

Board on Public Safety Standards and Training
Minutes
January 22, 2015

The Board on Public Safety Standards and Training held a regular meeting on Thursday, January 22, 2015, in the Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Chair Kent Barker called the meeting to order at 9:00 a.m.

Board members present:

Kent Barker, Chair, Oregon Association Chiefs of Police
Jacque Betz, League of Oregon Cities
Larry Blanton, Oregon State Sheriffs' Association
Brian Burger, AFSCME Representative, DOC
Alex Gardner, Oregon District Attorneys' Association
Bill Geiger, Private Security Industry
Erin Janssens, Chief, Portland Fire & Rescue
David Jones, Oregon Fire District Directors' Association
Jason Myers, Oregon State Sheriffs' Association
Larry O'Dea, Chief of Portland Police Bureau
Patricia Patrick-Joling, Public Citizen Member
Colette Peters, Director of Department of Corrections
Glenn Scuggs, Non-Management Law Enforcement (teleconference)
Lisa Settell, Non-Management Parole and Probation
Scott Stanton, Vice-Chair, Oregon Volunteer Firefighters Association
Mathew Workman, Oregon Association Chiefs of Police (teleconference)

Board Members Absent:

Paul Castleberry, Private Security Industry
Rich Evans, Superintendent, Oregon State Police
Joseph Siebert, Oregon State Fire Fighters Council
Toni Sexton, Public Safety Telecommunicators
Michael Wells, Non-Management Law Enforcement

Guests:

Greg Marlar, Oregon Fire Chief's Association
Carli Brosseau, Oregonian

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Todd Anderson, Training Division Director
Leon Colas, Professional Standards Investigator and Coordinator
Sharon Huck, Rules & Compliance Coordinator
Kristen Hibberds, Professional Standards Investigator and Coordinator
Theresa King, DOC BCC Audit Program Coordinator
Julie Johnson, Private Security Compliance Specialist

Debbie Anderson, Certification & Compliance Specialist
Monica Walker, PS/PI Operations Supervisor
Tammera Hinshaw, Executive Assistant to the Director and Board

Chair's Report and Administrative Announcements

“This is a public meeting, subject to the public meeting laws and it will be tape recorded.”

Chair Kent Barker led the group in a moment of silence to honor and reflect on the life of Leo App Jr. who passed away on December 20, 2014. Leo served with the Federal Bureau of Investigation for 30 years. He was a charter member and active range master in the Oregon Police Firearms Instructors Association. Leo was a pioneer in firearms instruction and was an instructor at DPSST for many decades. Even in retirement and well into his 80's, Leo kept tabs on the firearms training provided to criminal justice professionals attending the Oregon Public Safety Academy. DPSST presents an award to the highest shooter in each Basic Police class named in Leo's honor.

Chair Kent Barker welcomed the new Board members

- Larry O'Dea - Chief, Portland Police Bureau - Taking the place of Michael Reese
- Jim Walker - Oregon State Fire Marshal - Taking the place of Mark Wallace

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

A. Minutes of October 23, 2014

B. Bylaws of the Board on Public Safety Standards and Training

C. OAR 259-008-0005, 259-008-0010, 259-008-0011, 259-008-0025, 259-008-0060, and 259-008-0078 - Proposed Rule Changes

Limited Duration, Administrative Positions

D. OAR 259-061-0190 - Repeal

Code of Ethical Conduct

E. OAR 259-060-0010, 259-060-0130, 259-060-0145 and 259-060-0450

Civil Penalties

F. OAR 259-060-0060 and 259-060-0135 - Proposed Rule Changes

Tamper-proof Bags

G. OAR 259-060-0300 and 259-061-0300

Criminal Justice Commission Crimes

H. OAR 259-060-0010, 259-060-0060, 259-060-0120, 259-060-0130 and 259-060-0135 - Proposed Rule Changes

Private Security Professional Basic Classroom/Renewal Hours
Academic Proficiency Standard Exception

I. OAR 259-008-0005 and 259-008-0060 - Proposed Rule

CPR/First Aid Requirements, Leave Clarifications, and Housekeeping

J. Jason Terkelson - Medical Waiver

K. Telecommunications Field Training Manual - Revisions and Update

Item L - Stallings: removed from the consent agenda for discussion. #2

M. Raymond McNeely - DPSST#46177 - Coquille PD - Not Revoke

N. David Fuller - DPSST#16332 - Columbia County SO - Revocation

O. Matthew Tiller - DPSST#53939 - Union County SO - Not Deny Application for Training

Item P - Turk: removed from the consent agenda for discussion. #3

O. Policy Committee Appointments

Private Security/Investigators Policy Committee

- Randall Scott - Hospitality Representative - New appointment
- Michael Snyder - Unarmed Representative - New appointment
- Jimmie Edmonds - Alarm Monitor Representative - New appointment

Corrections Policy Committee

- Kristen Hanthorn - Oregon Assn Community Corrections Directors - New appointment

Polygraph Licensing Advisory Committee (PLAC)

- Derry York - Reappointment

Telecommunications Policy Committee

- Randy Wood - OFCA Representative - New appointment

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

An additional policy committee member was approved during the Director's Report.

