

Board on Public Safety Standards and Training
Minutes
January 24, 2013

The Board on Public Safety Standards and Training held a regular meeting on Thursday, January 24, 2013, in the Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Vice Chair Scott Stanton called the meeting to order at 9:10 a.m.

Board members present:

Scott Stanton, Vice-Chair, Oregon Volunteer Firefighters Association
Larry Blanton, Oregon State Sheriffs' Association
Richard Brown, Public Citizen Member
Brian Burger, AFSCME Representative, DOC
Shawn Cardwell, Private Security Industry
Christopher Eppley, League of Oregon Cities
Rich Evans, Superintendent, Oregon State Police
Alex Gardner, Oregon District Attorneys' Association
Erin Janssens, Chief, Portland Fire & Rescue
David Jones, Oregon Fire District Directors' Association
Jeff Martin, Private Security Industry (by teleconference)
Rob Poirier, Public Safety Telecommunicators (by teleconference)
Mike Reese, Chief, Portland Police Bureau
Glenn Scruggs, Non-Management Law Enforcement
Lisa Settell, Non-Management Parole and Probation
Joseph Siebert, Oregon State Fire Fighters Council (by teleconference)
Diana Simpson, Oregon State Sheriffs' Association
Mark Wallace, Oregon State Fire Marshal
Michael Wells, Non-Management Law Enforcement
Mathew Workman, Oregon Association Chiefs of Police

Board Members Absent:

Kent Barker, Chair, Oregon Association Chiefs of Police
Jeff Jones, Oregon Fire Chiefs Association
Colette Peters, Director, Department of Corrections

Visitors

Steve Beck
Mike Gower, DOC

DPSST Staff:

Eriks Gabliks, Director
Todd Anderson, Training Division Director
Brian Henson, Facilities, Information, and Technology Director
Julie Olsen-Fink, Fire Certification Supervisor
Leon Colas, Professional Standards Investigator and Coordinator
Linsay Hale, Compliance Coordinator
Sharon Huck, JTA Coordinator
Kristen Turley, Standards and Compliance Coordinator

Tammera Hinshaw, Assistant to the Director

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 ratified by one vote)

A. Minutes

Approve minutes from the October 25, 2012 meeting.

B. OAR 259-009-0005, 259-009-0062, and 259-009-0080 – Revisions

*NFPA 1041 Standard for Professional Qualifications for Fire Service Instructor
See addendum A.*

C. OAR 259-009-0070 – Proposed Rule

*2012 HB 2712 – Mandatory/Discretionary Disqualifying Crimes
See addendum B.*

D. William Brotton – DPSST#32156 – Marion County Sheriff's Office - Revocation

To see complete minutes of the November 13, 2012 Corrections Policy Committee meeting, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes111312.pdf

E. Donald Ross – DPSST#28318 – Denial of Eligibility for Reinstatement

To see complete minutes of the November 13, 2012 Corrections Policy Committee meeting, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes111312.pdf

F. Gilbert Cordell – DPSST#15176 - DOC/Douglas County Community Corrections - Revocation

4/17/14 Staff Addendum: A final order was issued by DPSST on October 8, 2013 setting aside the Department's Contested Case Notice of Intent to Revoke, Opportunity to Be Heard and Final Order Revoking Certifications If No Request for Hearing Received related to this matter.

To see complete minutes of the November 13, 2012 Corrections Policy Committee meeting, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes111312.pdf

G. Michael Vokral – DPSST#37004 - DOC/Snake River Correctional Institution - Revocation

To see complete minutes of the November 13, 2012 Corrections Policy Committee meeting, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes111312.pdf

H. Randy Vanderhoof – DPSST#25521 – Portland Police Bureau – Not Revoke

To see complete minutes of the *November 15, 2013 Police Policy Committee meeting*, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111512.pdf

