

**Board on Public Safety Standards and Training**  
**Minutes**  
**October 26, 2017**

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, October 26, 2017 in the Boardroom at the Oregon Public Safety Academy in Salem. Chair Jason Myers called the meeting to order at 9:00 a.m.

**Board members present:**

Jason Myers, Chair, Oregon State Sheriffs' Association  
Patricia Patrick-Joling, Vice Chair, Public Citizen Member (Teleconference)  
Nadine Purington, Non-Management Parole and Probation  
Kristine Allison, Oregon Association Chiefs of Police (Teleconference)  
Travis Hampton, Superintendent Oregon State Police  
Ray Byrd, Private Security Unarmed Policy Subcommittee  
Jeff Hering, Non-Management Law Enforcement  
Patricia Connolly, Oregon State Fire Fighters Council (Teleconference)  
James Walker, Oregon State Fire Marshal (Teleconference)  
Brian Wolfe, Oregon State Sheriffs' Association (Teleconference)  
James Oeder, Oregon Volunteer Firefighters Association (Teleconference)  
Mike Myers, Portland Fire & Rescue (Teleconference)  
Bill Geiger, Private Security Industry (Teleconference)  
Kelly Dutra, Public Safety Telecommunicators (Teleconference)  
Loren Cannon, Federal Bureau of Investigation  
James Cook, AFSCME/DOC Representative

**Board Members Absent:**

Mark Kreutzer, Oregon Fire District Directors Association  
Kacey Duncan, League of Oregon Cities  
John Teague, Oregon Association of Chiefs of Police  
Colette Peters, Director, Department of Corrections

**DPSST Staff:**

Eriks Gabliks, Director  
Jennifer Howald, Rules & Compliance Coordinator  
Linsay Hale, Professional Standards Division Director  
Katrina Robson, Professional Standards Investigator and Coordinator  
Marsha Morin, CJ Certifications Program Manager  
Theresa Janda, Executive Assistant to the Director  
Kristin Hibberds, Professional Standards Investigator & Coordinator  
Debbie Anderson, Certification and Compliance Specialist  
Suzy Herring, Private Security/Investigator Program Manager

**Guests:**

Doug Marteeny, Linn County District Attorney  
Craig Flierl, Oregon State Police  
Thomas Ianeri

## **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, James Cook representing non-management corrections (DOC/AFSCME) and Mark Kreutzer, representing Oregon Fire District Director's Association. Director Gabliks reported that Doug Marteeny, Linn County District Attorney has submitted paperwork to replace the position previously held by Daina Vitolins and Liz Lawrence of the Bend Police Department has submitted paperwork to fill the position vacated by Mike Araiza. Portland Police Chief, Danielle Outlaw will join the Board once her paperwork has been approved by the Governor's office. Greg Marlar recently resigned from his position and a replacement will be found for that Board position by Oregon Fire Chief's Association, which is currently vacant, as well.

### **2. \*Minutes**

*Approve minutes from the July 27, 2017 Meeting*

**Patricia Patrick-Joling motioned to approve the Minutes from July 27, 2017. Ray Byrd seconded the motion. The motion carried with a unanimous vote.**

### **3. Fire Policy Committee**

#### **a. Fire Policy Committee Update –**

The Chair position of the FPC is currently vacant and Director Gabliks briefly updated the Board. He reported that the wildland fire season has kept the fire service very busy this year. The next Fire Policy Committee meeting date has been changed from its original date of November 28, 2017 and will now take place on December 5, 2017.

