

Board on Public Safety Standards and Training
Minutes
October 25, 2018

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, October 25, 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 (Teleconference)
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 (Teleconference)
Kelly Dutra, Public Safety Telecommunicators (Teleconference)
Jeff Hering, Non-Management Law Enforcement
James Cook, AFSCME/Department of Corrections Representative
Doug Marteeny, Oregon District Attorney's Association
Danielle Outlaw, Chief, Portland Police Bureau
Kacey Duncan, League of Oregon Cities
Loren Cannon, Federal Bureau of Investigation (Teleconference)
Thomas Thomas, Private Security Industry
Darren Bucich, Oregon Fire Chief's Association

Board Members Absent

Elizabeth Lawrence, Bend Police Department
Colette Peters, Director, Department of Corrections

Excused:

Bill Geiger, Private Security Industry
Travis Hampton, Superintendent, Oregon State Police
Mark Kreutzer, Oregon Fire District Directors Association
Mike Myers, Chief, Portland Fire & Rescue
John Teague, Oregon Association of Chiefs of Police

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Theresa Janda, Executive Assistant to the Director
Kristin Hibberds, Professional Standards Investigator & Coordinator
Mike Leloff, Training Division Director
Barbara Slinger, Fire Service Support Specialist
Julie Olsen-Fink, Fire Training Manager
Jordan James-Largent, Professional Standards Investigator & Coordinator
Jennifer Howald, Rules & Compliance Coordinator

Ryan Keck, Center for Policing Excellence Manager
Chris Enquist, Parole & Probation Training Coordinator
Rob Meeks, Curriculum & Training Development Specialist
Coy Alexander, Online Training Development – Private Security
Mike Herb, Academy Training Manager

1. Introductions

Chair Myers introduced and welcomed new Board member Thomas A. Thomas, representing the Private Security Industry.

2. *Minutes

Approve minutes from the July 26, 2018 Meeting.

Patricia Patrick-Joling motioned to approve the Minutes from July 26, 2018. Jeff Hering seconded the motion. The motion carried with a unanimous vote.

Director Gabliks clarified for the Board that there had been a minor change to the agenda formerly distributed to Board members with their initial mailing. The agenda distributed to them today and currently before them includes the correct information. This is also the official agenda that was posted and distributed on public notice media.

3. Fire Policy Committee

a. Fire Policy Committee Update – James Oeder, Chair

Chair James Oeder updated the Board stating that the last fire Policy Committee meeting was productive. Item B of this agenda, which is the Fire Ground Leader proposed rule change has been pulled from this agenda for further discussion. Otherwise, they reviewed and voted unanimously on three cases as well as one proposed rule change, all of which are before the Board today with the Fire Policy Committee recommendations.

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

A. *OAR 259-009-0010 and OAR 259-009-0059 – Proposed rule change – Approve

Application for Personnel Affiliation and Certification Eligibility (E-1 Form)

Recommended to the Board by the FPC on September 24, 2018.

B. *OAR 259-009-0062 – Proposed rule change – Approve

Fire Ground Leader

Recommended to the Board by the FPC on September 24, 2018.

C. *Cheyenne McEwen DPSST#36822 (Jefferson County RFPD#1) – Deny

Recommended to the Board by the FPC on September 24, 2018.

D. *Samantha Morey DPSST#18786 - (West Valley Fire District) – Deny Application to Instruct and Revoke Certifications

Recommended to the Board by the FPC on September 24, 2018.

E. *David R. Morey DPSST#13538 (West Valley Fire District) – Revoke

Recommended to the Board by the FPC on September 24, 2018.

F. *Committee Appointments

Fire Policy Committee Appointment

- Richard Cearns; Appointment to the FPC to replace Jim Whelan; 1st term effective 10/25/18.
- John Rinier; Re-appointment to the FPC; 2nd term effective 7/26/18.

Patricia Patrick-Joling motioned to approve the Fire Policy Committee Consent Agenda items A., C., D., E., and F., as above. Casey Duncan seconded the motion. The motion carried with a unanimous vote. As mentioned, Item B was pulled from this agenda for further review.