I - Pulled for discussion

J. Michael Pratt – DPSST#47013 – Tualatin Police Department – Revocation

To see complete minutes of the *November 15, 2013 Police Policy Committee meeting*, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111512.pdf

K. Chris Washburn – DPSST#27437 – Hermiston Police Department – Not Revoke

To see complete minutes of the *November 15, 2013 Police Policy Committee meeting*, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111512.pdf

L. Richard Coufal – DPSST#25208 – Multnomah County Sheriff's Office - Revocation

To see complete minutes of the *November 15, 2013 Police Policy Committee meeting*, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111512.pdf

M - Pulled for discussion

N – Pulled for discussion

O. Joshua Gingerich – DPSST#F24421 – Netarts-Oceanside RFPD and West Valley Fire District – Revocation

To see complete minutes of the *November 28, 2012 Fire Policy Committee meeting*, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-28-12.pdf

P. Michael Lynch – DPSST#F16110 – Lakeview Fire Department - Revocation

To see complete minutes of the *November 28, 2012 Fire Policy Committee meeting*, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-28-12.pdf

O. Emmett Middaugh IV – DPSST#F30063 – Forest Grove Fire & Rescue – Not Revoke

To see complete minutes of the *November 28, 2012 Fire Policy Committee meeting*, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-28-12.pdf

R. Policy Committee appointments and reappointments

Police

James Hunter - Oregon Association of Chiefs of Police – Reappointment

Corrections

Jeff Wood - Community Corrections Directors – Reappointment

Telecommunications

Rachel Brudnock - Line-Level Telecommunicator – Reappointment

Eric Bush – Oregon Association of Chiefs of Police – New Appointment

Brian Oeder – Line-Level Telecommunicator – New Appointment

Chris Eppley moved to approve the consent agenda. Shawn Cardwell seconded the motion. The motion carried with a unanimous vote.

2. Dennis Swanberg – DPSST#13706 – Canby Police Department – Revocation

To see the complete minutes of the November 15, 2012 Police Policy Committee meeting, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111512.pdf

Larry Blanton moved to go forward with the revocation as recommended by the PPC. Rich Evans seconded the motion. One member was opposed. The motion carried with a majority vote.

3. John Jayne – DPSST#44146 – Hillsboro Police Department – Not Revoke

To see the complete minutes of the November 15, 2012 Police Policy Committee meeting, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111512.pdf

Diana Simpson moved to send the item back to the Police Policy Committee for further review. Chris Eppley seconded the motion. Three members were opposed. The motion carried with a majority vote.

4. John Shadron – DPSST#37126 – Portland Police Bureau – Not Revoke

To see the complete minutes of the November 15, 2012 Police Policy Committee meeting, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111512.pdf

Diana Simpson moved to send the item back to the Police Policy Committee for further review. Brian Burger seconded the motion. Six members were opposed. The motion carried with a majority vote.

5. Additions to Fallen Law Enforcement Memorial - Litzenberg, Wright, and Horton

Director Gabliks explained that if approved, the names of the three officers will be added during the May ceremony.

Mike Reese moved to approve the addition on the names to the Fallen Law Enforcement Memorial wall. Mike Wells seconded the motion. The motion carried with a unanimous vote.

6. Director's Report

Budget – DPSST supports the Governor's Balanced Budget which calls for the reduction of two full-time staff. One position is within the Information Services Division and the other is in the Facilities Division. No date has been scheduled for DPSST's budget presentation to the legislature's Ways and Means Committee. Additional information will be shared with the Board as it becomes available.

Legislative Session – DPSST is monitoring a number of bills which have been introduced to date. Two bills impact DPSST programs. The 9-1-1 Telephone Tax sunsets in 2013 and bills have been introduced to extend this tax. This tax funds the Telecommunicator and Emergency Medical Dispatch training program at DPSST. A bill to increase the Fire Insurance Premium Tax (FIPT) from 1% to 1.15% has also been introduced. The FIPT funds Fire Training and Certification at DPSST, the Oregon State Police Arson and Explosives Unit, and several programs at the Office of State Fire Marshal. The insurance industry supports the fee increase which will keep these three programs funded at current service levels. A number of other bills have been introduced that deal with issues such as use of force, eyewitness identification, and bail bond agents. Eriks promised to keep the Board posted on legislative action as the session gets underway.

