



DPSST Newsletter

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Department of Public Safety Standards & Training, 4190 Aumsville Hwy SE
Salem, OR 97317

Legal Corner

By Lorraine Anglemier

For this edition of “Legal Corner,” let’s take a look at “Community Caretaking,” an often misunderstood source of a peace officer’s authority to make a warrantless entry. ORS 133.033, the “Community Caretaking” statute, provides:

- (1) Except as otherwise expressly prohibited by law, any peace officer is authorized to perform community caretaking functions.
- (2) As used in this section, “community caretaking functions” means any lawful acts that are inherent in the duty of the peace officer to serve and protect the public. “Community Caretaking Functions” includes, but is not limited to:
 - (a) The right to enter or remain upon the premises of another if it reasonably appears to be necessary to:
 - (A) Prevent serious harm to any person or property;
 - (B) Render aid to injured or ill persons; or
 - (C) Locate missing persons.

(Subsection 2 (b) discusses stopping motorists and redirecting traffic, and will not be further analyzed here.)

In *State v. Martin*, 222 Or App 138, 146 (2008), the Court of Appeals distinguished between “community caretaking” and the “emergency aid” exception to the warrant requirement:

“ORS 133.033 does **not** independently establish an exception to the warrant requirement. Rather, it provides legislative authorization for... a particular class of searches, subject to many of the same constitutional constraints that operate to limit other searches, including the warrant requirement. A lawful community caretaking search, in other words, **must first** be within the universe of police action described in ORS 133.033, and then it **must also** fall within one of the constitutional exceptions to the warrant requirement.” (Emphases added).

The Oregon Supreme Court has articulated that the “need to render emergency aid or prevent serious injury or harm is an appropriate justification for an immediate warrantless entry under Article 1, Section 9.” In *State v. Baker*, 350 Or 641 (2011),

the Court thus concluded that an “emergency aid” exception to the warrant requirement is justified when:

“Police officers have an objectively reasonable belief, based on articulable facts, that a warrantless entry is necessary to either render immediate aid to persons, or to assist persons who have suffered, or who are imminently threatened with suffering, serious physical injury or harm.”

Another exception to the warrant requirement allows for search or seizure under “exigent circumstances.” The Oregon Supreme Court, in *State v. Stevens*, 311 Or 119 (1991) stated:

“...when officers are ‘presented with both probable cause to believe that a crime had occurred and an exigent circumstance,’ warrantless action may be justified.”

The Court in *Stevens* described an exigent circumstance as:

“... A situation that requires the police to act swiftly to prevent danger to life or serious damage to property, or to forestall a suspect’s escape or the destruction of evidence.”

In conclusion, when you are considering making an entry into a constitutionally protected area, and you have determined the Community Caretaking statute provides initial authority for the entry, just remember, your analysis is incomplete until you ask yourself: what exception to the warrant requirement further justifies the search? The two exceptions we have discussed are the most likely to apply. Is it probable cause plus exigency? Is it emergency aid? The Oregon Supreme Court in *State v. Fessenden/Dicke* (August 7, 2014) recently compared the two exceptions:

“The exigent circumstances exception requires **both** probable cause and an exigency. The emergency aid exception does **not**: It permits warrantless entry, search, or seizure, ...as long as the officer reasonably believes it necessary to ‘render immediate aid to persons ...who have suffered, or who are imminently threatened with suffering, serious physical injury or harm...Emergency aid requires only ‘an objectively reasonable belief, based on articulable facts,’ that such an emergency exists.

The exceptions also may differ in scope. Although... [the Oregon Supreme Court] has not decided the question, it has...described exigent circumstances as including those in which swift action is necessary to prevent serious damage to ‘**property**.’ ...The emergency aid doctrine, on the other hand, has been described as applying to situations in which immediate action is necessary to render aid to ‘**persons**.’”(Emphases added).

Questions? As always, feel free to contact me at lorraine.anglemier@state.or.us

Academy Training Section

By Captain Teresa Plummer

Summer is nearly over and another season transformation is upon us. Pretty soon, we will be seeing a color change in the tree leaves and the mornings will become crisp and cooler.