4. Criminal Justice Policy Committees

a. Police Policy Committee Update – Jeff Hering, Chair

Chair Jeff Hering briefly updated the Board on the last Police Policy Committee meeting. He reported that the Committee voted on recommendations for several items before you today. Also, since he is retiring, and will no longer be serving on the Police Policy Committee, they also voted for John Teague to replace him as Chair of the PPC.

b. Telecommunications Policy Committee Update – Kelly Dutra, Chair

Chair Kelly Dutra had no updates for the Board on the TPC and stated that the next meeting is scheduled for November 7, 2018.

c. Corrections Policy Committee Update – Jason Myers, Chair

Chair Myers briefly updated the Board on the last Corrections Policy Committee meeting stating that there will be an additional “secondary” meeting scheduled in December in addition to the one currently scheduled for November 13th, due to the large number of cases to review.

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

A. *OAR 259-008-0075 – Proposed Rule Change – Approve

Sheriff Eligibility Determinations

Recommended to the Board by the PPC on August 16, 2018.

B. *Eric Petersen DPSST#33872 (Molalla Police Department) - Revoke

Recommended to the Board by the PPC on August 16, 2018.

C. *Bradley Johnston DPSST#27723 (Astoria Police Department - retired) – No Action

Recommended to the Board by the PPC on August 16, 2018.

D. *Daniel Thurman DPSST #43666 (Silverton Police Department) – Suspend

Recommended to the Board by the PPC on August 16, 2018.

E. *Thomas Fleming DPSST#55747 (Marion County Sheriff’s Office) – No Action

Recommended to the Board by the PPC on August 16, 2018.

F. *Brock Mittelbach DPSST#41816 (Dept. of Corrections CCCF) – Revoke
Recommended to the Board by the CPC on August 14, 2018.

G. *Mario Lagao DPSST#53203 (Dept.of Corrections EOCI) – Revoke
Recommended to the Board by the CPC on August 14, 2018.

H. *Colin Duncan DPSST#44454 (Klamath County Sheriff’s Office) - Revoke and Deny Application for Training
Recommended to the Board by the CPC on August 14, 2018.

I. *Talissa Baldovino DPSST#58666 (Union County Sheriff’s Office) – No Action against application for Training and Subsequent Certification
Recommended to the Board by the CPC on August 14, 2018.

J. *Shawn King DPSST#49251 (Department of Corrections - SRCI) - Revoke
Recommended to the Board by the CPC on August 14, 2018.

K. *Cory Thornton DPSST#53006 (DOC – currently not employed) - Revoke
8/3 Vote Recommended to the Board by the TPC on August 1, 2018.

L. *Jennifer Stolt DPSST#42217 (Junction City Police Department) – No Action
Unanimous vote minus one recusal to recommend to the Board by the TPC on August 1, 2018.

M. *Committee Appointments

Telecommunications Policy Committee

- Matt Dale; Appointment to the TPC position previously held by Sherry Bensema; 1st term effective 10/25/18

Jeff Hering motioned to approve the Criminal Justice consent agenda, Patricia Patrick-Joling seconded the motion. The motion carried with a unanimous vote.

e. *Sergeant John Lawrence DPSST#31555 - City of Bend Police Department – Memorial Wall Nomination - Approve

Director Gabliks explained to the Board that this item comes to the Board from the Police Policy Committee. Sergeant John Lawrence of the City of Bend Police Department went home after a shift and passed away. Originally this was looked at by the Public Safety Memorial Fund and found to not meet Oregon standard criteria for a line of duty death (LODD). Though the Bend Police Department and the Lawrence family understood, they submitted a claim to the Federal Public Safety Officer Benefit which did determined it was a LODD. Under their system is a “Home Town Heroes” Act which states if a public safety officer dies within 24 hours after going off duty after a strenuous activity at work, this meets the criteria. He was added to the National Law Enforcement Officer Memorial in Washington D.C. The Police Policy Committee discussed that adding his name to the Wall, though the death did not meet the standard for benefits could create an unintended precedent, however Director Gabliks explained that the PPC has the authority to still consider adding a name to the Memorial Wall as a line of duty death, even if the death did not meet the Oregon standard for death benefits. It is important to preserve the integrity and sanctity of the Wall and of those added to the Wall and making sure those who are added to it meet the standard, and Sgt. Lawrence’s death does meet the standard for addition to the Wall. The item before