DPSST is working on a daily basis with constituent agencies to ensure that basic training needs are being met. The Portland Police Bureau and Oregon State Police are currently hiring a number of officers to address attrition vacancies. Three Basic Police classes are scheduled through the end of the biennium. DPSST has added a Basic Corrections Class and a Basic Telecommunications Class to address an uptick in hiring by county corrections institutions and 9-1-1 centers. These classes will be delivered in the spring.

The Oregon Association of Community Corrections Directors (OACCD) has asked DPSST to add an additional week to the Basic Parole and Probation Course to meet the training needs of state and county parole and probation officers. DPSST is working with OACCD to identify the topics which will be in this additional week based on the recent job task analysis that was done. The additional week is scheduled to be added in 2014 after review and approval by the Corrections Policy Committee and the Board.

DPSST will be adding a Community Policing Problem Solving Award to the list of awards given during the Basic Police Course. This voluntary award will be given to officers who complete additional projects in this important topic. The work necessary to complete this project will result in additional course assignments and will need the approval of the employing agencies. It is anticipated that law enforcement agencies will ask students to work on projects that they are addressing in their local community. DPSST staff will share additional details on this new award with the Board's Police Policy Committee at their next meeting.

Eriks shared the results of the recruitment process to fill the Standards and Certification Program Manager position. Board members Sheriff Simpson and Chief Workman participated on the assessment center panel. A finalist was selected but unfortunately, the end result was a failed recruitment. The position has been re-advertised and Board members will be asked to participate in the next selection process.

Eriks mentioned that an Alcoholics Anonymous chapter for public safety personnel was recently started in the Salem area. Eriks shared this with the Board because of the discussions that have taken place at both the Board and policy committee meetings on this issue which is often discussed during revocation /denial cases that involve public safety personnel using alcohol.

Eriks also shared that DPSST has been selected to host a behavior health class that is funded by a federal Bureau of Justice Assistance (BJA) grant to the National Fallen Firefighters Foundation (NFFF). This grant will allow for the delivery of a two-day class on this important issue. DPSST has asked that the NFFF make the class available to all public safety organizations as this issue has affected a number of agencies statewide. The NFFF program was developed by professionals who have been involved in working on similar challenges faced by the military. Eriks promised to share additional information as it becomes available. It is anticipated that the class will be held in the spring of 2013 at DPSST.

Sheriff Blanton shared the discussion that took place during the joint chiefs and sheriffs meeting at the Executive Law Enforcement Training Seminar (ELTS) last week during which DPSST was asked to continue to work on the mental health curriculum both in the classroom and field training manual. Eriks mentioned that DPSST's Training Director Todd Anderson has been working on this task with staff.

7. Committee Reports

Corrections Policy Committee – Diana Simpson, Chair

Basic Parole and Probation class is looking at an additional week and changing curriculum. The group would like to have it up and running before 2014, but these things take time.

We get the reports on the Basic DOC Corrections class and that seems to be going well. The new curriculum in the class is going very well. There have been two classes so far and the response has been positive.

Fire Policy Committee – Joe Seibert, Chair

The group revamped the NFP Fire fighter 1003 standards to adopt the newest, most updated NFPA policy. Joe thanked the group for their work. This basically governs all airport fire fighters.

SAFER grants – A lot of Oregon agencies received grants this year which has helped tremendously with adding much needed positions.

The Eugene/Springfield union ratified their contract which moves the process forward toward a joint fire department.

Police Policy Committee – Larry Blanton reported.

Advanced or add a block for law enforcement training continues and to come up with a mental health aspect. Eriks and Todd have been very supportive.

