

Telecommunications Policy Committee

Minutes

February 6, 2019

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 6, 2019 at the Oregon Public Safety Academy in Salem, Oregon. Chair, Kelly Dutra called the meeting to order at 9:06 AM.

Committee Members:

Kelly Dutra, Chair, Oregon APCO-NENA
Candace Pozdolski, Line-Level Telecommunicator (phone)
George Long, APCO (phone)
Brandon Klocko, Emergency Medical Services & Trauma Rep. (phone)
Robin Sells, Oregon Association of Chiefs of Police
Randy Wood, Oregon Fire Chiefs Association
Lindy Cox, Line-Level Communicator (phone)
Erica Stolhand, APCO (phone)
Tim Svenson, Oregon State Sheriff's Association (phone)
Matt Dale, OFCA EMS Section
Rebecca Carney, Oregon State Police
Andre Lindauer, Public Member

Guests:

David Lehrfeld, Oregon Health Authority
Samantha Hall
Steve Elambaugh
Stella Rausch-Scott, Oregon Health Authority
Megan Craig, Deschutes County (phone)
Sherry Camereta, Oregon State Police (phone)

DPSST Staff:

Eriks Gabliks, Director (phone)
Linsay Hale, Professional Standards Division Director
Mike Leloff, Training Division Director
Kristen Hibberds, Professional Standards Coordinator/Investigator
Jennifer Howald, Administrative Rules Coordinator



1. Introductions

Introductions of members, guests and staff were presented.

2. *Minutes of November 7, 2018 Meeting

Approve meeting minutes from November 7, 2018 meeting.

- *Randy Wood moved to approve the minutes from the November 7, 2018 Telecommunications Policy Committee meeting with minor corrections. Matt Dale seconded the motion. The motion carried unanimously.*

3. ***Review/Approval of Policy Committee Bylaws**

Presented by Linsay Hale

In an effort to enhance professionalism of the policy committee professional standards case review process, the Criminal Justice Moral Fitness Workgroup recommends the following revisions to the Policy Committee bylaws:

- Expansion of the Board Chair authority to remove a policy committee member for non-participation, lack of participation or unexcused absences.
- The addition of mandatory Board/Policy Committee orientation training prior to participating in policy committee discussions or votes.
- The addition of a requirement to record all member votes by conducting a verbal roll-call.
- The addition of a definition for conflict of interest.
- The addition of a non-participation clause for a committee member who is the subject individual in an open DPSST professional standards case.
- *Matt Dale moved to adopt the recommended changes to the Telecommunications Policy Committee Bylaws. George Long seconded the motion. The motion carried unanimously.*

4. ***Proposed Rule Changes for OAR 259-008-0070; Criminal Justice Moral Fitness Workgroup Recommendations, Part One**

Presented by Jennifer Howald

On October 17, 2018, the Criminal Justice Moral Fitness Workgroup began a review of the denial, suspension and revocation standards that were updated and implemented in August, 2017. The Workgroup was formed to review a number of unintended tensions in the revised administrative rule language as well as address some additional issues that have arisen based upon procedural and legal changes. While the review process is still ongoing, the Workgroup's discussions have resulted in the following recommendations:

- Current administrative rule requires Policy Committee review of all criminal dispositions received by current and future public safety professionals. The current definitions of a criminal disposition includes convictions, violations, adjudications, entered pleas of guilty or no contest, or finding of guilty except for insanity or its equivalent in Oregon or any other jurisdiction. The Workgroup recommends adding of civil compromises to the definition of criminal disposition.
- Allowing public safety professionals who are the subject of a complaint filed with DPSST the ability to submit mitigation prior to Policy Committee review.
- Adjusting the administrative closure criteria to allow staff to recommend administrative closure of cases that involve a criminal disposition that occurred five years prior to employment in public safety, the only criminal dispositions are the result of a single incident in the public safety professional's history, the conduct did not involve dishonesty or deceit, and the public safety has met all court-ordered obligations, including the payment of fines and fees.
- *Matt Dale moved to recommend the Board adopt the changes as proposed and that the Board approve filing the changes to OAR 259-008-0070 as a permanent rule change with the Secretary of State if no comments are received. Andre Lindauer seconded the motion. The motion passed unanimously.*
- *By consensus the committee found no fiscal impact to small businesses.*

5. *Admin Closures Telecommunicator/Emergency Medical Dispatcher

Presented by Kristen Hibberds

Kelly Dutra recused herself due to a conflict of interest.

