- Telecommunications Policy Committee – Kelly Dutra, Chair, The Committee did not meet in August due to no agenda items, but is scheduled to meet on November 4, 2015.

#### **5. Next Meeting Date: January 28, 2016**