you from the Police Policy Committee is a recommendation to add Sergeant John Lawrence's name to the Law Enforcement Memorial Wall during the 2019 Law Enforcement Memorial Ceremony.

Recommended to the Board by the PPC on August 16, 2018.

Brian Wolfe motioned to approve adding Sgt. John Lawrence's name to the Fallen Law Enforcement Officer Memorial Wall during the 2019 Law Enforcement Memorial Ceremony. Kelly Dutra seconded the motion. The motion carried with a unanimous vote.

f. *Changes to the Basic Parole & Probation Curriculum – Approve

Presented by Chris Enquist:

Chris Enquist gave a broad overview of the new updates to the Basic Parole & Probation (P&P) curriculum. The 2014 P&P Program was heavily revised, extending it from four to five weeks and shifted from a lecture style to facilitated adult-learning mode, which has been very successful. In 2017 there were some concerns that more revisions were needed and a Workgroup was formed, which has recommended the current changes. The focus of the changes include 1. A shift towards more current practices in P & P. 2. To make sure the 200 hours of Academy time is used effectively. 3. In addition to hours added, a proposal was made and endorsed by the workgroup to shift the method of academic assessment from computerized multiple testing to a more project-based, essay-based type of assessment, similar to that used in the OLCC Academy.

Though most changes are fairly minor, Chris highlighted the most significant changes which include:

- The addition of 5 ½ hours of defensive tactics added to increase the length of early training sessions to improve core skills and allow mastery in preparation for more advanced skills.
- 4 hours added in domestic violence awareness, restoring a class that existed pre-2014 that was recommended by the Attorney General's office to the Governor which has been well received.
- Risk assessment tools was shifted away from one tool to a more global application with utilizing multiple tools and regional resources such as DOC to fill gaps for smaller agencies.
- Victim's rights content was added on statutory/constitutional victim's rights but also operationally - working as a Parole Officer, how to respect the victim's rights.
- Several hours added to use of force application, specifically adding in content in interacting with mentally ill offenders and some concepts around less lethal applications that were missing.

These changes have now been added after being approved as a pilot program earlier in 2018 by the Corrections Policy Committee. This pilot has now been run by three P&P classes with hour changes as well as changes to method of assessment. A course corrections was made after the 1st pilot with some of the assessment materials, and the last two classes have run well and the projects model has been well received by students, constituents, and by instructors.

Chris Enquist further explained that the use of computer testing is not fully abandoned and is being used for concrete topics such as use of force assessment. The change is mostly in soft more fluid skills such as case planning, risk assessment, and motivational interviewing, which

gives a much better picture of the students understanding of the applications and understanding the facts. Scenario training has also changed to a model focused on students acquiring skills initially, with a shift over the last three days to a more formalized assessment model evaluating if they are using the skills and understanding how they work.

The workgroup was large in size and the state was well represented from the director level down to working parole officers as well as geographically, in the size of parole & probation agencies, other state agencies and citizen members.

Approve revised curriculum and testing method (two pilots) for the DPSST Basic Parole & Probation curriculum.

Recommended to the Board by the CPC on August 14, 2018.

Patricia Patrick Joling motioned to approve the revised DPSST Basic Parole & Probation curriculum. Nadine Purrington seconded the motion. The motion carried unanimously.

5. Private Security/Investigator Policy Committee

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

Linsay Hale updated the Board in Chair Geiger's absence.