### **4. Private Security/Investigator Policy Committee**

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

Chair Geiger updated the Board:

- ) The Unarmed Subcommittee met on 10/10/17, with the majority of discussion around the Instructor Program. They are discussing increasing the quantity of instructors and providing professional training. Their next meeting will be after January 1, 2018.
- ) The Armed Subcommittee met 9/26/17. They are still reviewing curriculum. There are currently no courses for armed instructors to meet their prerequisites in the state, so an in-state curriculum to provide that training is being developed.
- ) The PI Subcommittee met 9/12/17 to discuss statutory language that directs the Board in collaboration with the PSIPC to establish rules of professional conduct to be followed by investigators. A recommendation for that will be brought to the Board soon. Their next meeting is November 2, 2017.
- ) Event Hospitality Committee: Rob Meeks, curriculum development specialist has been working to develop a curriculum for this group to review. It is currently in rough draft and is still being worked on.

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

**A. \* OAR 259-060-0300 – Proposed Rule Change – Approve**

Establishes emotional standards for armed private security professionals and private security firearms instructors.

*Unanimous vote to recommend to the Board by the PSIPC on August 15, 2017.*

Chair Myer told the Board that item 4(A) is being removed from the consent agenda because public comment was received and a request for a public hearing. After going through a public hearing it will then go back to the Policy Committee and then back to the Board for consideration.

**B. \*OAR 259-060-0092 – Proposed Rule Change – Approve**

Clarifies rule language for accreditation of private security training programs.

*Unanimous vote to recommend to the Board by the PSIPC on August 15, 2017.*

**C. \*OAR 259-060-0015, 259-060-0135, 259-060-0450 – Proposed Rule Change and Adoption of OAR 259-060-0136 - Approve**

Establishes instructor responsibilities.

*Unanimous vote to recommend to the Board by the PSIPC on August 15, 2017.*

**D. \*Committee Appointments**

Private Security Investigator Policy Committee

) Eric Morse – Re-appointment to the PSIPC, representing the Manufacturing Industry; 2<sup>nd</sup> term effective 10/26/17

) Jeremy Grahn – Re-appointment to the PSIPC, representing the Retail Industry; 2<sup>nd</sup> term effective 10/26/17

**Raymond Byrd motioned to approve the Private Security/Investigatory Policy Committee consent agenda, except for item A., which was pulled from the agenda for the reasons stated above. Travis Hampton seconded the motion. The motion carried with a unanimous vote.**

**5. Criminal Justice Policy Committees**

**a. Police Policy Committee Update – Jeff Hering, Chair**

- ) PPC Chair, Jeff Hering updated the Board stating that the last PPC had a large caseload, which prompted consideration on new ways to more efficiently work through the agenda.
- ) Chair Hering thanked Lindsay Hale for her assistance to facilitate his first meeting as Chair of the PPC.
- ) The Minnesota Star reporter and camera crew attended the PPC and they wrote a great article which included references to DPSST and law enforcement training in Oregon.
- ) A number of changes were discussed on how the Policy Committee handles things, including allowing the opportunity for those, whose cases are on the agenda, to present mitigation prior to their case being considered by the Committee.
- ) The next meeting will be on 11/16/17.

**b. Telecommunications Policy Committee Update – Kelly Dutra, Chair**

Chair Dutra shared that the last TPC meeting was cancelled and she therefore had no new updates. The next meeting will be 11/1/17.

**c. Corrections Policy Committee Update – Jason Myers, Chair**

Chair Myers shared that the CPC has a large agenda coming up. A number of cases had to be reconsidered because of changes in policy, so there will be a lot of work involved. The next meeting will be in November.

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

**A. \*OAR 249-008-0010 – Proposed Rule Change - Approve**

HB 2594 – Changes to citizenship requirements for certification.

