

Public Safety Memorial Fund Board

Meeting Minutes

April 27, 2023

The Public Safety Memorial Fund Board held a meeting on April 27, 2023, at the Department of Public Safety Standards and Training located at 4190 Aumsville Hwy SE Salem, Oregon. The meeting was called to order at 10:00 a.m.

Committee Members:

DaNeshia Barrett, Chair, Law Enforcement Representative
Matthew English, Corrections Representative
Jennifer Cameron, Corrections Representative
Scotty Nowning, Law Enforcement Representative

Committee Members Absent:

James Oeder, Vice-Chair, Fire Representative
Maria Caballero Rubio, Public Member

DPSST Staff:

Suzy Herring, Professional Standards Division Director
Brian Henson, Agency Deputy Director
Shelby Wright, Executive Assistant to the Director
Jennifer Howald, Legislative and Rules Coordinator

Guests

No guests attended this meeting

1. Introductions

- *Chair, DaNeshia Barrett, began the meeting by introducing herself and invited everyone in attendance to state their name and position for the record. Chair Barrett also introduced Scotty Nowning, Jennifer Cameron and Maria Caballero Rubio as new members of the Board.*

2. *Approve Minutes from January 26, 2023, Meeting

Approve minutes

- *Matthew English made a motion to approve the minutes from the January 26, 2023, Public Safety Memorial Fund Board (PSMFB) meeting. DaNeshia Barrett seconded the motion. The vote was taken by rollcall where the motion carried with a unanimous vote.*

3. Public Safety Memorial Fund Budget Update

Presented by Suzy Herring

Suzy Herring explained that the Public Safety Memorial Fund Board (PSMFB) is only allotted \$291,000 per biennium to award to eligible recipients. If the Board awards more than the allotted amount within the biennium, then DPSST must return to the Executive Board to request an

increase in limitation. Suzy Herring noted that the current PSMFB budget shows an increased limitation due to DPSST's request back in May 2022, but come the new biennium, the PSMFB's funds will return back to the standard allotment for the 2023-2025 biennium. Suzy Herring also explained that DPSST is now tracking which public safety disciplines receive PSMFB benefits in order to further assess which disciplines are utilizing this fund and if contributions need to be gathered from all disciplines, rather than only law enforcement. DPSST staff monitors the fund closely to ensure that if the limitation needs to be increased, then the request is made well in advance in order to prepare for any future applications. Suzy Herring noted that it is important for PSMFB members to be aware of the total funds available so that they can award benefits accordingly without overstepping the Board's limitation.

4. *Jared Miller (DPSST #43904) – Marion County Sheriff's Office; Initial Application for Benefits

Presented by Shelby Wright

On November 10, 2021, Sergeant Jared Miller was working a regularly scheduled shift at the Marion County Jail when he began experiencing COVID-19 like symptoms and went home sick. Sergeant Miller did not return to work, and on November 16, 2021, Sergeant Miller was admitted to OHSU Hospital and Clinics due to complications with COVID-19. On December 9, 2021, Sergeant Miller passed away, after spending almost an entire month in the hospital due to COVID-19 complications.

On July 11, 2022, the Department of Public Safety Standards and Training (DPSST) received an initial application for benefits from Jolene Miller, spouse of Sergeant Miller. On this day, DPSST also received a copy of Sergeant Miller's death certificate dated on December 15, 2021. The death certificate stated that the cause of death was caused by acute hypoxemic respiratory failure due to acute respiratory distress syndrome as a consequence of COVID-19. The death certificate noted that an acute kidney infection and obstructive sleep apnea also contributed to Sergeant Miller's death.

On October 27, 2022, the Public Safety Memorial Fund Board (Board) met to discuss Jolene Miller's initial application for benefits. After lengthy deliberation, the Board determined that the findings of the case were inconclusive and therefore could not determine Sergeant Miller's death to be qualifying as defined by ORS 243.954. The Board deferred to DPSST Staff to gather further information and return their findings back to the Board in January 2023, for determination.

On January 26, 2023, DPSST Staff reported to the Board that after ongoing communication with the Marion County Sheriff's Office and Marion County Human Resources Office, Sergeant Miller's case will be deferred to the regularly scheduled meeting in April 2023, in order to gather all appropriate information to share with the Board for thoughtful determination.

On February 23, 2023, Jolene Miller supplied DPSST Staff with the Worker's Compensation Denial Claim. On March 6, 2023, Marion County HR Manager, Lori Klemsen contacted the DPSST and provided Sergeant Miller's Cigna Life Denial Claim. Lori Klemsen also noted that the Marion County Sheriff's Office provided Jolene Miller with all available death benefit

information at Jolene's home, shortly after Sergeant Miller's death in 2021. On March 27, 2023, Under Sheriff Jeff Wood, replied to DPSST Staff's request for further information regarding Sergeant Miller's death.