- She first introduced the new Board member Thomas A. Thomas, who by virtue of his position will also take the Vice Chair's seat on the Private Security Investigator Policy Committee.
- She also mentioned that there will be three rules on the consent agenda that were considered and recommended for approval by the PSIPC at the last meeting. She gave special mention to one that addresses ensuring armed private security investigators maintain their level of competency with their fire arms by doing their annual marksmanship qualifications.
- Linsay also introduced and welcomed Coy Alexander, new to DPSST, whose role will be to assist in developing on-line training curriculum for the Private Security industry.
- The November meeting for the PSIPC has been cancelled due to lack of agenda items.

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

A. *OAR 259-060-0450 and 259-061-0200 – Proposed Rule Change – Approve

Removal of cease and desist language.

Recommended to the Board by the PSIPC on September 11, 2018.

B. *OAR 259-060-0010 et al – Proposed Rule Change – Approve

Temporary work permits.

Recommended to the Board by the PSIPC on September 11, 2018.

C. *OAR 259-060-0010 et al – Proposed Rule Change – Approve

Emergency suspension for failure of annual firearms training or renewal training standards and changes to the annual due date requirement – with staff-recommended amendments.

Recommended to the Board by the PSIPC on September 11, 2018.

D. *Committee Appointment

Private Security Investigator Policy Committee

- Richard Valencia, Appointment to the PSIPC position previously held by Edward Sharpe; 1st term effective 10/25/18.

Patricia Patrick Joling motioned to approve the Private Security/Investigator Policy Committee consent agenda. Brian Wolfe seconded the motion. The motion carried unanimously

6. Administrative

a. *OAR 259-012-0005, 259-013-0300 and 259-025-0000 – Proposed Rule Change – Approve

Recommended to the Board by DPSST Staff on October 25, 2018.

Presented by Jennifer Howald: Related to Public Records Requests and Fees.

259-025-0000 was used as a rule to identify when and what fees the Department charged for publications, housing and training. In 2007 the Department and Board adopted rules related to public records requests which were incorporated into 259-025-0000. In 2017 the Department of Administrative Services (DAS) developed a statewide standardized fee schedule to accompany a state level policy regarding public records requests and their fees. DPSST has been using that DAS standardized policy and fee schedule. This proposed rule change has been designed to make sure that the rules are in line with the statewide policy as well as appropriate to current needs. These revisions update the records request process, remove department records response process, which will then be managed by the policy and procedure level. Additionally the revisions maintain that the Department may charge fees related to a public records request but removes specific fee amounts. Also within the rule it references that the fee schedule will be adopted by policy procedure.

State law requires that we provide a public procedure for providing records and that the fee schedule be included as part of the procedure. So this information is posted to our website in addition to providing the information up on request.

The additional rule changes that have been included recognize that the rule serves two purposes; The public record portion and DPSST's "other" fees. The fees have been removed from ORS 249-025-0000 to allow focus specifically on public records and to ensure that the deleted content is not lost. That information has been redirected to other appropriate Rule Divisions. ORS 259-012-0005 under the rules for the Public Safety Academy already address the fees for use of facilities and damages that may occur and will now also absorb the fee language for lost or damaged keys and meal cards.

OAR 259-013-0300 under criminal records check rules, already contained fee language for fingerprints. The amendments here remove the reference to 259-025-0000 and make the language more consistent for the Attorney General's model rules for Criminal records checks.

This rule change is necessary to ensure that the department rules align with the implementation of the state-level policy and fee structure in place for public records

requests. The rule change itself does not create a fiscal impact. Any potential fiscal or economic impact for the agency or for the public would be the result of the fee schedule, itself, which has been standardized for the state.

Casey Duncan motioned to approve the proposed rule change. Brian Wolfe seconded the motion. The motion carried unanimously.

b. Information Only: 2018 Customer Service Questionnaire

Linsay Hale explained that this report to the Board is for information only. She stated that DPSST is required by the State to send out a customer service survey bi-annually to gauge how we are doing in the eyes of our constituents. This information is reported to the Legislature and it is used in the formation of our budget. The survey presented is unedited. She stated that according to the survey 86% of those responding rated the overall quality of the service received by DPSST as good or excellent, which meets our target.