*Unanimous vote to recommend to the Board by the PPC on August 17, 2017.*

**B. \*Kirsten Leshley DPSST#57500 (Coos County Sheriff's Office) – Not Deny Application for Training and Subsequent Certification**

*Vote to recommend to the Board by the CPC on August 8, 2017.*

**C. \*Zackery Farrell DPSST#57262 (DOC-Eastern Oregon Correctional Institution) - Not Deny Application for Training and Subsequent Certification**

*Vote to recommend to the Board by the CPC on August 8, 2017.*

**D. \*Chad Owens DPSST#56493 (Bend Police Department) – Not Deny Application for Training and Subsequent Certification**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**E. \*Cory Hogg DPSST#57151 (Clackamas County Sheriff's Office) – Not Deny Application for Training and Subsequent Certification**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**F. \*Alexander Bubar DPSST#46589 (Columbia City Police Department) – Not Deny Application for Training and Subsequent Certification**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**G. \*Ariel Livingston DPSST#57429 (Portland Police Bureau) – Not Deny Application for Training and Subsequent Certification**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**H. \*Phillip Watlamet DPSST#27236 (Columbia River Inter-Tribal Fisheries) – Revoke**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**I. \*Roger Thorsvold DPSST #51402 (Bend Police Department) - Suspend**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**J. \*Douglas Rathbun DPSST#03086 (Not Employed) – Revoke**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**K. \*Kurtis Kimble DPSST#34515 (Not Employed) – Revoke**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**L. \*Taylor Lawrence DPSST#51838 (Corvallis Police Department) - Not Revoke**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**M. \*Jamie Rogers DPSST#36661 (Not employed) – Restore eligibility to apply for certification**

*Vote with 10 ayes and 2 recusals to recommend to the Board by the PPC on August 17, 2017.*

**N. \*Thomas Ianieri DPSST#37706 (Medford Police Department) – Not Revoke**

*Vote to recommend to the Board by the PPC on August 17, 2017.*

**O. \*Committee Appointments**

Police Policy Committee

    ) Pat Garrett – Re-appointment to the PPC, representing the OSSA; 2<sup>nd</sup> term effective 10/26/17

    ) Brandon Klocko – Appointment to the TPC to replace Justin Hardwick; 1<sup>st</sup> term effective 10/26/17

**Chair Myers announced that Item N. has been pulled from the consent agenda for further discussion.**

**Patricia Patrick-Joling motioned to approve the consent agenda items, except for Item N., as stated above. Travis Hampton seconded the motion. The motion carried with a unanimous vote.**

**Discussion on CJ Consent Agenda Item N:** Kris Allison and Kelly Dutra both recused themselves from the discussion regarding Item N. Chair Myers explained that this case had already been sent back to the Committee to reconsider and with due respect to the Policy Committee, he cannot agree with the finding that this person not be decertified due to the rationale around the moral fitness. The Chair told the Board that this has been reviewed twice by the Policy Committee and feels that this comes down to a vote as to whether to keep the certification or de-certify. The Chair said he cannot get past the issues around the moral fitness due to the egregious conduct of a supervisor with a subordinate employee and the harassing nature of it. Ray Byrd concurred with the Chair. Brian Wolfe also concurred and stated that he voted as a Police Policy Committee member in favor of revocation and still agrees with that. Chair Myers stated that due to the recusals there are not enough votes to ratify this with a vote and therefore asked for a motion to hold this over until a meeting with a quorum.

**Patricia Patrick-Joling motioned to hold this over for consideration and a vote at a Board meeting with enough members present for a quorum vote. Ray Byrd seconded the motion. The motion carried with a unanimous vote.**

**e. \*OAR 249-008-0020 (Form F-4) - Proposed Rule Change - Approve**

Reporting of separations from employment - adding an attachment to form F-4 for reporting separations from employment.

Linsay Hale reviewed the Proposed Rule change (OAR 249-008-0020) stating that in July 2017, Chair Myers requested that staff review the manner in which the separation of public safety officers were being reported to DPSST as well as how separations were being reviewed by DPSST staff once they were received. Ultimately the goal was to develop a process that not only increases the accuracy of the information being recorded, but also the accountability of the individual recording the information.