Shelby Wright addressed the Board and noted that further information has been gathered since the Board last met in January 2023 and explained which items had been obtained for the Board's review.

Jennifer Cameron asked if they could determine whether Sergeant Miller was working in a specific area of the jail when he contracted COVID-19, to which Shelby Wright noted that since Sergeant Miller was a Sergeant, he was required to work in all parts of the facility.

Scotty Nowning noted for the record that the Marion County Sheriff's Office (MCSO) declared Sergeant Miller's death as a line of duty death, but Worker's Compensation did not and denied the claim.

Matthew English noted that if the MCSO determined this to be a line of duty death, then they must've had enough evidence and reason to believe this to be true. Scotty Nowning explained that he values the opinion of the MCSO because they did not have a financial reason to declare this as a line of duty death, whereas all Worker's Compensation claims have a financial component when making a determination.

Scotty Nowning asked if there was any documentation of his whereabouts before his death that could determine whether Sergeant Miller contracted COVID-19 outside of the workplace, to which Shelby Wright answered that there was no further documentation of his health status outside of the information already provided to the Board.

Chair Barrett noted that all necessary information for this case has been provided and additional information will not be necessary in order for the Board to make a determination.

Matthew English mentioned that Cigna Healthcare provided the beneficiary with a more detailed explanation of Sergeant Miller's denied claim and wonders what information they based their denial on. Matthew English continued, noting that corrections officers are not able to social distance at work, so if there was a COVID-19 outbreak in the jail, it is likely that a person could've contracted COVID-19 while in the facility.

- *Matthew English motioned to approve Sergeant Miller's application for initial benefits. Suzy Herring asked for the motion to be amended to add appropriate language pertaining to Sergeant Miller's eligibility for the award. Matthew English amended his motion to determine that Sergeant Miller meets the definition of a public safety officer, that his death is an eligible line of duty death as defined in ORS 243.956, and to award the \$25,000 initial benefit to Sergeant Jared Miller's spouse, Jolene Miller. Scotty Nowning seconded the motion. A vote was taken by roll-call where the motion passed unanimously.*

5. *Brian Gaunt (DPSST #43904); Supplemental Application for Discretionary Benefits

Presented by Suzy Herring

On October 24, 2021, Sergeant Brian Gaunt with Beaverton Police Department passed away due to COVID-19 complications. On January 27, 2022, the Public Safety Memorial Fund Board (PSMFB) considered the initial application for Public Safety Memorial Fund benefits submitted by Beaverton Police Department and Holly Gaunt, spouse of Brian Gaunt. Ultimately the PSMFB determined that Sergeant Gaunt's death was a qualifying death as defined by ORS 243.954. As a result, Holly Gaunt was awarded the lump sum benefit of \$25,000.

On March 9, 2023, Holly Gaunt submitted the supplemental application for benefits, requesting further reimbursement for medical and dental benefits for herself and three children.

Suzy Herring noted that supplemental applications for benefits must be submitted every six months in order for the beneficiary to continue receiving benefits.

- *Chair Barrett motioned to accept Holl Gaunt's supplemental application for discretionary benefits for her and her family's medical and dental expenditures for the months of June through November 2023. Scotty Nowning seconded the motion. A vote was taken by rollcall where the motion passed unanimously.*

Chair Barrett explained to the new members of the PSMFB, that since she works for the same department that Sergeant Gaunt worked, she abstained from the initial vote for Sergeant Gaunt's award eligibility back in 2022 but has since participated in additional votes regarding supplemental benefits.

6. *Joseph W. Johnson (DPSST #48952); Nyssa Police Department

Presented by Suzy Herring

On April 15, 2023, at approximately 8:18 pm Reserve Corporal Joseph W. Johnson was on duty, in full uniform, displaying a badge and patrolling Nyssa, Oregon. Officer Johnson was dispatched to a domestic disturbance and while responding to the location he was updated that the suspect had left the area. Officer Johnson located the suspect in a vehicle and a pursuit was initiated. Upon the suspect stopping, Officer Johnson was ambushed and shot while still within his patrol vehicle. Officer Johnson was able to radio that shots had been fired however, he died as a result of the attack by firearm. The suspect fled the immediate area and was later apprehended in Ontario, Oregon on April 17, 2023.

On April 20, 2023, Linda Johnson, spouse of Officer Johnson, submitted the initial application for Public Safety Memorial Fund benefits.

- *Matthew English made a motion to approve Joseph Johnson's death as a qualifying line of duty death as defined in statute, to declare that Joseph Johnson met the definition of a public safety officer, and that the PSMFB will award Joseph Johnson's spouse, Linda Johnson, with the initial \$25,000 benefit. Chair Barrett seconded the motion. A vote was taken by roll-call where the motion passed unanimously.*

7. Next meeting – July 27, 2023, directly following the Board on Public Safety Standards and Training meeting at 9:00 a.m.

- *With no further items to discuss, Chair Barrett adjourned the meeting at approximately 10:32 a.m.*