

Board on Public Safety Standards and Training
Minutes
January 26, 2012

The Board on Public Safety Standards and Training held a regular meeting on Thursday, January 26, 2012, in the Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Chair Todd Anderson called the meeting to order at 9:04 a.m.

Board members present:

Todd Anderson, Chair, Oregon State Sheriffs' Association
Scott Stanton, Vice-Chair, Oregon Volunteer Firefighters Association
Kent Barker, Oregon Association Chiefs of Police (by teleconference)
Richard Brown, Public Citizen Member
Brian Burger, AFSCME Representative, DOC
Shawn Cardwell, Private Security Industry
Alex Gardner, Oregon District Attorneys' Association
Rob Gordon, Oregon State Sheriffs' Association
David Jones, Oregon Fire District Directors' Association
Jeff Jones, Oregon Fire Chiefs Association
John Klum, Chief, Portland Fire & Rescue (by teleconference)
Jeff Martin, Private Security Industry
Rob Poirier, Public Safety Telecommunicators (by teleconference)
Mike Reese, Chief, Portland Police Bureau
Glenn Scruggs, Non-Management Law Enforcement
Joseph Siebert, Oregon State Fire Fighters Council
Lisa Settell, Non-Management Parole and Probation
Mark Wallace, Oregon State Fire Marshal
Michael Wells, Non-Management Law Enforcement
Mathew Workman, Oregon Association Chiefs of Police

Board Members Absent:

Christopher Eppley, League of Oregon Cities
Vacant, Superintendent, Oregon State Police
Vacant, Director, Department of Corrections
Vacant, SAC, FBI

Guests:

Diana Simpson, Benton County Sheriff
Anna Canzano – KATU News

DPSST Staff:

Eriks Gabliks, Director
Troy Abney, Training Division Director
Leon Colas, Professional Standards Coordinator
Linsay Hale, Compliance Coordinator
Sharon Huck, JTA Coordinator
Ray Rau, Academy Training Supervisor
Ryan Keck, Class 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 27, 2011 meeting.

B. Stacie Bates, DPSST#37856 - DOC Coffee Creek - Revocation

To see complete minutes of the November 8, 2011 Corrections Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/CPC_Minutes/CPC110811.pdf

C. David Johnson, DPSST#40979 - DOC Transportation Unit - Revocation

To see complete minutes of the November 8, 2011 Corrections Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/CPC_Minutes/CPC110811.pdf

D. Damian Palominos, DPSST#48092 - Washington County Sheriff's Office - Revocation

To see complete minutes of the November 8, 2011 Corrections Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/CPC_Minutes/CPC110811.pdf

E. Hector Torres, DPSST#38280 - DOC Two Rivers – Not Revoke or Deny

To see complete minutes of the November 8, 2011 Corrections Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/CPC_Minutes/CPC110811.pdf

F. Shelly Zehner, DPSST#35122 - DOC Transportation Unit - Revocation

To see complete minutes of the November 8, 2011 Corrections Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/CPC_Minutes/CPC110811.pdf

G. Donald Denison, DPSST#15298 – Toledo Police Department - Revocation

To see complete minutes of the November 17, 2011 Police Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111711.pdf

H. Henry Filiponni, DPSST#49765 – Ontario Police Dept. – Not Revoke (Returned to PPC for further review)

Unanimous vote to recommend to the Board by PPC on November 17, 2011.

I. Sean Gilhousen, DPSST#37612 – Coburg Police Dept. – Revocation (Returned to PPC for further review)

Unanimous vote to recommend to the Board by PPC on November 17, 2011.

J. Justin Morris, DPSST#46101 – Hillsboro Police Dept. – Revocation

To see complete minutes of the November 17, 2011 Police Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111711.pdf

K. Ryan Murphy, DPSST#43617 – Hillsboro Police Dept. – Not Revoke

To see complete minutes of the November 17, 2011 Police Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111711.pdf

L. Christopher Noffsinger, DPSST#35989 – Douglas County Sheriff's Office – Revocation

To see complete minutes of the November 17, 2011 Police Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111711.pdf

M. Daniel Swain, DPSST#50263 – Salem Police Dept. – Not Revoke

To see complete minutes of the November 17, 2011 Police Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111711.pdf