Private Security Policy Committee – Shawn Cardwell reported

Business as usual, nothing new to report.

Telecommunications Policy Committee – Rob Poirier, Chair

Next meeting is February 6. There are several legislative issues relating to 9-1-1 we're keeping track of. The consolidation issue, the pre-paid wireless, the sunset on the 9-1-1 tax, really not a lot to update.

The committee will be doing the first evaluation of someone applying for certification under the new matrix. He's happy to report he's beginning to see it being utilized.

Good of the order: Richard Brown explained that he's happy about the new award for community policing, but is discouraged because it will be voluntary. Most recruits he's talked to are excited about the opportunity to work with citizens and to be a part of the community policing component. When we say "volunteer", we don't get a lot of involvement. Because of the compensation issues, it would be to everyone's advantage to figure out a way to allow recruits to participate in this and maybe we should look at what OSP has done to compensate the recruits so this opportunity doesn't go away just for lack of enthusiasm. He appreciates all the work that has gone into making this happen.

8. Next meeting date: April 25, 2013

With nothing more to come before the Board, the meeting was adjourned at 9:50 a.m.

**Department of Public Safety Standards and Training
Memorandum**

DATE: January 24, 2013

TO: Board on Public Safety Standards and Training

FROM: Julie Olsen-Fink
Senior Fire Certification Supervisor

SUBJECT: Revisions to OAR 259-009-0005, 259-009-0062 and 259-009-0080
NFFPA 1041 Standard for Professional Qualifications for
Fire Service Instructor

STATUS: Action Required – Review & Approve

BACKGROUND: The Fire Certification Program of the Department of Public Safety Standards and Training (DPSST) was authorized by the Fire Policy Committee (FPC) to review the NFFPA 1041 Standard for Fire Service Instructor Professional Qualifications, 2012 Edition. At the direction of Chair John Klum, public notification was posted for those fire service professionals who had an interest in participating. Task Force members are:

Terry Riley, Chair	Marion County Fire District #1
Michael Kinkade, Vice Chair	Forest Grove Fire & Rescue
Zack Barresse	Boardman RFPD
Paula Simone	Central Oregon Community College
Paul Reynolds	Southwestern Community College
Jake Campbell	Redmond Fire & Rescue
Jim Whelan	Stanfield RFPD
Monte Keady	Klamath County FD #1
William Benjamin	Portland Community College
Manuel Irusta	Hood River Fire Department
Robb Milano	Canby RFPD #62
Jason Jantzi	Oregon OSHA

The Task Force met and concluded their work on November 5, 2012 at the Oregon Public Safety Academy. The Task Force unanimously determined, after reviewing the 2007 and 2012 editions, it would benefit Oregon fire service professionals to adopt the 2012 standard and remain current with the NFFPA standards.

The NFFPA Fire Instructor Task Force recommends the standard be approved with the addition of the NFFPA Fire Instructor III task book as there were no other substantive

changes noted between the two standards. The Task Force is recommending their request be presented to the Board for final approval.

Fire Policy Committee Recommendation: On November 28, 2012 the Fire Policy Committee met and discussed the proposed amendments to OAR 259-009-0005, 259-009-0062 and 259-009-0080. The Committee unanimously recommended approving the amended language to the Board.

Staff Note: Upon further discussion OAR 259-009-0080(4) was updated following the Fire Policy Committee meeting in November. The changes made clarify that an incomplete application for instructor or content expert instructor will be rejected; not denied, and will therefore not be subjected to the contested case process found in OAR 259-009-0070.

The following revised language for OAR 259-009-0005 contains recommended deletions (~~strikethrough text~~) and additions (**bold and underlined text**).

259-009-0005

Definitions

(9) “Content Expert” means a person who documents their experience, knowledge, training and education for the purposes of course instruction.

