

Board on Public Safety Standards and Training
Minutes
July 25, 2013

The Board on Public Safety Standards and Training held a regular meeting on Thursday, July 25, 2013, in the Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Chair Kent Barker called the meeting to order at 9:00 a.m.

Board members present:

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

Board Members Absent:

Shawn Cardwell, Private Security Industry
Glenn Scruggs, Non-Management Law Enforcement
Michael Wells, Non-Management Law Enforcement

DPSST Staff:

Eriks Gabliks, Director
Teresa Plummer, Academy Training Supervisor
Linsay Hale, Standards and Certification Program Manager (AJC)
Leon Colas, Professional Standards Investigator and Coordinator
Sharon Huck, Rules & Compliance Coordinator
Kristen Turley, Standards & Compliance Coordinator
Julie Johnson, Compliance Specialist
Julie Olsen-Fink, Fire Certification Supervisor
Tina Diehl, Fire Certification Specialist
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

To see the complete record of the April 25, 2013 Board meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/BPSST_Minutes/Board42513.pdf

B. OAR 259-008-0070 – Proposed Rule

2012 HB2712 – Mandatory/Discretionary Disqualifying Crimes

To see the complete record of the May 1, 2013 Telecommunications Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/TPC_Minutes/TPC050113.pdf

To see the complete record of the May 14, 2013 Corrections Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes051413.pdf

To see the complete record of the May 16, 2013 Police Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPCMinutes051613.pdf

C. OAR 259-060-0020 – Proposed Rule

Minimum Standards for Certification or Licensure

To see the complete record of the May 21, 2013 Private Security/Investigator Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PSIPC052113.pdf

D. Revisions to OAR Chapter 259, Division 009

Housekeeping changes

To see the complete record of the May 22, 2013 Fire Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes5-22-13.pdf

E. OAR 259-009-0005 and 259-009-0062 - Revisions

NFPA 1003 Fire Fighter Professional Qualifications

To see the complete record of the May 22, 2013 Fire Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes5-22-13.pdf

F. Robert Norris – DPSST #F25799 – South Sherman Fire Protection Unit - Denial

To see the complete record of the May 22, 2013 Fire Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes5-22-13.pdf

G. Daniel Blood - DPSST #F31045 – Black Butte Ranch RFPD - Not Deny

To see the complete record of the May 22, 2013 Fire Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes5-22-13.pdf

H. Robert Hunzinger – DPSST #F17506 – Columbia River Fire & Rescue - Revocation

To see the complete record of the May 22, 2013 Fire Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/FPC_Minutes/FPCMinutes5-22-13.pdf

I. Beau Amundson – DPSST #49594 – Not Currently Employed in a Certified Public Safety Position - Revocation

To see the complete record of the May 14, 2013 Corrections Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes051413.pdf

J. David Buchanan – DPSST #34821 – Washington County Sheriff's Office – Revocation

To see the complete record of the May 14, 2013 Corrections Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes051413.pdf

K. Tim Graves – DPSST #10583 – Not Currently Employed in a Certified Public Safety Position - Revocation

To see the complete record of the May 14, 2013 Corrections Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes051413.pdf

L. David Neal Jr – DPSST #47068 – DOC/Warner Creek Correctional Facility - Revocation

To see the complete record of the May 14, 2013 Corrections Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes051413.pdf

M. Shari Shaw – DPSST #41197 – Yamill County Sheriff’s Office - Revocation

To see the complete record of the May 14, 2013 Corrections Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes051413.pdf

N. Captare Swafford – DPSST #38090 – Not Currently Employed in a Certified Public Safety Position – Revocation

To see the complete record of the May 14, 2013 Corrections Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes051413.pdf

O. Steven Fitzgerald – DPSST #32582 – Lane County Sheriff’s Office - Revocation

To see the complete record of the May 14, 2013 Corrections Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes051413.pdf

P. John McMiller Jr – DPSST #38847 – Columbia County Sheriff’s Office – Revocation

To see the complete record of the May 14, 2013 Corrections Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCMinutes051413.pdf