2. Matthew Stallings - PSID#60747 - Not Revoke

Patricia Patrick-Joling requested clarification about why the policy committee would vote to not revoke the certifications of a person who apparently flagrantly disregarded rules. Chair Barker and Alex Gardner provided feedback that the policy committee members can only make recommendations based on the documentation they're given. After lengthy discussion on the case, Chair Barker asked for a vote.

Brian Burger moved to approve the committee recommendation to not revoke certification. William Geiger seconded the motion. The motion carried with a unanimous vote.

3. Bryan Turk - DPSST#54377 - DOC - Not Deny Application for Training

Patricia Patrick-Joling asked about a person's ability to serve who has several DUI's and feels we may be setting folks up for failure. Lisa Settell, Kent Barker, Colette Peters, and Linsay Hale provided feedback on why the policy committee reached their decision. After lengthy discussion, Chair Barker asked for a vote.

Colette Peters moved to approve the policy committee recommendation to not deny application for training. Lisa Settell seconded the motion. All committee members present voted for with the exception of Patricia Patrick-Joling who voted against. The motion carried.

4. Director's Report - Director Gabliks

The below items were updates given by Director Gabliks and occurred after the written report was submitted for the Board packets.

Director Gabliks requested a vote for new member Bob Rector to replace Rich Culley on the Telecommunications Policy Committee as the representative of the Oregon State Police.

Alex Gardner moved to approve adding Bob Rector to the Telecommunications Policy Committee. Scott Stanton seconded the motion. The motion carried with a unanimous vote.

Legislature

DPSST has introduced three bills for the 2015 legislative session. All three were approved by the Board as required by Statute. The first will allow DPSST staff to have access to investigate reports. The second will allow BPSST to establish background standards for reserve law enforcement officers. The third will remove the 2016 sunset on the PERS exemption DPSST currently has to attract and retain seasoned public safety professionals who are involved in training at DPSST and are retirees of the Public Employee Retirement System.

Eriks also shared a number of bills being introduced that may impact operations. The bills include: The sunset of the Tribal Law Enforcement Officer legislation (Senate Bill 412), a bill introduced regarding Scholl Protection Officers which may create confusion with BPSST private security licensing provisions, adding cancer presumption as eligible for assistance from the Public Safety Memorial Fund, and the national discussion on use of force, police accountability, and law enforcement legitimacy. Eriks shared that DPSST will host legislative members and committees and make any opportunities available that help elected officials understand the issues and the work done at the Oregon Public Safety Academy on a daily basis.

Budget

Eriks reviewed the recently released Governor's Recommended Budget (GRB) and the impact this will have on DPSST's operations. The GRB provided DPSST with an overall increase of approximately 3.5%. DPSST's proposed 5% and 10% reductions, which would have reduced the number of Basic Police training classes DPSST offers during the 2015-2017 biennium were not taken. Three of the Policy Option Packages submitted by DPSST were approved. These include 2

FTE Mental Health Training Coordinators, 1 FTE Research Analyst and 1 FTE Training Coordinator for the Center for Policing Excellence, and additional funds for legal and hearings expenses to address increased volume experienced for professional standards cases.

The GRB process did not include Policy Option Packages for the following: 1 FTE Training Coordinator for Active Shooter, 1 FTE for Regional training assistance (Part Timers), funds to restore Child Abuse Training opportunities, and funds for student I-Pads and related equipment. Eriks reminded the Board that the GRB was the place where the Oregon Legislative Assembly will begin its work when they begin the Ways and Means process. DPSST's budget presentation for the Public Safety Ways & Means Sub-Committee is scheduled for February 16 & 17, 2015.

Eriks did share concern that there is a possibility that there may not be enough basic classes scheduled for the 2015-2017 budget based on an uptick of hiring and the potential for "baby boomer" retirements. Over the past two months DPSST has received word that the Oregon State Police may have up to 150 retirements over the next biennium, the Portland Police Bureau may have 80 retirements in 2015, and both the City of Salem and Eugene police departments each have at least 15 vacancies. House Bill 3194, which funded reinvestments in the public safety system, did trigger the rehire of more than two dozen parole and probation officers which required that DPSST offer an additional class in the spring. County corrections ballot measures, approved at the end of last year, also created an uptick in basic training needs. Eriks and DPSST staff did share these concerns during the Governor's budget development process and will share them also with Ways & Means. DPSST staff continues to communicate with constituents on an on-going basis and monitor class enrollments. Eriks also shared that many agencies are reporting a difficult time finding qualified applicants to fill vacant criminal justice positions.

