

Board on Public Safety Standards and Training
Minutes
July 28, 2011

The Board on Public Safety Standards and Training held a regular meeting on Thursday, July 28, 2011, in the Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Chair Todd Anderson called the meeting to order at 9:00 a.m.

Board members present:

Todd Anderson, Chair, Oregon State Sheriffs' Association
Kent Barker, Oregon Association Chiefs of Police
Chris Brown, Superintendent, Oregon State Police
Richard Brown, Public Citizen Member
Brian Burger, AFSCME Representative, DOC
Shawn Cardwell, Private Security Industry (by teleconference)
Christopher Eppley, League of Oregon Cities
Alex Gardner, Oregon District Attorneys' Association
Rob Gordon, Oregon State Sheriffs' Association
Jeff Jones, Oregon Fire Chiefs Association
John Klum, Chief, Portland Fire & Rescue
Jeff Martin, Private Security Industry
Glenn Scruggs, Non-Management Law Enforcement
Lisa Settell, Non-Management Parole and Probation
Michael Wells, Non-Management Law Enforcement
Max Williams, Director, Department of Corrections
Mathew Workman, Oregon Association Chiefs of Police

Board Members Absent:

Scott Stanton, Vice-Chair, Oregon Volunteer Firefighters Association
David Jones, Oregon Fire District Directors' Association
Rob Poirier, Public Safety Telecommunicators
Mike Reese, Chief, Portland Police Bureau
Joseph Siebert, Oregon State Fire Fighters Council

Guests:

Mark Wallace, Oregon State Fire Marshal
Alan Peters, Acting Special Agent in Charge, Federal Bureau of Investigation
Steve Beck, Oregon Chiefs of Police Association
Cindy Danforth, Attorney for Gregory Fetsch

DPSST Staff:

Eriks Gabliks, Director
Marilyn Lorange, Standards and Certification Program Manager
Theresa Naugle, Private Security/Private Investigator Supervisor
Julie Olsen-Fink, Fire Certification Supervisor
Theresa King, Certification and Compliance Coordinator
Leon Colas, Professional Standards Coordinator
Linsay Bassler, Compliance Coordinator
Kristen Turley, Certification and Compliance Coordinator
Tammera Hinshaw, Executive Support

1. Chair's Report and Administrative Announcements

"This is a public meeting, subject to the public meeting law and it will be tape recorded."

2. CONSENT AGENDA (The following items to be ratified by one vote)

A. Minutes

Approve minutes from the April 28, 2011, meeting.

B. OAR 259-008-0010 and 259-008-0011 – Proposed Rule

Minimum Standards for Employment as a Law Enforcement Officer, Telecommunicator, and Emergency Medical Dispatcher

C. Herman B. Barnes, DPSST#29514 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

D. Joshua Bradley, DPSST#49532 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

E. Michael Brandenburg, DPSST#50427 – Revocation

Unanimous vote to recommend to Board by CPC on May 10, 2011.

F. Thomas Campbell case pulled from consent agenda for discussion.

G. Nicholas Coker case pulled from consent agenda for discussion.

H. Scott Cunningham, DPSST#28956 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

I. Belinda DeVaney, DPSST#43457 – Revocation

Ten to one vote to recommend to Board by TPC on May 4, 2011.

J. Brent M. Earhart, DPSST#42940 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

K. Gregory Fetsch, DPSST#25450 – Not Revoke

Unanimous vote to recommend to Board by PPC on May 19, 2011.

L. Edward L. Friend, DPSST#44285 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

M. Dennis Gaskill, DPSST#36693 – Revocation

Unanimous vote to recommend to Board by CPC on May 10, 2011.

N. Mark Humble, DPSST#18997 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

O. David Johnson case pulled from consent agenda for discussion

P. John Justema, DPSST#15028 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

Q. Michael A. Kay, DPSST#31362 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

R. Dennis Keena, DPSST#21384 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

S. Bradley King, DPSST#16251 – Revocation

Unanimous vote (with three members abstaining) to recommend to Board by PPC on May 19, 2011.

T. Scott A. King, DPSST#30959 – Revocation

Unanimous vote to recommend to Board by PPC on May 19, 2011.

U. Indy Robertson, DPSST#27509 – Not Revoke – Possible Executive Session

Unanimous vote to recommend to Board by TPC on May 4, 2011.

V. Benito Rodriguez, DPSST#27646 – Revocation

Nine to three vote to recommend to Board by PPC on May 19, 2011.

W. Tiffany Spaulding, DPSST#50431 – Revocation

Eight to two vote to recommend to Board by TPC on May 4, 2011.

X. Richard Thompson, DPSST#35994 – Revocation

Unanimous vote (with one member abstaining) to recommend to Board by PPC on May 19, 2011.

Y. John Zbinden, DPSST#22639 – Revocation

Vote to recommend to Board by PPC on May 19, 2011.