Q. *John Jayne – DPSST #44146 – Hillsboro Police Department – Second Review – Not Revoke

To see the complete record of the May 16, 2013 Police Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPCMinutes051613.pdf

R. Homero Reynaga – DPSST #29551 – Portland Police Bureau – Not Revoke

To see the complete record of the May 16, 2013 Police Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPCMinutes051613.pdf

S. Jared Bledsoe – DPSST #52254 – Lincoln City Police Department – Not Deny

To see the complete record of the May 16, 2013 Police Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPCMinutes051613.pdf

T. Charles Keller – DPSST #28157 – St Helens Police Department – Revocation

To see the complete record of the May 16, 2013 Police Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPCMinutes051613.pdf

U. Pulled for discussion – Changed to agenda item 2.

V. Policy Committee Appointments and Reappointments

Fire Policy Committee

Michael Silva – Oregon Fire Marshal’s Association – New appointment

Telecommunications

Justin Hardwick - Emergency Medical Services and Trauma Systems – New appointment

Private Security/Investigators Policy Committee

Mark Rauch – Public Member – New appointment

See two other appointments approved after the consent agenda vote in the PS/IPC Report.

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

2. John Shadron – DPSST #37126 – Portland Police Bureau – Second Review - Not Revoke

To see the complete record of the May 16, 2013 Police Policy Committee meeting minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPCMinutes051613.pdf

After discussion regarding the reasoning behind the policy committee decision, Jeff Jones moved to approve the policy committee decision to not revoke John Shadron’s certifications. Joe Siebert seconded the motion. The motion carried with a unanimous vote.

3. OAR 259-008-0067 – Proposed Rule

Lapsed Certification – Linsay Hale reviewed the rule for the Board.

See addendum A.

Rob Poirier moved to approve filing proposed rule OAR 259-008-0067 as a proposed rule and as a permanent rule if no comments are received. Colette Peters seconded the motion. The motion carried with a unanimous vote. The Board could determine no significant fiscal impact on small businesses.

4. *First Aid/CPR Elimination Proposal

Teresa Plummer reviewed the proposal for the Board.
See addendum B.

*Jeff Martin moved to approve dropping the training from the curriculum as of January 2014.
Scott Stanton seconded the motion. The motion carried with a unanimous vote.*

5. Director's Report

Eriks gave an overview of legislative actions that effect DPSST/BPSST.

The bill introduced at the request of DPSST, with approval of the Board, which allows the agency to continue jurisdiction over cases that have begun with the Policy Committee or Board when the employee leaves a certifiable position was approved by the legislature and signed by the Governor. Under the current statute, DPSST cannot complete its case if the employee leaves employment.

The bill that allows the Oregon Department of Corrections (DOC) to provide training to new corrections officers in-house with oversight and audit by DPSST was approved by the legislature and signed by the Governor. This means the Board's Corrections Policy Committee will continue to receive audit reports at their quarterly meeting.

The bill that increases the Fire Insurance Premium Tax (FIPT) from 1% to 1.15% was approved by the legislature and signed by the Governor. This allows DPSST's Fire Training and Certification Programs to remain at the current service level. This will also allow the Oregon State Police Arson & Explosives Unit and the Office of State Fire Marshal to remain at current service level. The bill to extend the sunset on the 9-1-1 Telephone Tax was also extended which will enable DPSST to continue to offer training to Oregon's emergency communications professionals.

An issue that has had discussed at both the Police Policy Committee and the Board regarding the carrying of firearms by police officers at Oregon Health Sciences University (OHSU) was approved by the legislature and signed by the Governor. The initial bill approved years ago that allowed OHSU to establish a police department with police officers trained and certified by DPSST, did not allow them to carry firearms while on duty at their campus. This was done at the request of OHSU and the mental health community on campus. The concerns that were initially encountered have been addressed and OHSU requested a change in the legislation which allows officers to carry firearms on duty. Eriks also shared a related issue that involves the newly created police department at the University of Oregon (U of O). The Board of Higher Education was given statutory authority to allow universities of the state system to establish police departments. The Board allowed U of O to establish a police department last year but did not authorize these officers to carry firearms until the agency had done more outreach with the campus community. This was completed over the last six months by U of O police leadership. Last month, the Board of Higher Education unanimously approved U of O police officers to be armed while on duty.