Over the summer, a lot of work has been done by our staff to improve the classes and learning environment. The most recent and drastic change happened in our parole and probation curriculum and structure. Training Coordinator Staci Yutzie, who is the primary coordinator for our P&P classes, has been working hard with the constituency, subject matter experts and our internal staff to improve and re-vamp this training. The structure relies heavily on facilitated (also known as student-centered) learning. This is a completely different concept than the traditional classroom teaching techniques we have been using and has been shown to develop higher critical thinking skills in students who learn in this manner. The only other program that currently uses this method is the Basic Corrections Local. Eventually, all disciplines will be using this learning model, but it will be a several year process to convert over the entire curriculum for the public safety classes.

In June, the Training Division held a multi-part assessment center for the vacant police coordinator position when Lt. Lee Farmer retired. Lt. Don Sedlacek created and led this hiring process and he did an outstanding job. We had a great turn-out and were very pleased with the performance of all of the candidates. In the end however, the panels had to make the hard decision of only choosing one candidate. We were pleased to offer the position to Nick Hurley from the Corvallis Police Department. Nick is a 14 year veteran and is highly respected in the area of the problem based learning strategy known as the Police Training Officer (PTO) program. It is an analog to what is commonly known as the Field Training Officer (FTO) training. His knowledge and expertise will truly be an asset to this agency as we move in this new problem solving, learning methodology. Sgt. Nick Hurley's first day was August 25th and we look forward to him joining our team.

The following major activities took place during the summer quarter:

- June 13, 2014 - BP343 graduated
- June 16, 2014 - BT90 began with Lt. Tami Atkinson as the primary coordinator
- June 20, 2014 - BCL15 graduated
- June 27, 2014 - BT90 graduated
- June 23, 2014 - 2nd session of Supervision #3 began
- July 7, 2014 - POLCOR004 began with Sgt. James Webb as the primary coordinator
- July 7, 2014 - EMD52 began with Lt. Tami Atkinson as the primary coordinator
- July 14, 2014 - 1st session of Supervision #4 began
- July 21, 2014 - BP345 began with Sgt. Lisa Trimble as the primary coordinator
- August 15, 2014 - BP344 graduated
- August 18, 2014 - 2nd session of Supervision #4 began

For the fall quarter, the following activities will take place:

- September 1, 2014 - OSP Post Academy will begin
- September 8, 2014- BPP68 begins.
- September 8, 2014 - 1st session of Supervision #5 begins.
- September 15, 2014 - BT91 will begin with Lt. Tami Atkinson as the primary class coordinator.
- September 15, 2014 - BP346 will begin with Lt. Don Sedlacek as the primary class coordinator.
- September 22, 2014 - 1st session of Management # 2 begins.
- September 30, 2014 - EMD53 will begin with Lt. Tami Atkinson as the primary class coordinator
- October 6, 2014 - BCL016 will begin with Sgt. James Webb as the primary class coordinator.
- October 13, 2014 - BP347 will begin with Sgt. Nick Hurley as the primary class coordinator.
- October 13, 2014 - 2nd session of Supervision #5 begins.
- October 20, 2014 - 2nd session of Management #2 begins.
- November 3, 2014 - P&P Firearms 22 will begin with Ms. Staci Yutzie as the primary class coordinator.
- November 3, 2014 - 1st session of Supervision # 6 begins.
- November 3, 2014 - PCOD 53 begins.
- November 24 - 28, 2014 - Thanksgiving **DOWN WEEK** at the academy.

Summer Quarter Trivia Question:

What is the maximum number of students/instructors the dormitory can hold at any given time?

**There are 170 rooms (340 beds) and 10 ADA usable rooms.

Fall Quarter Trivia Question:

What is the newest training prop in the OPSA village?

We invite any of our instructors and role players to provide feedback and ideas for our newsletter so that we may tailor this information to what it is you need or want to know. Please feel free to call me at 503-378-2191 or email me at teresa.plummer@state.or.us if you have any suggestions.

Tactical & Regional Training Section

By Captain Gary Ninman

We hope you all have enjoyed some beautiful Oregon weather this summer and have had a chance to take some well-deserved time off. With summer coming to a close, the Tactical Training section is preparing for an upswing in the Basic Police class schedule and various other training in the months to come. We have a full fall schedule and will soon have two Basic Police classes in session as BP 346 begins on September 15th with BP 347 to follow one month later.

