

# Telecommunications Policy Committee Minutes

## November 2, 2022

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 2, 2022, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Michael Fletcher called the meeting to order at 9:00 a.m.

### **Committee Members:**

Michael Fletcher, Chair, APCO-NENA  
Travis Ash, Oregon State Sheriff's Association (Webex)  
Joshua Bowerman, Public Member (Webex)  
Rebecca Carney-Interiano, Oregon State Police (Webex)  
Chelsea LaBar, APCO (Webex)  
Rebecca Long, Emergency Medical Services & Trauma Rep (Webex)  
Raeann Thurber, Telecommunicators (Webex)  
Les Thomas, Oregon Fire Chiefs Association (Webex)  
Stephen King, APCO (Webex)  
Ronda Griffin, OFCA EMS Section (Webex)

### **Committee Members Absent:**

Ray Rau, Oregon Associate of Chiefs of Police  
Vacant, Line-Level Communicator

### **Guests:**

None

### **DPSST Staff:**

Suzy Herring, Professional Standards Division Director  
Marsha Morin, Standards and Certification Program Manager  
Melissa Lang-Bacho, Professional Standards Case Manager  
Jennifer Levario, Professional Standards Case Manager  
Jennifer Howald, Administrative Rules Coordinator  
Erica Riddell, Criminal Justice Office Specialist  
Shelby Wright, Executive Support Specialist



### **1. Introductions**

Introductions of members, guests and staff.

### **2. Approve August 3, 2022 Meeting Minutes**

*Rebecca Long moved to approve the minutes from the August 3, 2022, Telecommunications Policy Committee meeting. Chelsea Labar seconded the motion. The motion passed unanimously.*

### **3. Administrative Closure Consent Agenda**

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

The Department presented recommendations to administratively close the following professional standards cases to the Telecommunications Policy Committee.

**a) Lennick, Lawrence (21675) Telecommunications**

On May 26, 2021, Lawrence Lennick resigned from his position with the Oregon State Police (OSP) during an internal investigation into a complaint that he had been asleep while on duty. OSP's investigation was not completed after Lennick resigned.

The Department found sufficient information to determine that Lennick was asleep while on duty however because the investigation was incomplete, there was insufficient information to determine whether there was a threat to the community, or if those in need of services were harmed because of Lennick's conduct.

*Chelsea Labar moved to approve the Administrative Closure Consent Agenda recommendations made by the Department. Rebecca Long seconded the motion. The motion passed unanimously.*

**4. Proposed Rule Changes for Oregon Administrative Rule (OAR) 259-008-0010, 259-008-0011, 259-008-0015 and 259-008-0080**

Presented by Jennifer Howald, Administrative Rules Coordinator

House Bill 2936, section 3, directs DPSST to create a uniform background checklist and a standardized personal history questionnaire for use by law enforcement units in hiring applicants to be public safety officers. DPSST formed a Background Workgroup to collect constituent input in the development of the checklist and questionnaire and review the current background investigation requirements defined in OAR 259-008-0015. DPSST consulted with the Department of Justice (DOJ) on interpretation of HB 2936, the legal sufficiency of the draft checklist and questionnaire, and statutory authority for implementing the checklist and questionnaire as required minimum standards.

Implementation of the checklist and questionnaire standards prescribed by HB 2936 will require amendments to the administrative rules that address the background investigation requirements for public safety officers and instructors and the minimum employment standards for public safety officers. Draft rule changes and discussion items will be presented to the Telecommunications, Corrections and Police Policy Committees. The collective discussions from the committees will be incorporated into the proposed rule changes submitted to the Board for approval. TPC review of the rule changes presented by staff included the following key discussions:

- The depth of the personal history questions and some of the applicability to telecommunicators and emergency medical dispatchers, particularly when the individual is an applicant for an agency that is not a law enforcement unit [OAR 259-008-0015(4)].
- The relevancy to the dispatcher disciplines for a requirement to investigate use of force history if previously employed in public safety. As drafted the language stated "(E) Employment History. This includes but is not limited to the applicant's prior public safety employment and any history of complaints, disciplinary action against the public safety

officer, and the public safety officer's use of force history." [OAR 259-008-0015(2)(b)(E)]

- Preference for option 1 relating to a requirement to investigate memberships and associations. Option 1 stated "(G) Memberships and Associations. This includes but is not limited to the applicant's membership or participation in a group, organization or association that supports discrimination or violence against a person or group of persons relating to statuses that are protected classes under state or federal law." [OAR 259-008-0015(2)(b)(G)]
- An increased workload for employing agencies relating to additional administrative hours in arranging appointments, collecting documentation, and managing paperwork [Added to the fiscal impact statements].
- The impacts the psychological evaluation requirement will have on the length of time to hire an applicant when it can take several months to get an appointment [Added to the fiscal impact statements].
- Implementation and effective dates for the rules need to provide enough time for employing agencies to develop their processes, obtain contracts with psychiatrists/psychologists, and ensure that all applicants who are in process will also meet the new standards; recommended July 1, 2023.

