

Telecommunications Policy Committee Minutes

June 10, 2020

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on June 10, 2020, at the Oregon Public Safety Academy in Salem, Oregon. Linsay Hale called the meeting to order on behalf of Chair, Kelly Dutra at 9:00 am

Committee Members: {if calling in, indicate (phone) at the end of their name}

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

Committee Members Absent:

Rebecca Interiano, Oregon State Police

DPSST Staff:

Eriks Gabliks, Director
Lindsay Hale, Professional Standards/Interim Training Division Director
Wendy Nunez, Criminal Justice Office Specialist
Jennifer Howald, Administrative Rules Coordinator
Marsha Morin, Criminal Justice Certification Program Manager

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1. Introductions

Introductions of members, guest and staff were presented.

2. Approve February 5, 2020 Meeting Minutes

Robin Sells moved to approve the minutes from the 2/5/2020, Telecommunications Policy Committee meeting. Matt Dale seconded the motion. The motion passed unanimously (Note: Three members did not vote due to difficulties with the teleconferencing system.)

3. Proposed Rule Changes to Adopt OAR 259-006-0000 and 259-008-0290, Establishing DPSST Applicant Moral Fitness Standards

Presented by Jennifer Howald

The Criminal Justice Background Investigation Workgroup was formed in 2019 to review the current Board/DPSST standards and processes for the pre-employment background investigation required for employment or utilization as a public safety professional. One of the issues identified during the Workgroup's discussions addressed hiring individuals into certifiable public safety positions who have a past criminal disposition which requires a professional standards review by a Policy Committee and the Board.

The current moral fitness standards and discretionary review processes for public safety professionals do not differentiate between currently employed public safety professionals and new hires. This means that a new hire who engaged in criminal behavior prior to entering a career in public safety, signing a Code of Ethics and becoming certified is subjected to the same review process as an employed, certified public safety professional who engaged in bad behavior.

Due to meeting schedules and agenda limitations, it is not uncommon for agencies to hire someone without knowing for months if the individual will be eligible for certification. This delay directly impacts the operations of the hiring agency as well as the public safety professional's training and certification timelines.

The following proposed rule adoptions and amendments present the Workgroup's recommendations for establishing standards and processes for review of criminal dispositions that occurred prior to employment in public safety. The outcome for implementing these recommendations is a more streamlined discretionary review process that incorporates mitigation factors to consider the pre-employment nature of the individual's past criminal dispositions.

These recommendations:

- Establish a discipline neutral review committee that would meet on a monthly or as needed basis (Applicant Review Committee).
- Delegate the discretionary review process to DPSST staff and the Applicant Review Committee (ARC).
 - Staff will be responsible for the initial review and determination that the applicant for training and certification has a past criminal disposition that meets the definition of a discretionary moral fitness violation.
 - The ARC will be responsible for reviewing cases that staff identify as discretionary moral fitness violations. The ARC's decision regarding denial and ineligibility will be the final disposition.
- Establish separate discretionary grounds for denial that apply only to a newly hired public safety professional who has never been employed in public safety before.
 - Dishonesty – uses the same definition as the discretionary moral fitness violation used for certified public safety professionals.

- Gross misconduct - identifies egregious behavior including violence against another person and sex-related offenses.
- Require the consideration of mitigating factors related to the pre-employment nature of the criminal disposition.
 - The criminal disposition occurred prior to employment in public safety which means there is no color of office to consider and no violation of a code of ethics.
 - The individual has been hired by a public safety agency that completed a background investigation, is aware of the past criminal history and did not find it an obstacle to employment within their agency.
- Establish an ineligibility period range from zero days to 10 years:
 - A Zero-days minimum ineligibility period recognizes that while the discretionary moral fitness violation exists the mitigation outweighs the violation.
 - A 10-year maximum ineligibility period recognizes that because the discretionary criminal disposition occurred before employment in public safety the individual cannot be precluded from certification for life. This is consistent with other occupational licenses and in line with national regulation that recognizes that at a minimum the passage of time mitigates the behavior.

The following standards still apply

- All public safety professionals, including new hires, are subject to the same mandatory disqualifiers (felony convictions, convictions involving domestic violence or drugs, and convictions requiring registration as a sex offender).
- Individuals can present written and verbal mitigation for the ARC to consider.
- The ARC's discretionary denial of certification applies to all public safety professional certifications.
- The ineligibility period for a criminal disposition will begin from the date of the criminal disposition.
- All due process rights and contested case procedures still apply.

Consensus reached approving the fiscal impact statements provided by staff.

Matt Dale moved to recommend that the Board adopt OAR 259-006-000 and 259-008-0290 approve filing the proposed rule change. Brandon Klocko seconded the motion. The motion carried unanimously.

4. Department Update

Eriks Gabliks Reported:

- DPSST is actively tracking the tragic death of George Floyd due to the actions of a Minneapolis police officer. As the state's standards and training agency for many public safety disciplines, including law enforcement, there is much interest in the work of DPSST. DPSST has responded to inquiries from local, state and federal elected officials. DPSST has pledged to provide whatever information is

- needed and to assist any legislative committees that are formed that will improve law enforcement professionalism through standards and training.
- On March 17, 2020, DPSST suspended all training classes due to the COVID-19 pandemic and updated CDC and Governor's guidelines. The suspension was necessary so that DPSST staff could create a health and safety protocol that managed risk and enabled training classes to return. The Academy has resumed operations but under new guidelines around the campus including Aramark food service. Staff have done a great job working with students to address risk and implement proactive cleaning measures and use of PPE.
 - While the Academy was closed, more than three dozen DPSST staff answered the call for assistance issued by Oregon Emergency Management. DPSST staff assisted in the emergency coordination center, joint information center, incident management team, and the Wilsonville PPE distribution center. All DPSST staff have completed their assignments and have returned to normal duties.
 - Eriks thanked Kelly for her years of dedicated service on the Board and her leadership of the Telecommunications Policy Committee. Kelly has served two, three-year, terms on the Board on Public Safety Standards and Training as the 9-1-1 representative and has done so with the utmost of professionalism.

Lindsay Hale Reported:

- George Long is scheduled to be appointed to the Board to fill the vacancy left by Kelly. Upon confirmation George will become the Chair of the TPC.
- Kristen Hibberds has left DPSST to accept a promotion with another State agency. Kristen will be missed and we wish her all the luck in her new position.
- The new Denial/Revocation standards approved by this body went into effect on May 1st. While there weren't any cases to be reviewed this quarter, staff will be prepared to walk members through the changes to the presentation/discussion process at their August meeting.
- TPC members reviewed and recommended approval of the formation of the Applicant Review Committee. That recommendation was the result of multiple meetings of the Background Investigator Workgroup which focused on reviewing the DPSST's role in the hiring of public safety officers. This recommendation will be reviewed by the CPC and PPC, and ultimately the Board at their meeting in July. Another Workgroup recommendation regarding the sharing of background information between public safety agencies, and the idea of DPSST serving as a repository for applicant/agency information is being reviewed by the Department of Justice.
- We are excited to have Basic classes back in session. EMD 79 started this morning (6/10), BT 118 will start Monday, 6/15. All classes will follow DPSST's Health and Safety Plan implemented to help mitigate COVID-19 risks.

5. Next Telecommunications Policy Committee Meeting: August 5, 2020 at 9:00am

Administrative Note:

These minutes reflect the order of the discussion/voting items as they appear on the official meeting agenda. The actual order in which they were discussed may vary.