~~(46)~~ **(47)** “NFPA **Fire** Instructor I” means a fire service instructor who has demonstrated the knowledge and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments; adapt lesson plans to the unique requirements of the students and authority having jurisdiction; organize the learning environment so that learning is maximized; and meet the record-keeping requirements of authority having jurisdiction.

~~(47)~~ **(48)** “NFPA **Fire** Instructor II” means a fire service instructor who, in addition to meeting **NFPA Fire** Instructor I qualifications, has demonstrated the knowledge and ability to develop individual lesson plans for a specific topic including learning objectives, instructional aids, and evaluation instruments; schedule training sessions based on overall training plan of authority having jurisdiction; and supervise and coordinate the activities of other instructors.

~~(48)~~ **(49)** “NFPA **Fire** Instructor III” means a fire service instructor who, in addition to meeting **NFPA Fire** Instructor II qualifications, has demonstrated the knowledge and ability to develop comprehensive training curricula and programs for use by single or

multiple organizations; conduct organization needs analysis; and develop training goals and implementation strategies.

259-009-0062

Fire Service Personnel Certification

(j) The provisions of the NFPA Standard No. 1041, Edition of 2007 2012, entitled "Standard for Fire Service Instructor Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) "~~Fundamentals of Instruction~~" shall mean a 16-hour instructor training course for those instructors used for in-house training. This course includes a task book. This course does not lead to certification.

~~(B) the successful completion of~~ Successfully complete an approved task book for NFPA Fire Service Instructor I, and II and III. This requirement is effective for any application for certification after January 4, 2002.

259-009-0080

Certification of Instructors

(1) The Department shall will certify instructors deemed qualified to teach in any of the certified training courses.

(2) Instructors will be certified on the basis of minimum qualifications as established by the Department in areas of education, training, and experience. It shall is the continuing responsibility of the Department to see that instructors are qualified to teach.

(3) Instructors for subjects shall must:

(a) Be certified or trained in the subject area they are teaching;

(b) Be certified as an NFPA Fire Instructor I; and or be a Content Expert.

~~(c) Complete an instructor development course, or an equivalent course.~~

(A) Applications for instructor certification must be submitted to the Department on an Instructor Certification Application (DPSST Form F-9F).

~~(4) Review and approval of instructors shall be the responsibility of the Department.~~

~~(5 B)~~ Applications for **Content Expert** instructor certification shall **must** be submitted **to the Department** on an Instructor Certification Application (DPSST Form F-9F) and shall **must** be accompanied by a detailed resume of individual qualifications.

~~(6 4)~~ If **an application for Instructor or Content Expert Instructor** certification is denied **incomplete, the application will be rejected and** the applicant shall be notified in writing and advised of the reasons for denial **the rejection**.

~~(7 5)~~ Instructor certification is not required for teaching assignments in non-Department certified courses.

~~(8 6)~~ Review of instructor certification may be initiated upon the request of an agency head, staff, or other reliable source.

~~(9 7)~~ Instructor **or Content Expert Instructor** certification must be renewed **upon the expiration of course certification** must be renewed every five (5) years within the cycle of the **approved course** or when there is a change to the **certified course** standard.

~~(10)~~ Instructors will be responsible for ensuring that student rosters shall be completed, indicating the actual number of hours attended by each student. Rosters shall also indicate whether each student passed or failed. Rosters shall be returned to the Department within thirty (30) calendar days of course completion; otherwise, the Department may decertify the course.

(8) Instructors delivering a certified course are responsible for ensuring the accuracy of the student rosters by indicating if they passed, failed or did not complete the course (incomplete). Rosters must be submitted to the Department on a Department-approved form within thirty (30) calendar days of course completion; otherwise the Department may decertify the course.

(11) Instructors are responsible to provide students with a Department-approved Notice of Course Completion (NOCC) form upon successful completion of the approved course.

ACTION ITEM I: Determine whether to approve filing the proposed rule language for OAR 259-009-0005, OAR 259-009-0062 and 259-009-0080 with the Secretary of State as a proposed rule.

