

Board on Public Safety Standards and Training
Minutes
April 23, 2015

The Board on Public Safety Standards and Training held a regular meeting on Thursday, April 23, 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
Greg Bretzing, FBI Special Agent in Charge (teleconference)
Brian Burger, AFSCME Representative, DOC
Paul Castleberry, Private Security Industry
Alex Gardner, Oregon District Attorneys' Association
Bill Geiger, Private Security Industry (teleconference)
Erin Janssens, Chief, Portland Fire & Rescue
David Jones, Oregon Fire District Directors' Association
Greg Marlar, Oregon Fire Chiefs Assn.
Jason Myers, Oregon State Sheriffs' Association
Patricia Patrick-Joling, Public Citizen Member (teleconference)
Joseph Siebert, Oregon State Fire Fighters Council
Lisa Settell, Non-Management Parole and Probation
Scott Stanton, Vice-Chair, Oregon Volunteer Firefighters Association (teleconference)
James Walker, Oregon State Fire Marshal
Michael Wells, Non-Management Law Enforcement
Mathew Workman, Oregon Association Chiefs of Police (teleconference)

Board Members Absent:

Rich Evans, Superintendent, Oregon State Police
Larry O'Dea, Chief, Portland Police Bureau
Colette Peters, Director, Department of Corrections
Glenn Scruggs, Non-Management Law Enforcement
Toni Sexton, Public Safety Telecommunicators

Guests:

Maxine Bernstein, The Oregonian
Richard Brown, former Board member
Jason Walker, City Pendleton Fire and Rescue

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Leon Colas, Professional Standards Investigator and Coordinator
Sharon Huck, Rules & Compliance Coordinator

Kristen Hibberds, Professional Standards Investigator and Coordinator
Mona Riesterer, Professional Standards Assistant
Julie Olsen-Fink, Fire Certification Supervisor
Kayla Ballrot, Compliance Specialist
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.”

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

A. Minutes for the January 22, 2015 meeting

B. OAR 259-008-0011 – Proposed Rule Change

NENA Hearing Standards Update

C. OAR 259-008-0000 et al – Proposed Rule Change

Certification of Oregon Liquor Enforcement Inspectors

D. OAR 259-020-0030 – Proposed Rule Change

Denial and Revocation Complaint Procedure

E. OAR 259-009-0005 and 259-009-0062 – Proposed Rules

NFPA Technical Rescuer

F. OAR 259-009-0062 – Proposed Rules

NFPA Fire Officer Standards

G. OAR 259-061-0010 et al – Proposed Rule Change

Inactive Status

H. OAR 259-060-0020 – Proposed Rule Change

Education Requirements

I. Examinations for Private Security and Alarm Managers and Private Security and Alarm Instructors

I. POLCOR Curriculum Revision

K. Tiller, Matthew #53939 – Medical Waiver

L. Revoir, Alison #48398 – Umatilla County SO – Revocation

M. Romayor, Reyes #35861 – DOC Snake River – Administrative Closure

N. Headrick, John #18996 – Clackamas County SO – Revocation

O. Lay, Nathan #40666 – Baker County SO – Revocation

P. Espinoza, Marco #49339 – Springfield PD – Not Revoke

Q. Hubbard, Waymon #43391 – Salem PD – Revocation

R. Schmaltz, Lawrence #15389 – Salem PD – Revocation

S. Anderson, David #FO5176 – Clackamas County FD#1 – Amended Proposed Order

T. Hall, Brian #F26430 – Olney Walluski F&R – Revocation

U. Jensen, Daniel #F23946 – Yamhill FP District – Not Deny

V. Policy Committee Appointments

Private Security/Investigators Policy Committee

- Mark Rauch – Reappointment
- Ron Miller – Reappointment

Chair Barker asked if the Board members wanted any of the agenda items pulled for discussion. Upon receiving no request, he asked for a motion to pass the consent agenda as written. Brian Burger moved to approve the consent agenda. Erin Janssens seconded the motion. The motion carried with a unanimous vote.

2. Update on Fire Service Fingerprinting and Background Checks

Director Gabliks reviewed the process of the rulemaking and the fallout after the rules were put into effect. He explained that DPSST, and ultimately he, fell short on what should have been done in retrospect. A lesson has been learned and things will be handled differently in the future. Director Gabliks went on to explain what the rules mean and why they were created. He and Linsay Hale answered questions about how and when they're applied.