The bill introduced on Eyewitness Identification did not move out of committee due to the work done by OACP, OSSA, ODAA, and DPSST over the past year. A comprehensive training program has been created which addresses this important issue and the proponents of the legislation found a law was no longer needed.

The bill introduced on Bail Bond Agents had one hearing in committee and never was heard again. This bill would have allowed Bail Bond Agents to operate within the state and have DPSST Private Investigator licenses.

A bill was passed in the last days of the session on human trafficking. The bill initially would have required that DPSST provide training on this important issue to all law enforcement officers across the state. The fiscal impact of this proposal made this concept cost prohibitive. The sponsors of the bill modified the language to state that the Board may require training for law enforcement officers in human trafficking. Eriks stated DPSST will address this issue within the 16-week Basic Police Course and that DPSST has reached out to the Oregon Human Trafficking Task Force at the Multnomah County Sheriff's Office to explore regional and specialized training opportunities.

The 2013-2015 Budget for DPSST was approved by the legislature and signed by the Governor. No positions were lost and Eriks stated this was great relief for DPSST staff which has seen more than 40 employees at the agency lost due to budget reductions over the past three biennia. DPSST did take a 150K reduction in food service costs and across the board reductions that were taken from each state agency in the services and supplies category. Eriks was very appreciative of the support the agency received from its constituents during the legislative session.

House Bill 3194, which was passed in the final days of the session and was signed by the Governor yesterday, allowed for some reinvestments in the public safety system. A number of legislators, state agency administrators, representatives of the Governor's Office, and leaders of the Sheriff's Association, Police Chief's Association, and District Attorney's Association worked together on this innovative bill. DPSST was identified as an area for reinvestment of one million dollars and four FTE approved within the proposal. The bill creates the Center for Policing Excellence at DPSST which embraces data-led policing principles, restores the leadership training program at DPSST (supervision and middle-management training), and restores two additional positions to the DPSST regional criminal justice training program. Eriks explained the positive impact this bill and positions will have on DPSST, its mission, and its constituents. The positions are phased in and should be on-line by January 1, 2014. The restoration of the leadership program will allow criminal justice agencies (police, corrections, parole and probation, 9-1-1) to once again send newly promoted supervisors and managers to two-week training classes at the Academy. Eriks thanked the participants and organizations involved in this legislation for their support and hard work.

Eriks welcomed a new member of the Board to his first meeting. Jason Myers is the Sheriff of Marion County and the current President of the Oregon State Sheriff's Association. Jason was selected by OSSA to fill the seat vacated when Sheriff Diana Simpson from Benton County retired last month. Jason was approved by the Governor and confirmed by the Senate last month. Eriks shared that with new additions to a number of policy committees taking place over the last three months, DPSST staff would host an orientation webinar in the near future.

Eriks shared with the Board that member, Shawn Cardwell, has been experiencing some medical challenges over the past few weeks. Eriks also shared that Derry York, a member of the Polygraph Licensing Advisory Committee was involved in a serious motorcycle crash in Central Oregon and is home recovering from her injuries. Eriks asked the Board to keep both in their thoughts and prayers.

Eriks shared that the position help by Marilyn Lorange for many years as the Standards and Certification Program Manager has been filled by Linsay Hale as a professional development job

rotation. Filling Linsay's position will be Sharon Huck, DPSST's Job Task Analysis Coordinator. Eriks stated the agency is very excited about this opportunity and said the Board would be working with both Linsay and Sharon in their new roles over the next six months.

In June, DPSST hosted the International Association of Directors of Law Enforcement Standards and Training (IADLEST) in Portland for three days and at the Academy on the final day. More than 180 attended the conference including more than 30 international participants from Mexico, Canada, Bosnia, Kosovo, and Nigeria. The feedback from the event was very positive and greatly appreciated. Eriks thanked Chief Reese and the members of the Portland Police Bureau for their participation and support.