Currently all agencies that employ public safety professionals are required to report to DPSST the hired's status change such as promotion or demotions or any separation of an individual within their agency. Currently that is done using the personnel action form or form F-4, which is included as **attachment A** in the staff reports in this packet. On this form there is a series of boxes under the section titled "separation". The Agency is required to select the box that best describes the type of separation being reported. The box that is selected determines whether a Professional Standards review is initiated once the form is received by DPSST. While this process clearly delineates DPSST's course of action, the list of separation types are not all-inclusive. It is not uncommon to have a separation situation that does not cleanly fit into one of the boxes provided. To address these issues DPSST has recommended creating a separate and distinct form for agencies to report separations. The Draft form is included as **attachment B**. The boxes have been eliminated and a series of additional questions added to capture anomalies such as uninvestigated reports of misconduct, etc. This will allow for a case by case analysis of unique situations and circumstances surrounding each separation. It is important to note that even with the implementation of this change DPSST's ability to investigate will remain limited but its role as a record-keeper will be increased significantly, mainly because the information included on this form will become part of the officer's official DPSST record and will be made available to background investigators should an officer who left his or her previous agency under a cloud of suspicion seek employment with another agency.

In recognition of the increased information that will be received with this form, the second recommendation being presented is to have a focused mini-professional standards review of each reported separation which will allow DPSST to ask clarifying questions to complete its record before making a determination as to whether a Professional Standards case needs to be opened, or not. These changes will create some new job responsibilities internally. To address these responsibilities we have made some staffing changes by assigning the responsibilities for this review to one individual and also appointing that individual to be the direct point of contact for any pre-employment investigations being done in the state or outside of Oregon.

A number of months ago the signature authority of this form changed, following the recommendations of a Workgroup that was established to look at the denial/revocations standards for criminal justice. That change was made through the permanent rule making process which included approval by this body. It was made in recognition of the importance of the information being received and how it is being reported to DPSST. These recommendations would not alter that change. The form F-4 and the form F-4S would still need to be signed by the Agency Head or someone who is certified by DPSST in the Criminal Justice field, to allow consequences for falsifying the form.

**Action Item 1:** Review and Discuss these recommendations.

Ray Byrd asked a question regarding how this impacts separation due to FTEP failure. Linsay explained that no case would be opened due to incompetence or performance related

separations, however with the new form, documentation explaining the reasons for the separation would still be required. Chair Myers thanked Linsay for her work on this, as it provides more clarity for executives when they are checking these boxes.

**Action Item 2:** A rule change is required to split this form out into separate forms. Should staff be directed, by vote, to initiate the permanent rule making process, implementing these changes?

**Ray Bird motioned to approve the proposed changes to OAR 249-008-0020, also known as F-4. Patricia Patrick-Joling seconded the motion. The motion carried with a unanimous vote.**

**The Board found, by consensus, no fiscal impact due to this change.**

## **6. Administrative**

**a. \*OAR s 259-006-0000 and 259-006-0005 - Proposed Rule change - Approve**  
HB 2294 and the addition of public members to Policy Committees.

Jennifer Howald gave an overview of this proposed rule change and its impact - A 2017 bill, HB2294, added a public member to Fire, Police, Corrections and Telecommunications policy committees. Outlines were included for parameters required to serve as a public member to the policy committees. The public member parameters for the existing Private Security Policy Committee position were also statutorily updated for consistency. The public member must not have been employed or utilized within the discipline that the policy committee represents and the public member cannot be related within the 2<sup>nd</sup> degree to a person who is employed or utilized within the discipline that the committee represents. Examples, included in the Board members packets, were cited.