*Consensus reached approving the fiscal impact statements provided by staff, with the additional fiscal impact statements provided by the TPC.*

*Rebecca Long moved to recommend the Board adopt the amended proposed rule changes for OAR 259-008-0010, 259-008-0011, 259-008-0015 and 259-008-0080, as permanent rules if no substantive comments are received. Ronda Griffin seconded the motion. The motion passed in a 9-1 vote (Nays: Chelsea LaBar).*

## **5. Applicant Review Committee Member Nominations**

Presented by Suzy Herring, Professional Standards Director

*Michael Fletcher moved to Nominate Raeann Thurber and Chelsea LaBar to serve on the Applicant Review Committee. Joshua Bowerman seconded the motion. The motion passed with two abstaining (Raeann Thurber and Chelsea LaBar).*

## **6. Agency Updates**

- Melissa Lang-Bacho, Professional Standards Case Manager
  - Current Cases

### **Open Cases - 9**

- 1 pending closure/final order appeal time
- 1 case was opened since the last meeting (separation)
- Of the 9 cases opened 1 is for an arrest and the rest are for separations
- 3 cases we have received info to review and determine the next step
- 4 cases are pending criminal/employment issues or are waiting for records to be received.

### **Closed Cases - 2**

- 1 ARC Case for Telecommunications/Emergency Dispatch Certification (No Action)
- 1 TPC Professional Standards Closed – Admin Closed
- Marsha Morin, Standards and Certification Program Manager
  - FTO Training Development Workgroup. A secondary workgroup has been formed to focus on the training a field training officer should receive to obtain and maintain certification. The group has met once and will be meeting again this month to continue discussions.
  - Background Workgroup. Though the primary focus of the workgroup was the implementation of HB2936, the following additional topics were discussed.
    - DPSST Fingerprint Checks. Though the Department has access to LEDS for conducting Oregon criminal history checks based on its status as a certifying agency, DPSST does not have NCIC as it is not considered a law enforcement agency by federal standards. DPSST has relied on agencies and their officers to report any out of state criminal conduct. The workgroup discussed options relating to how DPSST could gain direct access into NCIC. Currently this is limited to DPSST submitting fingerprint cards to get a one-time view of an officer's/dispatcher's out of state criminal conduct. As this will come at a high cost, DPSST will continue to work with agencies on the best approach to ensure proper reporting of out of state criminal conduct while researching other avenues of receiving that data.
    - Applicant Registration Database. This workgroup and a previous workgroup identified a need for a single point where individuals wishing to apply for a job in public safety would register for and receive an identification number which would be used during the application process. Ultimately this registration number would be linked to all agencies the individual applied for employment and provide valuable information to background investigators. A legal sufficiency review was completed on the concept which indicated that though DPSST did not have jurisdiction over individuals applying for public safety professional positions and could not make this a requirement, they could make it a requirement for agencies to utilize this system. DPSST is moving forward with options on how to implement a system.
    - Agencies Releasing Background Investigations. The question was raised if the background rule should be updated to include a requirement for agencies to release background investigations as part of another agencies background investigation. It was determined DPSST does not have the authority to requires this and there is a statue that does.
- Suzy Herring, Professionals Standards Division Director
  - The following new Professional Standards staff were introduced to the policy committee:
    - Jennifer Levario, Professional Standards Case Manager. This position was added to assist with the professional standards case load.
    - Juanita Birdsong, Professional Standards Case Coordinator. This position coordinates the pre-employment criminal conduct cases heard by the Applicant Review Committee (ARC)

- The recruitment process for a new Department Director is ongoing.
- DPSST is working to fill a vacancy on the CPC for a Line-Level Communicator member.
- DPSST will not have any professional standards cases for the February meeting due to staffing changes.

**7. Next Telecommunications Policy Committee Meeting: February 1, 2023 at 9:00 a.m.**

*Administrative Notes:*

*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.*

*All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at [dpsst.records@dpsst.oregon.gov](mailto:dpsst.records@dpsst.oregon.gov).*