

Telecommunications Policy Committee

Minutes

May 2, 2018

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 2, 2018 at the Oregon Public Safety Academy in Salem, Oregon. Chair, Kelly Dutra called the meeting to order at 9:00 AM.

Committee Members:

Kelly Dutra, Chair, Oregon APCO-NENA
Sherry Bensema, Oregon Fire Chief's Association
Mike Moran, Oregon Association of Chiefs of Police (phone)
Candace Pozdolski, Line-Level Telecommunicator (phone)
George Long, Association of Public Safety Communications Officials
Bob Rector, Oregon State Police
Brandon Klocko, Emergency Medical Services & Trauma Rep.
Randy Wood, Oregon Fire Chiefs Association
Andre Lindauer, Public Member

Committee Members Absent:

Lindy Morgan, Line-Level Communicator
Gary Bettencourt, Oregon State Sheriff's Association

Guests:

Sharyl Dresser, Association of Public Safety Communications Officials (phone)
Kenneth Tobin, Willamette Valley Communication Center
Rebekah White (phone)

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Marsha Morin, Criminal Justice Certification Program Manager (phone)
Kristen Hibberds, Professional Standards Coordinator/Investigator
Jennifer Howald, Administrative Rules Coordinator
Alicia Robb, Criminal Justice Office Specialist



1. Introductions

Introductions of members, guest and staff were presented.

2. *Minutes of November 1, 2017

Approve meeting minutes from February 7, 2018 meeting.

- *Sherry Bensema moved to approve the minutes from the February 7, 2018 Telecommunications Policy Committee meeting with two minor corrections. George Long seconded the motion. The motion carried unanimously.*

3. ORS 183.405- Five-Year Review of Agency Rules Adopted Informational Update

Presented by Jennifer Howald

The following rules were identified as subject to the requirements of ORS 183.405, requiring completion of the five-year review, and as rules that were considered by the Telecommunications Policy Committee (TPC) as an advisory committee.

1. OAR 259-008-0017, Public records, was adopted effective May 1, 2010 after being reviewed by the TPC on November 5, 2009 and approved by the Board on Public Safety Standards and Training (Board) on January 28, 2010.
 2. OAR 259-008-0200, Civil Penalties; 259-008-0220, Sanctions Generally; and 259-008-0250, Notice of Civil Penalty, were adopted effective August 15, 2008 after being reviewed by the TPC on November 8, 2007 and approved by the Board on July 24, 2008.
 3. OAR Chapter 259 Division 13, Criminal Records Check Rules, was adopted effective October 15, 2008 after being reviewed by the TPC on May 1, 2008 and approved by the Board on July 24, 2008.
4. ***Proposed Rule Change for OAR 259-008-0700 – Board Disapproval of a Policy Committee Recommendation**
Presented by Jennifer Howald

Current statute does not provide clear direction on how to proceed once the Board has disapproved a recommendation made by a Policy Committee regarding the denial, suspension or revocation of a public safety professional's certification.

The proposed language establishes a clear manner in which the Board can defer its decision on a recommendation by sending the matter back to the Policy Committee with instructions for reconsideration. The proposed language also clarifies the manner in which the Board can disapprove all or any part of a recommendation involving the denial, suspension or revocation of a public safety certification and what would happen should the Board fail to achieve the necessary votes to disapprove a Policy Committee recommendation.

Additional changes have been included in the proposed rule language to provide consistent references and add additional clarification for the outlined process.

DPSST staff worked with the Department of Justice to draft the proposed rule language and confirm that it maintains the integrity and purpose of the Board and the Policy Committee.

- *Randy Wood moved to recommend the Board adopt the changes as proposed and that the Board approve filing the changes to OAR 259-008-0040 and 259-008-0060 as a permanent rule change with the Secretary of State if no comments are received. George Long 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

Officer	Certifications	Summary	Flagged for Review (if hired in future)
Alexander, Kylee #58133 Central Lane Communications	Not Certified	Discharge-Arriving to work under the influence of alcohol	Yes

- *George Long moved to approve the recommendations made by staff to administratively close the above listed cases. Sherry Bensema seconded the motion. The motion carried unanimously.*

6. *Brooks, Debbie DPSST #33906, Lane County Sheriff's Office – Basic, Intermediate and Advanced Telecommunicator and Basic Emergency Medical Dispatcher Certifications.