3. OAR 259-009-0059 – Proposed Rule

Fingerprint Submission Requirement for Fire Service Professionals

Linsay Hale reviewed the rule for the Board. Chair Barker asked if the rule couldn't be written to include more general language so it didn't have to be changed in the future. The Board members agreed this made sense and there was consensus.

Joe Siebert moved to file the proposed language with requested changes for OAR 259-009-0059 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Greg Marlar seconded the motion. The motion carried with a unanimous vote.

The Board discussed fiscal impact on small businesses and recommended starting a fund to help defray the costs to fire departments with fiscal constraints.

4. OAR 259-009-0015 – Proposed Rule

Background Investigations Correction

Lindsay Hale reviewed the changes to the rule for the Board. This is meant to simplify and extend the rule oversight to include all fire service professionals, whether career or volunteer.

David Jones moved to file the corrected proposed language for OAR 259-009-0015 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Erin Janssens seconded the motion. The motion carried with a unanimous vote.

5. OAR 259-009-0059 and 259-009-0070 – Proposed Rules

Denial/Revocation

Lindsay Hale reviewed the rule revisions for the Board. As in item #3, the consensus was to include more general language to eliminate the need to revise the rules again later.

Brian Burger moved to file the corrected proposed language for OAR 259-009-0059 and 259-009-0070 with the Secretary of State as proposed rules and as permanent rules if no comments are received. Erin Janssens seconded the motion. The motion carried with a unanimous vote.

6. Five Year Review of Decertification Cases – Information Only

Dr. Steve Winegar reviewed the summary and answered questions for the Board and invited them to attend a leadership training class to evaluate how ethics training is currently delivered at DPSST.

7. Update on President’s Task Force on 21st Century Policing – Information Only

Dr. Winegar gave a review of his testimony on DPSST’s Basic Academy training.

8. 2014 Director’s Evaluation

Chair Barker read the letter that is sent to the Governor from the Board on the Director’s evaluation to the group for 2014. Several members expressed appreciation for Director Gabliks’ work, communication, and leadership.

Alex Gardiner moved to approve the letter to the Governor. Patricia Patrick-Joling seconded the motion. The motion carried with a unanimous vote.

9. Director's Report - Director Gabliks

Take Your Kids to Work Day – There are a lot of children on campus today (205). This event has become so popular that Marion County Sheriffs’ Office, OSP, and Fire Marshal’s Office children are here as well as DPSST staff’s. This is a great opportunity to give boys and girls ideas on what they’d like to do when they grow up. DPSST gives them a lot of different experiences and we hope to continue hosting this important event on an annual basis

Budget – Eriks reported that the agency is in standby mode as far as the 2015-2017 budget until the May forecast is released. Eriks believes this will be the benchmark against which the Legislative Ways & Means Committee will work. DPSST has received good feedback from the discussions

we've had at Public Safety Ways and Means. DPSST has been honest in our concern about possibly not having enough Basic classes in the next biennium as there's an uptick with Corrections on the county and city level and we're seeing a lot of baby boomers getting ready to retire on the law enforcement side. Eriks expressed thanks to Chief Barker for testifying to the legislature on this subject on behalf of the Board during the Ways & Means Budget Presentation.

Legislature

Eriks shared a number of legislative issues that DPSST has been involved in:

- Oil Trains – DPSST is working with State Fire Marshal on the oil train discussion with the legislature. DPSST has asked for more than a million dollars to create a position to manage this program and to provide training and funds to support specialized training needed by first responders. Haz-Mat team training is being addressed by the State Fire Marshal which has oversight over the regional teams.
- Ballot Measure 91 – DPSST has been involved in discussions with OLCC to discuss the impact on law enforcement officer training. DPSST has submitted a request for four FTE, two full-time and two part-time staff just to provide training for local (city, county, state and tribal) law enforcement officers on the impact of legalization of marijuana.
- Youth Interest Building – DPSST has been in discussions with Representative Gorsek about creating a pipeline for kids in 5th and 6th grade interested in public safety careers. The bill would provide DPSST with \$100,000 to offer a quarterly training event for kids at the Academy which enable them to experience what public safety personnel do.
- The three bills approved by the Board are in standby mode. Eriks has not heard of any concerns with the legislation they are simply awaiting a hearing date.
- Representative Evans introduced a bill that would help returning veterans with GI benefits get training to be law enforcement officers. The agencies would hire them as reserve officers and send them to DPSST for training. Eriks shared that the Bill as written has several concerns for DPSST and staff is working with Representative Evans to address them. DPSST is supportive of assisting veterans but this Bill would create issues for the current system in place. DPSST has suggested that a work group be formed to review the issue in place of the language currently within the legislation.
- A bill was introduced by Representative Huffman that would require that Private Investigators include in their advertising that they're licensed by DPSST. This Bill had its first hearing and included testimony by members of the Private Security/Private Investigator Committee as licensed Private Investigators and DPSST staff. This bill should move through the session without any issue.
- The Oregon State Fire Fighters Council (OSFFC) introduced a bill that will impact the Public Safety Memorial Fund Board and would open the door to cancer presumption if it's an occupational related illness determined by SAIF or insurance carrier to be a full