Z. Appointments and Reappointments

Private Security/Investigators Policy Committee

- **Jim Essam** – Alarm Monitor – Alarm Central Station Inc - Reappointment
- **Phil Agrue** – Private Investigator – Bar Recommended - Reappointment
- **Robert Smith** – Healthcare – Kaiser Permanente – Reappointment

Polygraph Licensing Advisory Committee

- **Rebecca Martin** – Oregon State Police Representative – Appointment

Max Williams moved to approve the consent agenda. Chris Brown seconded the motion. The motion carried with a unanimous vote.

Pulled from consent agenda for discussion

F. Thomas Campbell, DPSST#42398 – Revocation

Unanimous vote to recommend to Board by CPC on May 10, 2011.

Glen Scruggs moved to return the case to the policy committee for further reconsideration. Jeff Martin seconded the motion. The motion carried with a unanimous vote.

G. Nicholas Coker, DPSST#48176 – Revocation

Unanimous vote to recommend to Board by TPC on May 4, 2011.

Glen Scruggs moved to return the case to the policy committee for reconsideration. Mike Wells seconded the motion. The motion carried with a unanimous vote.

O. David Johnson, DPSST#35096 – Revocation

Unanimous vote to recommend to Board by CPC on May 10, 2011.

Glen Scruggs moved to return the case to the policy committee for reconsideration. Chris Brown seconded the motion. The motion carried with a unanimous vote.

Chair Anderson asked the Board to consider two reappointments that didn't make it onto the consent agenda.

Police Policy Committee

- **Richard Evans** – Oregon State Police – Reappointment
- **Holly Russell** – Oregon State Sheriffs Association – Reappointment

Kent Barker moved to approve the reappointments. Rob Gordon seconded the motion. The motion carried with a unanimous vote.

3. Director's Report

2011-2013 Budget Recap

The Oregon Legislative Assembly has completed its work on DPSST's 2011-2013 budget. The largest reduction was in the Criminal Fines and Assessments Account with a reduction of 13 employees and two Basic Police classes. DPSST was able to mitigate much of the impact of the personnel cuts by keeping vacant positions open. Unfortunately, three positions were lost due to lay-offs. The Legislature did give DPSST permission to request the restoration of the lost Basic Police Classes if hiring trends require additional classes be offered at the Academy. The Fire and 9-1-1 Programs did not take any reductions as they are from dedicated funds. The fee increase proposed in the Private Security licenses was approved by the Legislature but at a lesser amount than approved by the constituents. The amount will allow the DPSST Private Security Program to remain whole during the 2011-2013 biennium. A fee increase may be needed during 2013, but at this time we cannot project if this will be necessary.

Eriks thanked all of the Board members and the various public safety organizations for their support of DPSST programs and employees during the session.

2011 Legislative Session Recap

A number of bills were passed that will have an impact on DPSST. The Tribal Law Enforcement Officer Bill was passed which will give tribal officers peace officers powers when they are off their respective reservations. The bill passed requires that all tribal law enforcement officers meet DPSST standards if the agency will enforce state laws off tribal lands. This strengthens the current process because some officers do not meet DPSST training and certification standards but remain employed by tribal agencies.

A bill was passed that will allow State Universities to have law enforcement agencies as long as the Oregon Board of Higher Education gives formal permission to the university. These officers will receive the same training and be held to the same certification standards as city, county, tribal, and state law enforcement officers. At this time, only the University of Oregon has expressed interest in forming a police department.

The statutory change which addresses Corrections Officers, to include corrections supervisors, as well as the language change in polygraph certification easily passed through the legislative process. A bill introduced that would have required certification maintenance training standards for corrections officers was heard in committee and was supported by both DOC and DPSST, but the funds to implement the legislation were not available in the Ways & Means process, As a result, the bill died in committee.

Private Security legislation was passed that will include fire and medical alarm monitors to the current licensing requirements for alarm monitors as well as a bill that clarifies that volunteer who provide security services for deminimus consideration are not covered under the private security licensing act.

Listening Tour

Members of the DPSST Leadership Team recently visited more than a dozen communities across the state to meet with stakeholders. The attendance was very good as was the information that was provided. DPSST asked what it was doing well, what needed to be improved, and what we were not currently doing that we should consider. The comments are being transcribed into a comprehensive document and will be shared with the Board as soon as they are completed. DPSST will provide feedback to the attendees and also post the comments received as well as actions either taken or in progress to address what was heard from the field.

Certification Matrix Work Group

DPSST Staff continues to work with police, corrections, parole and probation, and telecommunications professions to review and update the certification matrix used to award upper levels of certification (Intermediate, Advanced, Supervisor, etc.). This issue was raised during our last Listening Tour and a number of work groups have been working on this for over two years. A meeting is scheduled for August 17, 2011, at DPSST to discuss progress as well as challenges. It is important to note that no changes have been made to date and that the respective Committees and the Board will see any proposals before they are sent out for public comment as part of the Administrative Procedures Act.