Presented by Kristen Hibberds

Issue: In July 2017, DPSST received Personnel Action Report (F-4) from Lane County Sheriff's Office (LCSO) indicating that Brooks was discharged for cause.

Vote/Consensus	Second	Vote	Outcome
Brandon Klocko moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based.	George Long	7 ayes; 0 nays;	Motion passes unanimously.
<ul style="list-style-type: none"> • Consensus reached that Brooks' behavior did not involve Gross Misconduct as defined by administrative rule. • Consensus reached that Brooks' conduct did not involve Misuse of Authority as defined in administrative rule. • Consensus reached that Brooks' conduct did not involve Disregard for the Rights of Others as defined in administrative rule. 			
Consensus reached that Brooks' conduct did involve Dishonesty as defined in Administrative Rule by being deceptive and misrepresenting during a Worker's Compensation Review. George Long moved that this Dishonesty when considered alone rises to the level to warrant action against the officer's certifications.	Brandon Klocko	7 ayes; 0 nays;	Motion passes unanimously.
<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).</p> <p>There were aggravating circumstances present: Brooks' conduct occurred during her employment in public safety, and she engaged in the conduct while in her official capacity. By consensus the Committee found Brooks' letters of support and her written mitigation to the Committee were considered as mitigating circumstances.</p>			

Sherry Bensema made a motion that after considering the totality of the case that Board action be taken on Brooks' certifications.	Bob Rector	7 ayes; 0 nays;	Motion passes unanimously.
Consensus reached that Brooks' actions violates honesty & truthfulness integral to telecommunications liability for the agency and the public			
Sherry Bensema made a motion that Brooks' Dishonesty warrants an ineligibility period of a lifetime.	George Long	6 ayes; 1 nay(Klocko)	Motion passes.

7. *Stolt, Jennifer DPSST #42217 – Basic Telecommunicator and Emergency Medical Dispatcher Certification; Junction City Police Department

Presented by Kristen Hibberds

Issue: In April 2017, DPSST received a Personnel Action (F-4) reporting that Stolt resigned with a settlement agreement.

On May 2, 2018, the TPC reviewed this case and requested additional follow up from staff, specifically:

- Whether the city offered accommodations based on Stolt's medical issues; and
- Copies of any prior discipline/coaching/corrective action for Stolt.
- *By consensus the committee recommended tabling the case for now to allow DPSST staff to provide more information involving Stolt's misconduct.*

8. *Tobin, Kenneth DPSST #21784 – Basic Telecommunicator and Emergency Medical Dispatcher Certification; Willamette Valley Communication Center

Presented by Kristen Hibberds

Issue: In April 2017, DPSST received a Personnel Action (F-4) reporting that Tobin had been discharged. During the grievance process Tobin's retirement was accepted by his agency as the result of a verbal settlement agreement.

George Long recused himself due to a conflict of interest.

Vote/Consensus	Second	Vote	Outcome
Bob Rector moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based.	Brandon Klocko	6 ayes; 0 nays; 1 Abstaining (Long)	Motion passes.

<ul style="list-style-type: none"> • Consensus reached that Tobin’s behavior did not involve Gross Misconduct as defined by administrative rule. • Consensus reached that Tobin’s conduct did not involve Misuse of Authority as defined in administrative rule. • Consensus reached that the conduct did not involve Disregard for the Rights of Others as defined in administrative rule. • Consensus reached that Tobin’s conduct did not involve Dishonesty as defined in administrative rule. 			
<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).</p> <p>There were aggravating circumstances present: Tobin’s conduct occurred during his employment as a public safety professional, his conduct occurred multiple times and occurred while he was acting in an official capacity. Tobin’s letters of support were considered as mitigation.</p>			
Randy Wood made a motion that after considering the totality of the case that no Board action taken on Tobin’s certifications.	Sherry Bensema	6 ayes; 0 nays; 1 Abstaining (Long)	Motion passes.