HB2294 becomes effective January 1, 2018 and to make sure that OAR 259-006-0000 and 0005 reflect the changes, they will require a rule change. The current rule text for 0000 outlines the membership of each Policy Committee and 0005 captures the procedures and operations of the policy committees. Both of these rules have text that currently duplicates OAR 181A.375, which was amended. Instead of updating the rules to match those legislative changes that were made to statute, DPSST staff recommends that the rule text be amended to eliminate the redundancies that contain the ORS language and that the process for the policy committee appointments become codified in rule to continue transparency and consistency throughout the appointment process. To support this recommendation, staff drafted recommendations to OAR 259-006-0000 to reference the statute and maintain processes that have been moved over from Administrative rule 259-006-0005. The rule was revised to replace the existing rule content with the drafted language that defines the procedures for applying to the policy committee and filling vacancies. Jennifer explained that this would only apply to those policy committee positions that are not representing the Board, since Board members are appointed by the Governor. She explained that anyone may apply by submitting an interest form, a vacancy does not need to exist at the time of application. Interest forms will be maintained for two years from date of submission and a new one may be submitted once one expires. Applicants are subject to a background check in accordance with ORS 181A.375 and all appointments to a policy committee must be ratified by the Board. Section 5(c) on page 7, recognizes that the majority of policy

committee positions represent an employer, association, or organization and provides a process for filling a vacancy that represents that entity. Section 8 provides the process to fill vacancies that do not represent an employer, association, or organization, such as the public member and several positions on the Private Security Investigator Policy Committee. Finally the rule provides that the Board's decision regarding appointments to the Policy Committee are final and not subject to appeal. Staff expects minimal fiscal impact to the Department or to the Board for Administrative processes and no small businesses were identified as subject to this rule change.

**Jeff Hering motioned to approve the proposed rule change. Patricia Patrick-Joling seconded the motion. The motion carried with a unanimous vote.**

**b. Update – Correspondence from Police Professionals for Law Enforcement Accountability (PPROLEA)**

Chair Myers read the correspondence aloud received from the Police Professionals for Law Enforcement Accountability. Chair Myers told the Board members that the document is included in the Board packet and that some of the items mentioned in the correspondence are, in fact, actually in the midst of being implemented.

Patricia Patrick-Joling stated that she concurred that additional training, asked for in the letter, would be appropriate.

Director Gabliks gave additional information on sexual assault and child abuse investigations training to give the members some context. He explained that DPSST has a partnership with DOJ sexual assault task force, who provides training to the Basic Police classes at the Academy. We also partner with other agencies to provide advanced and ongoing professional development opportunities in these important areas. Not every agency is able to have specialized investigators because of the size of the agency. For this reason DPSST tries to provide solid training at the Basic level and give opportunities for professional development throughout the careers of officers for the agencies to take advantage of as budgets allow. It is important to realize that one size does not fit all. The supervisory/management level training at DPSST is more generic in nature, meaning that the training focuses on how to be a supervisor/manager in any agency and on how to lead and does not get into subject matter expertise of any disciplines, because they all go through the same program.

Chair Myers thanked Eriks for his input and stated that he appreciated the correspondence from the PPROLEA and believes they had some good feedback and that DPSST is already moving in the right direction on some of these items.

**7. Director's Report - Director Gabliks**

**Board Updates & Board and Committee Members**

J Sheriff Myers welcomed James Cook as a new member to the Board representing non-management employees from the Oregon Department of Corrections. Eriks shared that Mark Kreutzer of Columbia River Fire & Rescue was also recently approved as a member of the Board representing the Oregon Fire District Directors Association.



- J Portland's new Police Chief Danielle Outlaw has received the necessary paperwork and will be coming onto the Board very soon.
- J Chief Greg Marlar of Douglas County Fire District #2 has resigned from the Board to address personal matters. The Oregon Fire Chiefs Association is working on a replacement.
- J Sergeant Elizabeth Lawrence of the Bend Police Department has been nominated to serve on the Board as a non-management representative taking the place of Mike Araiza and is on the list for Senate confirmation during the November session.
- J Linn County District Attorney Doug Marteeny has been nominated by the Oregon District Attorney's Association to take the place of Daina Vitols who recently left the Board to serve as a judge in Crook County and is on the list for senate confirmation during the February 2018 session.
- J Theresa Janda has prepared the dates for the 2018 Board and policy committee meetings. The format remains the same with one change in May, when the Corrections Policy Committee meeting was moved to the morning as to not conflict with the state's fallen officer memorial ceremony that afternoon.