Some projects we have been working on in the Tactical Training section include the implementation of student information data collection by way of iPad. This is the initial phase of what will ultimately include all evaluating and testing of scenario based training. Lt. Steve Westerberg has been working closely with our Information Services department's own Marsha Morin to develop the iPad interfaces that will look and work very similarly to our scenario hardcopy notebooks that we currently use. In addition to containing information about the particular scenario at hand, the evaluator will be able to precisely monitor how long each scenario took to resolve, which student(s) participated and in what role, who the role players and volunteers were and other useful fields to include a "notes" section. All the information collected will then be uploaded for future reference if needed. Much more to come in the future on this and related topics.

Lastly, we would like to get your input on another scenario related project. As many of you know, traditional video rental stores are a thing of the past, as is our rendition of one in Scenario Village. We have been approved to revamp the video store venue into something more modern in context to better meet the current needs of our students and our evolving profession of public safety. With that, we want your input to help us select a suitable replacement for the video store venue. If you have ideas that would help us meet our mission, please forward those to Lt. Brandon Herring @ Brandon.herring@state.or.us

For many of us, this summer was a time to relax and take some time off. That was not however, the case for our Regional Training section. Our team hit the road and has been extremely busy over that past couple months providing training to our constituent agencies throughout Oregon. These classes have included Active Shooter, Vehicle Stops refreshers and IDCs, Firearms updates and IDCs, MILO IDCs, Skidcar and EVOC updates, Use of Force updates and several others, just to name a few. With the addition of two regional coordinators, we have been able to reach a much wider audience and service some agencies that have not had the opportunity to train with us in the recent years. The team has a "get it done" attitude and our constituents have expressed their appreciation for those efforts.

Now that our staffing is in order, we have focused our attention and resources to our equipment needs. We have purchased four new regional trailers that will be used to transport various training equipment around the state. Our trailers see over 30k miles per year in all types of weather that Oregon has to offer. The current fleet is approximately eight to ten years old and is in need of replacement. The new trailers are a welcome addition to our training fleet and will provide many years of safety and service. Additionally, we have purchased two more MILO Range 3000 machines. These will augment our very busy units that are making their way through the state now and reduce the wait time and travel required to transport. The Skidcars that are scheduled to travel the state are being painted with the new DPSST logos. We

anticipate that project being completed by the end of the month and getting them on the road shortly after. Agencies are lining up to participate in that long awaited training opportunity. We are looking forward to a busy fall and winter training season. We hope to see some of you out in the regions. Stay safe!

Survival Skills Section

By Captain Roger Eaton

We have reached our summer slowdown with only BP345 currently in session as of this writing. We will start BPP68 the second week in September, followed by BP346 a week later, four weeks later we will start BCL016 and one week later in mid-October, we will start BP347. So we will go from a single basic police class in session in August to three basic police classes, a basic corrections class, and a basic parole and probation class by the second week of October. All of these classes have defensive tactics, confrontational simulation, and firearms components. We will be very busy well into the fall of 2014.

Regionally this quarter, Survival Skills conducted a ConSim IDC, a two day striking module, a two day Tactical Athlete class and we provided a second two day Use of Force Law module.

Our firearms range regionally hosted two NRA Firearms Instructor courses, one a handgun-shotgun class in late July and second, a handgun only class in mid-August.

We were unable to provide a DT Instructor Update in Tillamook on June 25-26, 2014, or a first ever DT/Firearms Integrated Training in Bend on June 24-25, 2014. Both classes were cancelled due to low enrollment.

Upcoming Survival Skills training will feature an NRA Rifle Instructor class scheduled for December 1-5, 2014. The DT IDC formerly scheduled for November 17-21, 2014 has been replaced with Extreme Close Quarter Concepts (ECQC) presented by nationally known instructor Craig Douglas on November 18-20, 2014.

It will be Halloween and on to Thanksgiving before we know it. Collegiate and professional football teams are just starting to square up at the line of scrimmage for a great season. We as well are gearing up for a great fall with many students heading our way. Your strong support of the Survival Skills programs at DPSST are encouraged and appreciated.