9. *Correspondence from Rebekah White

Presented by Linsay Hale

A constituent requested the Telecommunications Policy Committee reconsider the standard that requires denial or revocation of telecommunicator certifications of those convicted of a felony offense.

- *Sherry Bensema made a motion to recommend to the Board that a workgroup be established to review felonies as mandatory disqualifiers for telecommunicators. Bob Rector seconded the motion. The motion carried unanimously.*

10. Department Update

- Eriks thanked Sharyl Dresser of WCCCA for her two terms on the Telecommunications Policy Committee as a management representative of Oregon APCO/NENA. Sharyl completed her second two-year term last month and by Oregon Revised Statute cannot serve a third term. Sharyl has been active in curriculum development and has served on a number of task forces that DPSST and BPSST have formed.
- DPSST continues to monitor Academy enrollment and agency hiring trends. DPSST is aware that both OSP and Portland are discussing large hiring groups for the fall. Eriks shared that the May Basic Police class had 21 students and June had less than 20 enrolled so DPSST made the decision to combine both classes and not run the May class as it would not be fiscally responsible. All agencies were communicated with and

understood. The feedback DPSST schedulers have received is that agencies are in the process of hiring, will be hiring soon, have exhausted their current hiring lists, or are awaiting their next budget cycle to begin. DPSST continues to plan to offer a new 16-week Basic Police class every month for the next two years to address the retirement and hiring projections of agencies around the state. Specific to Telecommunications, the Basic Telecommunications class that was in session earlier in the month was not full and DPSST seems to be meeting the hiring needs of PSAPs around the state.

- The Telecommunications Curriculum Work Group continues its task to develop the curriculum for the third (additional) week of training that is being added to the Basic Telecommunications Course. The Work group anticipates its work will be done in the fall and ready for review and anticipated approval by the Telecommunications Policy Committee. Implementation would then follow after the first of the year in 2019.
- With recent retirements, DPSST is recruiting for EMT Intermediates or Paramedics interested in being co-instructors in the Emergency Medical Dispatch class at DPSST. If members know of a good instructor(s) they should contact Tami Atkinson.
- At the April BPSST meeting, DPSST staff presented the agency budget additions it would like to propose as part of its 2019-2021 Agency Request Budget. The Board approved the concepts which include additional staff for academy infrastructure and training, a student to add emergency generation on campus, deferred maintenance funds, funds for a reserve training program coordinator, active shooter training coordinator, funds to design a third wing on the dorms with housing on the second and third floors and classrooms on the first, and funds to evaluate a Learning Management System (LMS) for DPSST. Eriks shared that no additional basic classes will be asked as part of its budget request as the current process of requesting classes based on need is working well. Eriks also shared that DPSST is having active discussions with DOC which wants to evaluate returning basic corrections officer training to the academy under DPSST's oversight. DPSST also did not request any positions for HB 2355 (Race Based Profiling) as those positions were approved as part of the legislation and DPSST will request the positions as needed to implement the program.
- The visor and wallet cards to help establish communications between law enforcement officers and those who are deaf or hard of hearing have been received and distributed to law enforcement agencies and various deaf and hard of hearing groups around the state. The cards have received very positive feedback and a number of media outlets around the state have shared their release. Eriks shared that 10,000 cards have been received and if needed, more will be ordered.
- DPSST is looking to add 60 additional parking spaces at the Academy over the summer. This is needed to address the volume of students attending classes and events at the Academy. DPSST is in the early phases of discussion with the City of Salem to obtain proper approvals and permits.

Meeting adjourned at 11:21 a.m.

11. Next Telecommunications Policy Committee Meeting August 1, 2018 at 9:00 am