Officer	Certifications	Summary	Flagged for Review (if hired in future)
Chandler, Mark #30011 W.C.C.C.A	Basic	Separation: Was on a Corrective Action Plan regarding his interaction and treatment of employees	No

- *Matt Dale moved to approve the recommendations made by staff to administratively close the above listed case. Randy Wood seconded the motion. The motion carried, with Kelly Dutra abstaining.*

6. Overview of Changes to Professional Standards Case Review

Presented by Linsay Hale

Staff highlighted the changes to the processes involved in reviewing discretionary professional standards cases for the Committee. These changes were reviewed and approved by the Criminal Justice Moral Fitness Workgroup and are procedural only and do not impact the current standards.

7. *Hall, Samantha DPSST #59027 – Application for Training and Subsequent Certification; Medix Ambulance

Presented by Kristen Hibberds

Issue: In July, 2018, DPSST received an Application for Training (F-5) from Medix Ambulance and the applicant disclosed convictions of Criminal Driving While Suspended and Criminal Mischief II.

Samantha Hall presented verbal mitigation.

Vote/Consensus	Second	Vote	Outcome
George Long moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based.	Robin Sells	12 ayes; 0 nays	Motion passes unanimously.
Consensus reached that Hall's behavior did violate the Board's moral fitness standards, specifically by engaging in Gross Misconduct as defined by administrative rule when she recklessly disregarded the law and was convicted of two crimes.			

<p>The Telecommunications Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F), there are aggravating circumstances present: The behavior resulted in a criminal disposition, the individual pled guilty to two Class A misdemeanors, the individual had not met all the court ordered obligations, and that there appears to be minor discrepancies in the reporting of this incident to DPSST.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: Ms. Hall’s age at the time of the conduct, the fact that the conduct occurred prior to employment in public safety, Ms. Hall self-reported the conduct to DPSST, the fact that Ms. Hall was on a payment plan with the court and was actively making payments, and the verbal and written mitigation provided by Ms. Hall.</p>			
<p>Matt Dale made a motion that after considering the totality of the case that Board action not be taken on Hall’s certification.</p>	<p>Robin Sells</p>	<p>12 ayes; 0 nays</p>	<p>Motion passes unanimously.</p>

8. Staff Update

- Eriks Gabliks reported:
 - The 2019 legislative session is underway. No legislative concepts have been introduced on behalf of the Board or DPSST.
 - Enrollment at the Academy continues to be steady. DPSST staff have added an additional Basic Telecommunications & EMD class to meet agency hiring needs. The agency anticipates implementing the recently approved Basic Telecommunications curriculum prior to the next class beginning.
 - DPSST staff is honored to host a 2-day Crisis Intervention Class specifically geared toward telecommunicators.
 - A workgroup has been established consisting of members of the fire services and law enforcement to identify and define common terminology used in public safety.
- Linsay Hale reported:
 - The Criminal Justice Moral Fitness Workgroup continues its work. As a reminder, all recommendations from that group will be presented to the Telecommunications Policy Committee for consideration and recommendation.
 - There were a tremendous amount of public comments received relating to the proposed removal of the pre-requisite that CPR/FA training be completed prior to the issuance of a Basic Telecommunications certification. An administrative rule hearing will be scheduled and all comments (verbal and written) prepared for presentation and consideration by the TPC at their meeting in May.
 - DPSST is actively working to purchase A/V equipment for the Boardroom to assist with transparency and security of public meetings.

Meeting adjourned at approximately 10:30 a.m.

9. Next Telecommunications Policy Committee Meeting May 1, 2019 at 9:00 am