The revised Police Field Training Manual (FTM) was reviewed and unanimously approved by the Police Policy Committee at its last meeting and forwarded to the Executive Committee of the Board at its June 2013 meeting for review and implementation on July 1, 2013. The new FTM is the collaborative work of DPSST staff and a group of subject matter experts from law enforcement agencies across the state. The new FTM builds on training provided at the academy and includes new sections on social media, eyewitness identification, and the Prison Rape Elimination Act (PREA).

DPSST has been working with Lines for Life to assist with regional training classes on interactions with the mentally ill and mental health concerns of public safety providers. Both classes were well received and DPSST hopes to continue to offer classes such as these and others on mental health and crisis intervention as they are in high demand across the state. DPSST will begin to have an instructor from Line for Life co-teach in the basic police classes beginning August, 2013. This issue was identified in a recent review of the Portland Police Bureau by the US Department of Justice. DPSST, just like Portland Police, uses qualified and knowledgeable law enforcement professionals to offer this training. The US DOJ report suggested that non-police subject matter experts be used as co-instructors.

Last month, DPSST sent a number of staff and Board Member Richard Brown to visit the Royal Canadian Mounted Police Training Academy in Calgary. The purpose of the visit was two-fold; to gather information about RCMP's innovative problem-based learning (PBL) program and also evaluate skills training offered at the RCMP academy. DPSST is interested in the PBL model and have already implemented this in the Basic Corrections Course. DPSST will discuss implementing a similar PBL model in Basic Police over the next three years. This will be a significant change in the Basic Police course, which currently is very lesson plan/Power Point dependent. The PBL model has been well received by RCMP students and end-users.

DPSST's Fire Training Program is working with Columbia County and Washington County Fire Training Associations which are beta-testing a new hybrid Firefighter I and II training program that provides the training, which was once provided in the classroom, in an on-line self-study format with hands-on skills delivered on nights and weekends. This will reduce the classroom time for both career and volunteer firefighters while using distance learning technology. There is a lot of interest on this program statewide.

Eriks finished by reminding the Board of the upcoming State Fallen Firefighter Memorial ceremony at DPSST on September 19, 2013 at 1:00 p.m. No new names are being added to the memorial during the 2013 ceremony.

6. Committee Reports

Corrections Policy Committee – Lisa Settell reported

- The committee will meet in a couple of weeks and will elect the new chair at that time.
- There is a non-management position currently open on the committee. Letters were sent to AFSCME and AOCE.

Fire Policy Committee – Joe Seibert, Chair

- The committee is quiet. The next meeting was postponed until Fall.
- The firefighter professional qualifications were approved.
- An academy with Eugene began July 14.

Police Policy Committee – Kent Barker, Chair

- Holly Russell has retired and Oregon State Sheriffs' Association is working on filling the position soon.
- The next meeting will be held in August. There are a lot of revocation/denial cases to review, which is sad.

Chris Eppley asked if the basic students are receiving training on what not to do. Eriks responded that Oregon, Arizona, and Florida are the three states who take this very seriously and devote considerable time to this subject. Jeff Jones explained the value of having a person on staff to provide training and guidance and how that can provide a great benefit to agencies.

Private Security Policy Committee – Jeff Martin, Chair

- It is quiet right now which is usual during summer. Recent changes in rules will likely increase the workload for the committee.
- Two vacancies on the committee need to be filled. Jeff asked the Board to approve the applicants to fill the following positions:
 - Ronald Miller – Oregon State Board Private Investigator
 - Robert Henderson – Alarm Monitor

Jeff Martin moved to approve the PS/IPC members. Brian Burger seconded the motion. The motion carried with a unanimous vote.

Telecommunications Policy Committee – Rob Poirier, Chair

- There is a flood of people applying for intermediate and advanced certifications. Last meeting, there were 18, most were approved. He is expecting a long meeting on August 7. The portfolios are looking a lot better.

7. Next meeting date: October 24, 2013

With nothing more to come before the Board, the meeting was adjourned at 10:00 a.m.