N. Pulled for discussion, Item #2. Jennifer Brookhouse

O. Daniel Contento, DPSST#F28320 – Habor RFPD – Denial of Certification

To see complete minutes of the November 23, 2011 Fire Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-23-11.pdf

P. Kenneth Dustin, DPSST#F13314 – Jackson County RFPD #4 – Not Deny Certification

To see complete minutes of the November 23, 2011 Fire Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-23-11.pdf

Q. Anthony Hadeed, DPSST#F29692 – Hoodland RFPD – Not Deny Certification

To see complete minutes of the November 23, 2011 Fire Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-23-11.pdf

R. Tyler Johnson, DPSST#F21878 – Seaside Fire & Rescue – Not Deny or Revoke

To see complete minutes of the November 23, 2011 Fire Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-23-11.pdf

S. Nathan Ohrt, DPSST#F16473 – Salem FD and Mill City RFPD – Revocation (Returned to FPC for further review)

Seven to three vote to recommend to the Board by FPC on November 23, 2011.

T. Heather Ritchie, DPSST#F20534 – Idanha-Detroit RFPD – Revocation

To see complete minutes of the November 23, 2011 Fire Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-23-11.pdf

U. Jason Brown, DPSST#40958 - Dept of Public Safety Standards and Tng. – Revocation

To see complete minutes of the November 17, 2011 Police Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111711.pdf

V. OAR 259-008-0005 – Proposed Rule – Definitions

To see complete minutes of the November 8, 2011 Corrections Policy Committee meeting and the November 17, 2011 Police Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/CPC_Minutes/CPC110811.pdf and
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111711.pdf

W. OAR 259-008-0011 – Proposed Rule – Minimum Standards for Telecommunicator and Emergency Medical Dispatcher

To see complete minutes of the November 2, 2011 Telecommunications Police Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/TPC_Minutes/TPC110211.pdf

X. OAR 259-009-0005 & 259-009-0062 – Proposed Rule – Definitions & Fire Service Personnel Certification

To see complete minutes of the November 23, 2011 Fire Policy Committee meeting, please go to:
http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-23-11.pdf

Y. OAR 259-009-0062 – Proposed Rule – Fire Service Personnel Certification

To see complete minutes of the November 23, 2011 Fire Policy Committee meeting, please go to:

http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes11-23-11.pdf

Z. OAR 259-060-0015 – Proposed Rule – Private Security – Prohibited Acts

To see complete minutes of the November 15, 2011 Private Security/Investigators Policy Committee meeting, please go to:

http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/PSIPIC_Minutes/PSIPC111511.pdf

AA. OAR-259-008-0066 – Proposed Rule – Maintenance of Certification for Part-Time Parole and Probation Officers

To see complete minutes of the November 8, 2011 Corrections Policy Committee meeting, please go to: http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/CPC_Minutes/CPC110811.pdf

BB. OAR 259-008-0100 – Proposed Rule – Miscellaneous Activities of the Board or Department

To see complete minutes from the November 2, 2011 Telecommunications Policy Committee meeting, the November 8, 2011 Corrections Policy Committee meeting, and the November 17, 2011 Police Policy Committee meeting, please go to :

http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/TPC_Minutes/TPC110211.pdf

http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/CPC_Minutes/CPC110811.pdf

http://www.oregon.gov/DPSST/BD/Policy_Committee_Minutes/PPC_Minutes/PPC111711.pdf

CC. Policy Committee Appointments and Reappointments

Corrections Policy Committee

- Tom Cramer – DOC Training Division - Prof. Development Unit - Reappointment
- Erik Douglas - Non-Management Corrections Officer - Marion County SO - Reappointment
- Amanda Rasmussen - Non-Management Corrections Officer - Coffee Creek – Reappointment
- Linda Yankee – Oregon Sheriff’s Jail Command Council - Multnomah County – New Appointment
- Joseph Pishioneri – Non-Management Law Enforcement – Lane County Sheriff’s Office – New Appointment

Telecommunications Policy Committee

- Pamela Brost – Assn. of Public Safety Communications Officers - Corvallis Regional Communications Center – New Appointment

Police Policy Committee

- Tom Bergin - Oregon State Sheriffs’ Association - Clatsop County SO - Reappointment
- Ryan Humphrey - Non-Management Law Enforcement - Clatsop County SO – Reappointment
- Marc Tisher – Non-Management Law Enforcement – Bend Police Department - Reappointment

Fire Policy Committee

- Johnny Mack - Community College Fire Programs - Chemeketa CC - Reappointment

Private Security/Investigator Policy Committee

- Bill Geiger – Manufacturing – Rogue Valley Bench-Works LLC – New Appointment

Kent Barker and Rob Gordon recused themselves from voting on Item J. Justin Morris. Brian Burger moved to approve the consent agenda. Rob Gordon seconded the motion. The motion carried with a unanimous vote.