#### Academy Training Budget Needs

Director Gabliks shared that enrollment numbers at the Academy continue to hold steady. DPSST is starting a new 16-week Basic Police class every month to address the number of retirements taking place. The projection that up to 1,000 law enforcement officers will retire over the next three years continues to hold true. He explained that DPSST has moved classes forward which means that additional funds will need to be requested to fill in the end of the current biennium.

**\*Director Gabliks asked the Board for permission to seek additional dollars from the Oregon Legislative Assembly to address the extra classes need to meet the hiring demands.**

**Patricia Patrick-Joling made a motion to approve DPSST seeking additional dollars from the Oregon Legislative Assembly, as above. Travis Hampton seconded the motion. The motion carried with a unanimous vote.**

#### Training

- J In the Fire Programs area, DPSST helped support the recent wildfire season by training more than 600 citizen-soldiers and citizen-airmen from the Oregon National Guard activated by Governor Kate Brown at the request of the Oregon Department of Forestry. DPSST expenses will be reimbursed by the Oregon Department of Forestry.
- J In the Criminal Justice arena, DPSST continues to work on a comprehensive review of the 16-week Basic Police Course. Director Gabliks shared that the review is looking at four-weeks of training at a time to make the work manageable. DPSST staff will give its first update to the Board's Police Policy Committee next month. The work group includes citizens and stakeholders from various agencies and communities around the state.

- J With the recent tragedy in Las Vegas, DPSST is reviewing lessons learned to see what changes may be needed in the active shooter training programs offered by the agency. DPSST continues to provide active shooter training to public safety agencies around the state. DPSST has also renewed a grant with the Oregon Fire Chiefs Association EMS Section to continue delivery of the High Threat Tactics and Treatments (HT4) specialized training to fire and EMS responders on a regional basis. DPSST is also interested in any crowd control training needs that may be recommended in after-action reviews of large venues. Eriks also shared that the active shooter management training tool is about 90% complete. DPSST has an active work group that includes members of various public safety agencies, the Oregon State Police, and the FBI working on this resource, which will become a tool for managers.

#### Operational

As DPSST continues to work on enhancements to records access and transparency, the fire certification records are now also accessible on-line 24 hours a day through the IRIS program. This is the same program that has been in place for law enforcement and private security information.

#### General

- J As public safety agencies around the state work to enhance community awareness of breast cancer issues during the month of October, DPSST has also joined this campaign and is also using it to share cancer concerns with career and volunteer firefighters in partnership with the Oregon Fire Chiefs Association Safety and Health Section.
- J Over the next month, Professional Standards Division Director, Linsay Hale, Academy Training Division Director, Mike Leloff and Director Gabliks will be visiting with criminal justice stakeholders around the state to share recent and proposed changes to professional standards and training programs. More than ten sessions are scheduled in every region of the state.
- J The Oregon Association of Chiefs of Police and Oregon State Sheriff's Association Mental Health Crisis Response Work Group has completed its work with final documents posted on the Oregon Knowledge Bank. This work group met for almost a year and included more than 40 participants from various law enforcement agencies, public sector and non-profit organizations, and partners such as fire, EMS and 9-1-1 organizations. Members of this group were asked to give a presentation at last week's International Association of Chiefs of Police conference in Philadelphia. The presentation was well received with a number of attendees complimentary of the fact that Oregon agencies were able to work together to address this with a statewide approach.
- J In closing Director Gabliks shared that the Minneapolis Star completed its series on law enforcement officers' certification and that a link was shared to the story with Board and policy committee members. DPSST staff continues to work with The Oregonian which is looking into law enforcement officer certification.

#### **8. Next Meeting Date: January 25, 2018**

With no further items to discuss Chair Myers adjourned the meeting at 9:50 a.m.