Training

DPSST continues to receive requests for training from rural fire protection districts that are considering arming firefighters. This is being considered in rural areas that do not have adequate law enforcement services to provide protection at emergency scenes. DPSST's position is that this is not an area that it plans to get involved in as it is outside the mission of the agency.

DPSST recently hosted a review team from the University of Arizona and the United States Department of Justice which looked at the Supervision and Middle Management training offered at the Academy. The reviewers were very complimentary of the work being done.

The City of Hillsboro Police Department is working with Pacific University on a project that will evaluate mental health interactions with community members. As part of the study, Hillsboro PD and Pacific University also want to evaluate the mental health training offered by DPSST in the 16-week Basic Police course. DPSST is interested in the opportunity and appreciates the evaluation of the training offered at the academy in partnership with Lines for Life.

DPSST continues to work with the Governor's Office, Office of State Fire Marshal, Department of Transportation, and others on the training needs of emergency responders related to crude oil trains. A table-top exercise is being hosted by DPSST later this month and DPSST has submitted a budget request for more than one million dollars to help facilitate and support transportation incident response training.

DPSST continues to participate with the Oregon State Police and its School Preparedness and Response work group. Meetings continue to be held between public safety and school officials on approximately a monthly basis. The project will help create a “cloud-based” mapping system of all schools in the state for use by emergency responders. There is also a terminology and training component of the work group.

Professional Standards

DPSST receives approximately one inquiry each week on marijuana. The recently passed ballot measure which allows recreational use of marijuana does not permit regulatory agencies to establish any standard to regulate use. The ballot measure does allow employers to establish policies and guidelines for its employee. Currently DPSST’s Professional Standards Division plans to address marijuana issues in the same manner through which alcohol incidents are evaluated.

DPSST staff has implemented the new Oregon Administrative Rules with expanded guidance related to Background Standards after no comments were received from the public during the rulemaking process.

The new process implemented by the Professional Standards Division for criminal justice cases are beginning to have an impact. During the month of December, the new process resulted in nine revocations without a hearing or review by a Policy Committee. Eight were handled through Stipulated Agreements, and the other was through Default Order. Eriks thanked the Board for their patience with the new process.

The Board of Trustees of Portland State University informed DPSST they plan to create a Police Department. This process will take a number of months to implement and staff anticipates a gradual approach similar to that used by the University of Oregon through which officers will be hired and trained over a number of years.

A Portland media outlet recently published an article that discussed mental health/psychological standards for armed security officers. DPSST staff will share this information with the appropriate policy committees for review and discussion.

The Private Security Section at DPSST is now fully staff and has tackled the backlog. Eriks expressed his appreciation for the many hours of work that was needed to address this issue. The Private Security Policy Committee is addressing Crowd Control training and licensure. Because crowd control personnel also play a key role in other life safety regulatory issues, the Private Security Policy Committee has extended invitations to OLCC, the Office of State Fire Marshal, and Oregon Fire Marshals Association to participate in the discussions.

Other

DPSST staff continues to work with Oregon Liquor Control Commission to develop standards for training and certification as required by legislation. The legislation requires that OLCC inspectors and enforcement personnel be held to professional standards that are adopted by the Board. The recently passed marijuana legislation may give OLCC additional duties regarding the enforcement or these duties may be given to the Oregon State Police.

The Oregon Fallen Law Enforcement Officer Memorial is scheduled for May 5, 2015 at 1:00 p.m. at DPSST.

5. Policy Committee Update

- Corrections Policy Committee – Lisa Settell, Chair
There was a light agenda last meeting with no revocations. Her term is almost done and Lisa is busy recruiting for a replacement.

- Fire Policy Committee – Joe Seibert, Chair
The committee didn't meeting in November and will meet next month. Two new members are joining the committee.

- Police Policy Committee – Kent Barker, Chair
There was nothing new to report.

- Private Security Policy Committee – Bill Geiger, Chair
The committee had a full agenda last meeting. The group has been restructured, bylaws are updated, and they're reviewing curriculum.

- Telecommunications Policy Committee – Toni Sexton, Chair
No members to report.

6. Next meeting date: April 23, 2015

With nothing more to come before the Board, the meeting was concluded at 9:55 a.m.