ACTION ITEM II: Determine whether to approve filing the proposed language for OAR 259-009-0005, OAR 259-009-0062, and 259-009-0080 with the Secretary of State as permanent rule if no comments are received

Addendum B.

Department of Public Safety Standards and Training
Memo

Date: January 24, 2013
To: Board on Public Safety Standards and Training
From: Linsay Hale
Rules & Compliance Coordinator
Subject: OAR 259-009-0070 – Proposed Rule
2012 HB 2712 – Mandatory/Discretionary Disqualifying Crimes

Issue: HB 2712 (Oregon Laws, Chapter 597) updates and simplifies the current statutory revenue and distribution structure related to criminal fines, assessments and other financial penalties imposed on convictions for felonies, misdemeanors and violations other than parking infractions.

The passage of HB 2712 brought to light a large, previously unknown universe of primarily “regulatory” misdemeanor and felony crimes and classified or reclassified a number of crimes as well. DPSST’s legal services coordinator has identified the crimes and made recommendations about possible presumptive categories for each of them, based on reasoning of the earlier criminal justice workgroup that developed the current list.

On September 5, 2012 a workgroup comprised of various members of the Fire Policy Committee was convened to review these identified crimes and the staff recommendations. This proposed rule update contains additions to the discretionary disqualifying crimes list and the presumptive categories as recommended by the workgroup members.

Fire Policy Committee Recommendation: On November 28, 2012 the Fire Policy Committee met and discussed the proposed amendments to OAR 259-009-0070. The Committee unanimously recommended approving the amended language to the Board.

The following revised language for OAR 259-009-0070 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-009-0070

Denial/Revocation

Discretionary Disqualifying Misconduct as Grounds for Denying or Revoking Certification

(c) Pursuant to ORS 181.662(3)(b), the Department has determined that, in the absence of a determination to the contrary by the Fire Policy Committee and Board, a Fire Service Professional or Instructor who has been convicted of the following crimes has violated the core values of the fire service profession and may not be fit to receive or hold certification:

25.785(3) (False Submission Social Security Number) – Category I;

92.337 (Furnishing False Information or Making a False Representation) – Category I;

305.815 (False Return, Statement or Document) – Category I;

411.630 (Unlawfully Obtaining Public Assistance) – Category I;

411.675 (Submitting Wrongful Claim for Payment) – Category I;

411.840 (Unlawfully Obtaining or Disposing of Supplemental Nutrition Assistance) – Category I;

433.010(1) (Willfully Causing the Spread of Communicable Disease) – Category II;

476.150 (Entry and Inspection of Premises; Interfering or Preventing Entry) – Category II;

476.380 (Burning without a Permit) – Category II;

476.510 to 476.610 (Violations of the Emergency Conflagration Act) – Category II;

532.140 (Branding or Marking Forest and Booming Equipment with the Intent to Injure or Defraud) – Category I;

632.470 (False Representation as to Raising, Production or Packing, Class A Misdemeanor) – Category I;

632.475 (Possession of Unlabeled, Falsely Labeled or Deceptively Packed Products, Class A Misdemeanor) – Category I;

659.815 (Deceptive Representations or Advertisements by Persons Employing Labor) – Category I;

688.120 (Fraudulent Representation) – Category I;

689.995(3) (Willfully Furnishing False Information) – Category I;

689.995(4) (Making or Causing to be Made Any False Representations) – Category I;

731.260 (False or Misleading Filings) – Category I;

759.360(2) and (3) (False Statements or False Representation) – Category I;

ACTION ITEM 1: Determine whether to approve filing proposed language for OAR 259-009-0070 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to approve filing the proposed language for OAR 259-009-0070 with the Secretary of State as a permanent rule if no comments are received.

ATTACHMENT A – FPC Workgroup Staff Memo, Dated September 5, 2012.