Director Gabliks added that the survey does contain some criticism regarding our regional law enforcement training and our regional fire training, which is not unexpected and is appropriate. We have had vacancies due to attrition and retirement and we are working to fill those positions. Our regional training supervisor and regional fire program manager are working to bolster that. We expect to see better numbers next time we send this survey.

7. Director's Report - Director Gabliks

- Director Gabliks addressed the Board, starting with a reminder to complete the state-mandated training required for Board and Policy Committee members by December 31, 2018. This information and a link to the training has been sent to all members by email.
- He also reminded members that the 2019 Board and Policy Committee schedule was sent to them with their Board packets and all meetings for the upcoming year have been placed on the calendar.

Board Member Changes

- Eriks shared that Detective Jeff Herring would be leaving the Public Safety Memorial Fund Board due to his upcoming retirement. Sgt. Liz Lawrence has expressed an interest in taking his place on the Public Safety Memorial Fund Board. Eriks asked the Board to approve this change by formal motion.

Patricia Patrick-Joling motioned to approve Sgt. Liz Lawrence filling the position vacated by Detective Jeff Hering on the Public Safety Memorial Fund Board. Jeff Hering seconded the motion. The motion carried unanimously.

Budget Update

- Eriks shared that work on 2019-2021 Agency Request Budget continues. Eriks did share the confidential analyst recommendations with Chair Myers and Vice-Chair Patrick-Joling.
- Last week DPSST appeared in front of Governor Brown's budget development team, and discussed the budget and needs of the agency. The session was well received but the outcome would not be known until the Governor released their proposed budget at the beginning of 2019. Eriks reminded Board members that the true agency budget would not be known until the Oregon Legislative Assembly completes its work most likely in June of

2019. DPSST did share during its budget appeal that if the projected hiring wave continues, the agency will continue to return to the legislative Emergency Board to request funds for additional basic training classes.

Legislative Update

DPSST is involved in a number of discussions regarding the 2019 Legislative Session.

- DPSST leadership staff met with leadership from the Oregon Department of Corrections (DOC) regarding the return of basic training for state corrections officers to the Oregon Public Safety Academy. DPSST would provide the training and has proposed that DOC provide two trainers to the Academy on an agency-loaned basis on two-year rotations to help deliver the training. The concept would be to offer two “flavors” of corrections officer training. The first would be the current class offered for city and county corrections officers. The second would be the DOC class that would cover the same topics but flavored toward the way in which DOC operates its facilities. DPSST was very honest with DOC, and part of its budget appeal, that DOC could not return to the Academy currently as there is limited capacity to offer the training in the proper manner without the additional dorm wing and other infrastructure needs. This discussion would occur during the legislative session as a Bill would need to be introduced through which the return of training would occur. DPSST is supportive of the discussion but honest about the needs of the organization as it does not want to negatively impact the other training programs offered at the Academy.
- Other legislative discussions DPSST is actively involved in includes the Attorney General’s Campus Public Safety and Private Security Work group that is looking at officer authority, uniforms, vehicle markings and operations.
- DPSST has also been working with the Attorney General’s Hate Crimes Task Force and a legislative work group that is looking at sexual assault investigations. Both of these groups have looked at DPSST training programs and found no concerns regarding what is offered.

Academy Training Updates

- Enrollment at the Academy continues to be steady. DPSST did postpone the October Basic Police class as it had less than 20 officers enrolled. Eriks said this was not a surprise as city and county agencies normally delay hiring in May and June due to uncertainties about local budget and began filling those vacancies when budgets take effect on July 1. Agencies are actively hiring but could not get their processes completed in time for the October class. The November Basic Police class is full with 40 officers, the December Basic Police Class has 25 of the 40 slots filled, and the January class has 14 of the 40 slots filled.
- DPSST will be adding a Basic Corrections Class in the Spring and a Basic Telecommunications Class in the Winter to meet hiring needs. The only basic training program not needing additional classes current is Parole and Probation.
- DPSST is working with stakeholder agencies to update the hiring and retirement projections survey which has been a useful tool for scheduling classes and requesting additional funds from the legislature
- DPSST has been contacted by the Bureau of Labor and Industries (BOLI) which is looking into a wage and hour complaint that has been filed by a police officer attending the Academy. The complaint alleges that DPSST training exceeds the 40-hour work week and that homework should be considered as part of the work week. DPSST has fully cooperated with BOLI and looks forward to the review. DPSST has been transparent in its discussions and has advised BOLI that DPSST is not the employer of the men and women attending the Academy but is the training provider. DPSST knows some agency collective bargaining