2. Jennifer Brookhouse, DPSST#28900 – Clackamas County Communications – Revocation

Unanimous vote to recommend to the Board by TPC on November 2, 2011.

Glen Scruggs reviewed the definitions of several of the charges and did not agree that the instances noted in the case rose to the level of revocation. Rob Gordon did not believe the Board should be addressing probationary discharge cases. After discussion, the majority of the Board members considered revocation to be unwarranted in this case.

Mike Reese moved that the Board change the recommendation to Not Revoke Certifications. Brian Burger seconded the motion. The motion carried unanimously.

Rob Gordon moved to not revoke certification. Glen Scruggs seconded the motion. All members with the exception of Rob Poirier voted in favor. Motion carried.

3. Chief Eldon Everton – Grants Pass Fire Dept. – Fallen Fire Fighter Memorial Wall Nomination

Director Gabliks reviewed the background and request for the Board.

Shawn Cardwell moved to accept the nomination for the Fire Fighter Memorial Wall. Mark Wallace seconded the motion. The motion carried unanimously.

4. Basic Corrections Local – Written and verbal report

Class Coordinator, Ryan Keck reviewed the newly updated Basic Corrections curriculum for the Board.

5. Director's Report

Director's Report

Budget

The shortened legislative session will begin on February 1, 2012. There have been many news articles in recent days about the state economy and possible budget reductions but no formal information has been released to DPSST by the Legislative Fiscal Office (LFO). Only general fund agencies have been asked to submit a 10.5% reduction in 3.5% increments to the LFO. While DPSST is not a general fund agency, the LFO treats Criminal Fines and Assessment Account (CFAA) revenue as a different color of general fund dollars. Eriks will keep the Board apprised of information as the session takes place.

Legislative

The shortened session will also produce a number of bills that DPSST is monitoring. Senate Bill 1524 will clarify language in legislation passed last session regarding which employees of a bar are required to hold a DPSST Private Security Office license. Senate Bill 1528 will require that DPSST train and certify OLCC Agents – this will not be the same training and certification as city, county, state, and tribal law enforcement officers receive – it will be unique to OLCC's needs. House Bill 4163 will require that DPSST train and certify as police officers, members of the Oregon Judicial Department who are considered Judicial Marshals. House Bill 4063 would require that DPSST's Private Security and Polygraph Programs consider military experience of applicants applying for licensing. House Bill 4021 would address the oversight of investigators of the Oregon Humane Society – no impact to DPSST as we already train and certify their investigators as police officers.

Finally, Senate Bill 1525 will provide a correction to Senate Bill 412 which was approved last session and gave Oregon peace officer status to tribal law enforcement officers. Inadvertently, SB 412 took away language in DPSST statutes that allows tribal law enforcement officers who do not want to participate in SB 512 from being trained and certified by DPSST. SB 1525 will not open SB 412, it will only open DPSST statutes within ORS 181. Eriks gave the Board an overview of the discussions that have been taking place with the various stakeholder groups involved in this issue. Both the Oregon State Sheriff's Association and

the Oregon Association of Chiefs of Police are aware of this issue and are supportive of the proposed solution. Members of the Oregon Legislative Assembly are also aware of the need to address this oversight. Eriks asked the Board if they would support staff not lapsing the certification of tribal law enforcement officers who are not yet in compliance with SB 412 until the February legislative session had a chance to address the issue. A motion was made by Glen Scruggs and seconded by Mike Wells to hold off on any action as requested. The motion passed unanimously.

DPSST is also tracking a number of bills introduced regarding the 9-1-1 Telephone Tax as well as the Criminal Fines and Assessment Account as both provide revenue for DPSST programs. At this time, no legislation has been identified that would impact the Fire Insurance Premium Tax (FIPT), but DPSST staff will continue to monitor all bills that are introduced.