disability. Under the current statute, it's tied to a singular event, it's not cumulative. This would change that for not only firefighters but also law enforcement officers. Eriks shared that the initial concern of staff was how far that door is opened. Through discussions with Bob Livingston of the OSFFC, and Legislative Counsel, it was determined there may be one case every three to five years. This greatly alleviated the initial concerns and DPSST provide an indeterminate fiscal impact as these cases would appear to occur very rarely.

HIDTA – DPSST has been asked by the High Intensity Drug Trafficking Area (HIDTA) to be the fiduciary for their dollars. HIDTA would move three staff to our campus and would create no added work for the Board or DPSST staff other than the Business Office which would manage their budget. DPSST will approach the Legislative E-Board in July to make the change final and adjust the necessary budgets to facilitate the move.

Wildfire Season – DPSST is working with the State Fire Marshal and Oregon Department of Forestry on the upcoming wildfire season. The weather has raised concerns and wildfire season may come early this year. There is a briefing next week with the Governor by the various state agencies that play a role in this issue. DPSST's Fire Training Section provides training to members of the Oregon National Guard when they are activated by the Governor to assist in wildland firefighter efforts.

Eriks discussed the unfortunate death of Coos County Deputy Gil Datan a few days ago. This is believed to be a line of duty death as the Deputy died during an ATV crash while on forest patrol. Linsay and her staff will be working with Board members who serve on the Public Safety Memorial Fund Board to have a special meeting to discuss benefits for his family. DPSST is awaiting the investigative materials from Oregon State Police before moving forward.

Board members update

- Director Gabliks welcomed Chief Marlar of Douglas County Fire District #2 as a voting member representing the Oregon Fire Chiefs Association.
- Lisa Settell's term ends the end of June, so this is her last Board meeting. Her association has named Nadine Purington as the P&P Line Officer in her place.
- Glenn Scruggs is resigning from the Board due to new work assignments. DPSST staff will be working with the Oregon Council of Police Associations to find a replacement for Glenn.
- Sheriff Blanton will be retiring June 30, so this is his last meeting, too. DPSST staff is working with the Oregon State Sheriff's Association to nominate a replacement.

Chair Kent Barker talked about Deputy Gil Datan who died in the line-of-duty on Monday night patrolling Coos County. Deputy Datan died while patrolling forest roads in Coos County when his ATV rolled over on him. Chair Barker asked the group to keep the family in their hearts and prayers.

10. Law Enforcement Memorial Ceremony - May 5th, 2015

Director Gabliks invited the group to attend the ceremony on May 5 at 1:00 p.m. He reported we are adding a historic nomination, Marshal Joseph Kretcher, from Saint Paul. Richard Brown is doing research for family members. Governor Brown will be in attendance.

11. Policy Committee Update

- Corrections Policy Committee – Lisa Settell, Chair

Nothing new to add. This will be her last Board meeting and the upcoming CPC meeting in three weeks will also be her last. The next CPC chair will be elected at that meeting. She said it has been a pleasure to serve and she's enjoyed the experience. Chair Barker presented her with a plaque and thanked her for her service.

- Fire Policy Committee – Joe Seibert, Chair

Most of his items were addressed during the discussions about revocation/denial earlier in the meeting and he thanked everyone who worked on that piece. Joe also welcomed Greg to the Board.

- Police Policy Committee – Kent Barker, Chair

Glenn Scruggs was the Vice Chair of the PPC and they'll need to elect a new one at their next meeting. With Larry Blanton retiring, they'll need to find a replacement for him as well.

- Private Security Policy Committee – Bill Geiger, Chair

We have a full roster and the sub committees are formed and staffed.

- Telecommunications Policy Committee – Toni Sexton, Chair (Director Gabliks reported)

The group has a meeting coming up next month. Nothing new, business as usual.

6. Next meeting date: July 23, 2015

With nothing more to come before the Board, the meeting was concluded at 10:25 a.m.