agreements may define work hours and work weeks differently but DPSST has no way to know the contracts in place with 208 agencies who send their personnel to the Academy.

- DPSST will share the proposed changes to the 16-week Basic Police at the next meeting of the Board's Police Policy Committee. The changes under Phase I, the first four-weeks, have been successfully implemented with very good feedback. The next discussion will look at Phase II and III which are the next eight-weeks of the 16-week course. DPSST staff plans a lengthy presentation and healthy discussion for the Police Policy Committee. One concept being discussed by DPSST training staff is not running a Basic Police class in February so that the new curriculum can be implemented without impacting the current version of the course.
- DPSST staff also continues its work with 9-1-1 professionals who are working to create the new three-week Basic Telecommunications Course that will add an additional week and lots of new content requested by 9-1-1 professionals. This conceptual change was approved by the Board earlier this year and the update being given at the next Telecommunications Policy Committee will bring more details on the proposed changes.
- DPSST staff met with the community college consortium it has in place with six community colleges (Clatsop, Chemeketa, Blue Mountain, Umpqua, Treasure Valley, and Tillamook Bay) around the state that recognize DPSST basic police and corrections training programs towards college credit. The meeting was to review the current program and address any needed changes. Both Southwestern Community College and Mount Hood Community College have expressed interest in joining the program which provides college credit for a very low cost. Parole and Probation does not participate in this program as the majority of parole and probation officers join the field with graduate degrees. The Telecommunications Program is too short in duration to qualify for college credit. Eriks shared that the goal of this program is encourage law enforcement officers to continue their education and achieve a college degree.

DPSST Updates

- To provide a better vehicle to distribute DPSST training class announcements and administrative announcements, DPSST has switched to a new email Listserv. The new program allows users to have more options as to what they want to receive and also the system has the ability to select regional announcements versus the old system that did not have this option.
- To help address staffing challenges in the DPSST Fire Training Program, DPSST is making grant funds available to the 22 regional fire training associations so they can host classes from contractors or purchase equipment that enables them to offer training on a local level. This is one-time money was made available due to positions not being able to be filled for a number of months within DPSST's regional fire training program.
- DPSST staff is working on a grant application for the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) which is due on Friday. DPSST is looking to add a mobile driving simulator that can be deployed on a regional basis and also adding fire props to the rail car located at the Academy.
- Lindsay Hale is coordinating the work of the Decertification Standards Work Group. This group includes a number of Board and Policy Committee members and will look to address challenges with the rules implemented last year and to address new issues that have arisen. The group held its first meeting last week and staff believes a number of meetings will be held before a product is ready to share with the Board or its policy committees.

- DPSST has been in contact with the Multnomah County Sheriff's Office which has identified that two of their Deputies who died in the line of duty many years ago are not honored on the State's memorial. One of these individuals worked in corrections the other in patrol. Each of these requests will appear at the next policy committee meeting for review and then to the Board at its January meeting.

8. Plaques presented to departing Board members.

- Detective Jeff Hering was presented with a plaque for service to the BPSST from November 2015 through October 2018.
- Deputy City Manager from the City of Salem, Kacey Duncan was presented with a plaque with service from June 2016 until December 2018.

Eriks told the Chair and Board members that we are actively working to find replacements for the positions that these two Board members are leaving vacant.

9. Next Meeting Date: January 24, 2019

Meeting adjourned at 9:43 a.m.