Line of Duty Death Resource Guide

DPSST staff has been working with a number of statewide law enforcement agencies and organizations to create a resource guide for the handling of both on-duty and off-duty deaths. The work group has been working on this document for almost a year and we anticipate completion by the beginning of September. The final document will be made available electronically through the various organizations involved in the development process.

Electronic Board Packets

DPSST recently made a significant change in the way it creates and distributes the information packets for Board meetings. In the past, Board members received paper copies of all of the

documents that were being discussed on the agenda. With the permission of the Board's Executive Committee, DPSST staff revised the process and now the Board packet includes staff summaries on revocation and denial cases, rule changes, and any other documents that will be discussed during the meeting. The supporting documents for revocation/denial cases are now made available to Board members through a secure on-line web portal that is password protected. This transition will save the Board and DPSST staff both time and money. Eriks did acknowledge that there were some challenges with the transition period which hopefully have been resolved. Board members with concerns should contact either Tami or Eriks with their feedback.

Fallen Public Safety Officer License Plates

While not a DPSST issue, Eriks gave an update on the Fallen Public Safety Officer License Plate Program that provides financial assistance to family members of firefighters and law enforcement officers killed in the line of duty when they attend the national ceremony when their loved one is added. The license plates have been available for almost six months, and under the leadership of Mary Nunnenkamp and the use of social media, over \$35,000 have been raised for this fund to date. The fund is managed by DPSST, but is under the oversight of a 501C3 Board of Directors.

Public Safety Memorial Fund Board

Todd Anderson serves as the Chair of the Public Safety Memorial Fund Board. Eriks announced that Todd recently selected Jeff Jones to serve as the newest member on the Memorial Fund Board as a fire service representative. Jeff takes the place of Mark Prince who recently completed his second two-year term on the Memorial Fund Board. The Memorial Fund Board was to meet after the BPSST meeting to reconsider the death of Police Chief Dan Duncan of the Lake Oswego Police Department.

4. Committee Reports

- Corrections Policy Committee – Todd Anderson, Chair
For the next meeting on August 9, there are a number of revocations for the committee to review. Chair Anderson expressed gratitude for the work the Audit Committee has done with Max Williams and the good working relationship with the Department of Corrections.
- Fire Policy Committee – Director Gabliks
The first order of business for the meeting on August 24 will be to elect a new chair. There are a number of revocation/denial cases to review as well as some discussion on Fire Officer certification training standards and Fire Ground Leader.
- Police Policy Committee – Kent Barker, Chair
The group is still recovering from the last meeting. Nothing new to share.
- Private Security Policy Committee – Jeff Martin, Chair
The Private Security unit recently hired a new OS1, so the unit is fully staffed. The various sub committees are in different levels of activity. The most active is the committee on Moral Fitness which is meeting following the Board meeting today and getting close to wrapping up. The unit will then have a disqualifying matrix in place that they've been lacking for many years.

- Telecommunications Policy Committee – Director Gabliks
The next meeting will be August 3. They’ll have two revocation/denial cases to review, a curriculum update, and a medical waiver.

Good of the Order

1. Chris Brown solicited advice regarding the Michael Kay and a public safety trainer, Howard Webb. The lack of tracking and sharing of information between the disciplines places other government entities at risk and significant liability. We, as a body that is officially charged with professional standards, has some moral obligation to communicate that a particular trainer or firm has engaged in conduct that is contrary to best practices and violates moral and ethical norms. He is looking to the Board and the Director on some mechanism to track these things and communicate to agencies who may interact with these vendors.

Director Gabliks explained that because Mr. Webb was formerly certified in the State or Oregon as a peace officer we may have the ability to revoke his certification and prevent him from coming back into the industry. That vehicle is being explored by staff and we have an open case and are gathering information for the Police Policy Committee to look at. If it were not for him being a formerly certified officer, we would have no recourse. When DPSST staff goes out and provides standard and certification updates, we cover what we call “Buyer Beware”, basically, what local agencies should know when bringing in an instructor. DPSST has no ability to audit classes. Eriks will talk with the Department of Justice and the state training directors.

2. Lisa Settell requested that the Board be notified in advance of the meeting when cases are pulled for discussion so the members have time to review the information. It was requested that these cases also be made available on the screen in the Boardroom for member reference during meetings.

3. Jeff Martin asked that chiefs and sheriffs be notified about IRIS, the Private Security certification database.

4. Rob Gordon said the Basic Correction 6-week academy is a terrific program and that Ryan Keck is doing a great job.

5. Richard Brown asked that DPSST offer tours of the academy to the staff of the Capitol. Director Gabliks responded that tours have been offered to Judicial and Ways and Means committee members every year.

With no further business to discuss, Chair Anderson closed the meeting at 10:14 a.m.

5. Next meeting date: October 27, 2011