General Information

Eriks mentioned that Board members probably noticed the State Motor Pool signs and cars on campus when they arrived. The State Motor Pool was flooded last week when more than six inches of rain accumulated in the Salem area in less than two days. DPSST is allowing the State Motor Pool to temporarily run its operations from the Academy. This was the first time that the State Motor Pool had activated its Business Continuity Plan with DPSST and from all accounts, staff from both agencies worked hand-in-hand to restore operations at the new location in less than 24 hours.

With the loss of more than 40 employees over the last three biennia due to budget reductions, DPSST has a number of vacant office cubicles which are available for use. DPSST is working with fellow state public safety agencies to see if they might be interested in leasing office space. So far, the Oregon State Police Tribal Gaming Section and the Oregon State Police Athletic Commission have expressed interest and are in the final stages of signing a lease agreement. The Oregon Youth Authority Training Division and the Oregon Department of Justice High-Intensity Drug Trafficking Area (HIDTA) Program have also toured the available space and have expressed an interest. The lease agreements can be terminated within 90-days so that when the economy picks up and DPSST has positions restored, the office space will once again be available for use by DPSST employees.

DPSST has met with the Training Division of the Oregon Youth Authority (OYA) to explore having the OYA run both its new-employee academy and in-service training at the Oregon Public Safety Academy. Currently, OYA leases spaces for this training and because of the economic downturn, DPSST is running fewer classes and has space available for OYA in both classrooms and dorms. Discussions are taking place and the OYA is very interested in the opportunity.

DPSST, the Oregon Department of Corrections, the Oregon State Police, and the Oregon Youth Authority are in the early stages of discussion on sharing services. The service areas include Audit, Purchasing, Human Resources, Payroll, Information Services, and other support services. The discussions are in their infancy, but are prudent with the economic uncertainties that continue. The key of all four agencies is to preserve mission critical elements that allow day-to-day operations to continue for the customers while exploring cost-savings and shared services options in support functions.

Earlier in the month, the Curriculum Review Sub-Committee of the BPSST Police Policy Committee held its first meeting. This group is made-up of eight members and includes representatives from agencies and organizations statewide. This group will conduct a comprehensive review of both the 16-week Basic Police Course and the two-week Police Career Officer Development Course. This is the first comprehensive review of these courses since the Academy began to deliver the 16-week course five years ago. The group will make its recommendations to the Police Policy Committee which will eventually lead to the Board. These works groups allow DPSST to ensure that the training we provide is not only legally defensible, but also meets the needs of Oregon's law enforcement agencies and the communities they serve.

The State Board of Higher Education approved a request from the University of Oregon to establish a police department. This is the first approval made as a result of legislation passed last session. This legislation did not place any limitation on the officers employed by the University, so these officers will be fully armed when they are on duty. DPSST staff met with the leadership team of the University of Oregon Department of Public Safety to discuss the transition process. The University will create a police department over the next five years with approximately five to six officers attending the Basic Police Course at the Oregon Public Safety Academy each year until they reach a staffing level of approximately 30 officers.

DPSST facilitated a conference call with the Portland Police Bureau, Oregon Council of Police Associations, and Oregon Association of Chiefs of Police last month to discuss University Police at OHSU. Under ORS 353.050 (16), university police are trained and certified as police officers by DPSST and attend the 16-week Basic Police Course, but in statute, are not authorized to carry firearms. The firearms limitation is within OHSU statutes, not those of DPSST. This limitation has raised some concern. The resolution to this limitation needs to be addressed by OHSU and the Oregon Legislative Assembly by changing the statute. The parties agreed to discuss the issue with the leadership of OHSU. No plans are in the works to address this issue during the February 2012 legislative session.

Earlier in the month, DPSST was asked to attend a meeting hosted by the United States Attorney's Office in Portland to discuss federal law enforcement officer powers. The meeting was attended by more than 50 individuals representing over two dozen sheriff's offices around the state as well as a number of federal agencies with law enforcement officers working within the state. During the day-long session, DPSST provided an update on Oregon Revised Statute (ORS) 133.245 which gives federal law enforcement officers the ability to make an arrest under Oregon Revised Statutes in limited situations if they complete a DPSST training class. The group understood the limitations of this statute and the process in place to administer the program. The remainder of the day was spent discussing local-federal law enforcement relationships, access to federal lands to affect search and rescue operations, communications, federal road planning efforts, and a number of other topics.