Fire Training Section Update

By Captain Mark Ayers

DPSST is running a series of hiring processes to fill the Fire Training Specialist and Fire Training Coordinator positions recently vacated by Era Horton and Steve Roehl. The Fire Training Coordinator position (Eugene region) assessment center was held on

August 27, 2014 and resulted in a successful recruitment. The candidate will be moved to background as soon as paperwork is completed. The Fire Training Specialist assessment center will be held on September 10, 2014. We currently have five candidates scheduled to attend the testing process.

DPSST received a FY2013 Assistance to Firefighters Grant (AFG) award for \$123K. The financial support received from the AFG process will be used to purchase two Mobile Ventilation props. These props will be managed and maintained by the DPSST Fire Training staff. A course delivery timeframe is subject to the State of Oregon bid process, prop production timelines, curriculum development and regional scheduling. More information about this outstanding training opportunity will be provided over the coming months.

DPSST has scheduled the Skid Truck Hands-On Training Classes (SAFAD) for a number of regional locations. The program will run in The Dalles in September and in Newport in November. Point of contact for this training opportunity is Lt. Cody Goodnough 541-210-2279.

DPSST has completed maintenance and overhaul of the existing burn prop within the Tactical Tower at the Oregon Public Safety Academy in Salem. This prop work was completed by ProSafe LLC. Point of contact for use of the tower and the burn prop is Lt. Chris Griffin 503-373-2158.

Reserve these dates now! What: Winter Fire School 2015. When: February 21-22, 2015. Location: Oregon Public Safety Academy, 4190 Aumsville Hwy, SE, Salem, OR 97317.

- Strategy & Tactics for Initial Company Operations: (16 hour class) (FGL - FO I)
- Incident Safety Officer: (16 hour class) (FGL - FO I or FO II)
- Preparation for Initial Company Operations: (16 hour class) (FGL)
- Training Operations in Small Departments (Maintenance)
- Health & Safety Officer: (16 hour class) (FO I or FO II)
- Leadership II (Maintenance)
- Decision Making for Initial Company Operation: (FGL - FO I)
- Vehicle Extrication: (16 hour class) (FF II)
- Chief's Toolbox 7, 8, & 9: (16 hour class) (Maintenance)

The registration form is available on the DPSST website at <http://www.oregon.gov/DPSST/FT>. Look for "Fire Training News" and select the "Winter Fire School 2015" link. This action will open the flyer (allowing you to select a class and register for Winter Fire School).

Fax applications to: Thelma Denney, Fire Training, (503)-378-3345. Any questions? Email or call Thelma at 503-378-2408, or E-mail: thelma.denney@state.or.us.

Firefighter Cancer Resources:

Firefighter Cancer Support Network: [Taking-Action-Against-Cancer-in-the-Fire-Service](http://Taking-Action-Against-Cancer-in-the-Fire-Service.org)

<http://www.firefightercancersupport.org/wp-content/uploads/2013/08/Taking-Action-against-Cancer-in-the-Fire-Service.pdf>

NIOSH Firefighter Cancer Study

<http://www.cdc.gov/niosh/firefighters/pdfs/firefighternewsletter-2014-Summer.pdf>

NIOSH Cancer Study

<http://www.cdc.gov/niosh/firefighters/ffCancerStudy.html>

IAFC/NIOSH Cancer Study Workshop

http://www.iaff.org/Comm/PDFs/NIOSH_Cancer_Study.pdf

Save this date or, better yet, register for the class and reserve your seat!

NFA N0332 - Effective Leadership Skills for Fire and EMS Organizations: DPSST, in conjunction with FEMA Region 10 and the NFA, is pleased to host this 10-day course that is designed to prepare Fire/EMS managers to work more effectively with other personnel in their organizations. Participants begin with a critical self-assessment of their individual managerial strengths and weaknesses, which results in a specific plan for their own professional and personal development. Techniques for creating effective organizational environments are defined. Components of a successful human resource development plan are examined. Prerequisites: ICS 100 level and ICS 200 level training. Preferred courses are Q462 and Q463 available through NFA Online at www.nfaonline.dhs.gov. Chief's signature attests that the applicant has completed this required training.

Register: http://www.usfa.fema.gov/downloads/pdf/ff_119_25_1_75_5.pdf. Once you have completed the NETC 119-25-1 form, fax to Thelma Denney @ 503-378-3345. Deadline for registration is December 10, 2014.