Addendum A

Department of Public Safety Standards and Training
Memo

Date: July 25, 2013

To: Board on Public Safety Standards and Training

From: Linsay Hale
Rules & Compliance Coordinator

Subject: OAR 259-008-0067 – Proposed Rule
Lapsed Certification

Issue: The intent of this rule is to ensure that the certification of law enforcement officers (which includes police, corrections and parole & probation officers,) certified reserve officers, telecommunicators and emergency medical dispatchers defaulted into a lapsed status if an individual was not employed in a law enforcement or public safety capacity for a statutorily designated amount of time. A previous permanent rule filing inadvertently omitted a word, dramatically changing the perceived intent of the rule. This rule change corrects that error and also makes additional housekeeping changes for clarity and consistency.

A temporary rule correcting the omission error only was filed with the Secretary of State's office, with the Director's consent, on June 5, 2013. That temporary rule is in effect from June 5, 2013 to October 1, 2013.

The following revised language for OAR 259-008-0067 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-008-0067

Lapsed Certification

(1)(a) The certification of any ~~police officer, corrections officer, parole and probation officer~~ **law enforcement officer** who does **not** serve as a ~~police officer, corrections officer, parole and probation officer,~~ **law enforcement officer** or any certified reserve officer who is not utilized as a certified reserve officer; for any period of time in excess of three consecutive months is lapsed.

(a) Upon reemployment as a ~~police officer, corrections officer, parole and probation officer,~~ **law enforcement officer** or recommencing service as a **certified** reserve officer, the person whose certification has lapsed ~~may~~ **must** reapply for certification in the manner provided in ~~ORS 181.610 to 181.712.~~ **the Act and these rules.**

(b) Notwithstanding ~~paragraph~~ **subsection (a 1)** ~~of this subsection,~~ the certification of a ~~police officer, corrections officer, parole and probation officer~~ **law enforcement officer** or certified reserve officer does not lapse if the officer is on leave from a law enforcement unit.

(2) The certification of any telecommunicator or emergency medical dispatcher who is not utilized as a telecommunicator or emergency medical dispatcher for any period of time in excess of 12 consecutive months, ~~unless the telecommunicator or emergency medical dispatcher is on leave from a public or private safety agency,~~ is lapsed.

(a) Upon reemployment as a telecommunicator or emergency medical dispatcher, the person whose certification has lapsed ~~may~~ **must** reapply for certification in the manner provided in ~~ORS 181.610 to 181.712.~~ **the Act and these rules.**

(b) Notwithstanding subsection (2), the certification of a telecommunicator or emergency medical dispatcher does not lapse if the telecommunicator or emergency medical dispatcher is on leave from a public or private safety agency.

ACTION ITEM 1: Determine whether to approve filing the proposed language for OAR 259-008-0067 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to approve filing the proposed language for OAR 259-008-0067 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.

Addendum B

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

DATE: July 25, 2013

TO: Board on Public Safety Standards and Training

FROM: Eriks Gabliks, Director

SUBJECT: Elimination of DPSST Optional First Aid/CPR class

First Aid and CPR training has been offered to basic academy students as an optional after-hours class for a number of years. Over the past six years, we have noticed a significant decline in the number of students signing up or needing this voluntary course. The reason for this is the majority of agencies are offering this training before or after the students attends the basic course.

- Since May of 2012, we have trained 286 basic police students. Of those, only 64 attended the class. This is an attendance or need rate of **22%**.
- During that same time frame, we have trained 150 basic corrections students and no students attended the class. This is an attendance or need rate of **0%**.
- The combined rate of attendance for the 46 students over the last 13 months is **15%** of our basic students taking advantage of this optional class.

The cost of maintaining instructors, materials, equipment, certification cards, and related class roster administration has been significant.

In an effort to be more fiscally prudent and allow agencies to train their own students in First Aid/CPR, DPSST proposes to eliminate the optional First Aid/CPR training for our basic students. It is our intent to continue to offer this class through the remainder of 2013 and no longer offer it to basic students as of January of 2014.

Action Required: DPSST staff requests the Board's permission to implement the above change.