Eriks shared that the Public Safety Memorial Fund Board had met to review the death of Corrections Officer Buddy Herron of the Oregon Department of Corrections. Officer Herron was assigned to the Eastern Oregon Correctional Institution in Pendleton and was also a volunteer firefighter with the Helix Fire District. Officer Herron was in route to work when he stopped to assist what he thought was a disabled motorist. Unbeknownst to Officer Herron, the person he had stopped to help had just attempted to commit a crime and was fleeing the area. Officer Herron was stabbed by the person he stopped to assist and died from his injuries a short time later at a nearby hospital. The Public Safety Memorial Fund Board determined that Officer Herron died in the line of duty and approved benefits for his family. DPSST staff has submitted a request to add Officer Herron's name to the Oregon Fallen Law Enforcement Officers' Memorial. The request will be on the February 2012 agenda of the BPSST Corrections Policy Committee. Eriks asked if the outcome of the Committee's review could be sent to the Board's Executive Committee for approval so that Officer Herron's name could be added to the memorial during the May 2012 ceremony. A motion was made by Kent Barker and seconded by Rob Gordon to approve the request. Motion carried unanimously.

Over the past week, DPSST staff has fielded a number of media inquiries regarding the Oregon Physical Ability Test (ORPAT) which is administered to law enforcement officers who are attending the Basic Police Course. The Oregonian Editorial Board, in its January 19, 2012, column asked that the Board take the lead on establishing ORPAT as a statewide standard for all law enforcement officers. The inquiries have been around the test as well as the actions taking place within the City of Portland on creating an incentive program for Portland Police Officers who complete ORPAT. Eriks stated he has handled all of the calls and has not placed the agency or the Board into the discussions of how Portland takes care of its contract issues. Eriks did tell The Oregonian that DPSST, the Board, as well as state associations and local agencies, are

committed to both the health and safety of all public safety officers and that local efforts to create health and wellness programs are commendable. Eriks further told The Oregonian that the implementation of ORPAT in the Basic Police Course was a big step for Oregon but that we are not done. The Police Policy Committee did discuss with DPSST the possibility of creating a statewide standard, but DPSST staff explained that much more data would need to be gathered before the discussion could be had. Staff also understands that there are many other issues to be discussed with local agencies if this were to move forward, such as issues related to failure of the test as well as assignments and previous work-related injuries of the participants. Finally, Eriks shared with The Oregonian that DPSST was not an employer of police officers, but a training and certification body. As a result, there are limitations on what DPSST and the Board can do in this arena.

Eriks shared that Michael Jordan, the State's Chief Operating Officer, had come to the Academy for a visit. The three-hour visit included a tour of the campus and a discussion on agency operations and the relationship DPSST has in place with the various stakeholder groups it serves across the state. Eriks added that academy visits are in the works for the Governor's Office as well as for members of the Oregon Legislative Assembly.

In closing, Eriks shared with the Board that the first six-week Basic Corrections Course was in session at the Academy. This course was being delivered with the newly approved curriculum that was approved at the end of last year. Ryan Keck of the DPSST Training Division gave an overview of the changes in this course which were created through the active involvement of stakeholder groups. Eriks thanked Sheriff Rob Gordon of Washington County for his leadership of the work group.

6. Committee Reports

- Corrections Policy Committee – Todd Anderson, Chair
The committee has been busy with the new curriculum and appointments. This will be the last meeting for both Todd and Rob Gordon. OSSA has recommended Diana Simpson and Larry Blanton to replace them on the Corrections and Police policy committees.
- Fire Policy Committee – John Klum, Chair
John Klum reviewed the November 23 Fire Policy Committee meeting.
- Police Policy Committee – Kent Barker, Chair
Nothing new to report.
- Private Security Policy Committee – Jeff Martin, Chair
It's business as usual with very active sub committees. The group is also working on OARs.
- Telecommunications Policy Committee – Rob Poirier, Chair
Rob Poirier offered to send a copy of the Kimbal report to anyone interested.

7. Selection of new Board Chair

Rob Gordon nominated Kent Barker for the position of Board Chair. Matt Workman seconded the motion. The motion carried with a unanimous vote.

Kent Barker stated it has been a pleasure to work with Todd and Rob and he wishes them the best in their retirement.

8. Next meeting date: April 26, 2012