

**Board on Public Safety Standards and Training
Executive Committee Meeting
Minutes
September 14, 2006**

The Executive Committee of the Board on Public Safety Standards and Training held a teleconference on September 14, 2006 at the Department of Public Safety Standards and Training. Bob Tardiff called the meeting to order at 1:35 p.m.

Attendees

Committee Members:

Harold Burke-Sivers, Chair of Private Security Policy Committee
Bob Tardiff, Chair of Board and Police Policy Committee
Bob Wolfe, Chair of Corrections Policy Committee and Board Vice-Chair
Jim Whelan, Chair of Fire Policy Committee

Committee Members Absent:

Eric Swanson, Chair of Telecommunications Policy Committee

DPSST Staff:

John Minnis, Director
Eriks Gabliks, Deputy Director
Bonnie Salle, Certification Coordinator
Rosemary Neal, Executive Assistant

Guests:

Lane Roberts, Chief, Redmond Police Department, Chair of BPSST Workgroup on Police Certifications.
Steve Berger, President, Oregon Association of Community Corrections Directors
Shane Hagey, Director (Jackson County), Oregon Association of Community Corrections Directors
Steve Liday, Assistant Director (Multnomah County), Oregon Association of Community Directors



1. **Approval of August 10, 2006 Meeting Minutes**

Bob Wolfe moved to approve the minutes from the August 10, 2006 Executive Committee meeting. Harold Burke-Sivers seconded the motion. The motion carried in a unanimous vote.

2. **Proposed Recall of Certifications**

Oregon public safety professionals who hold Telecommunications, Emergency Medical Dispatch, or Multi-Discipline certifications are required to complete maintenance training annually. These requirements are specified in OAR 259-008-0060(17) and OAR 259-008-0064.. The deadline for reporting this required training is June 30 each year. Executive approval was sought to recall the certifications of those identified as having not completed their maintenance training.

Jim Whelan moved to recall the certificates of those identified to the Executive Committee as having not completed their maintenance training. Bob Wolfe seconded the motion. The motion carried in a unanimous vote.

3. **Portland Police Bureau**

At the last Board on Public Safety Standards and Training meeting held on July 18, 2006, Chief Rosie Sizer of the Portland Police Bureau announced that the Portland Police Bureau, in conjunction with the Bureau of Human Resources and the Portland Fire and Police Disability and Retirement Fund, have been working towards a return to work program for officers injured on the job, whose physicians have said the officer has some sort of long-term or permanent limitation that affects the officer's ability to work on the street, but does not disqualify the officer from performing other meaningful work as a police officer. Discussion was held regarding OAR 259-008-0025(1)(c) which requires law enforcement officers who have not been employed as a law enforcement officer during the last five years to complete the Basic Course in order to be certified. Chief Sizer requested that the Board modify the five (5) year window to a ten (10) year window on a temporary basis.

Chief Tardiff appointed a Workgroup to review this request. The Workgroup included Andy Bentz, Sheriff, Malheur County; Steve Piper, Gresham Police Department; and Lane Roberts, Chief, Redmond Police Department. DPSST members included Eriks Gabliks, Deputy Director and Marilyn Lorange, Standards and Certification Supervisor. The Workgroup provided the following information to the Executive Committee and Chief Roberts provided an overview of same to the Executive Committee.

Based on the above PPB clarification of their request, the group confirmed that the positions as described would be police officer positions, subject to BPSST standards. The Board and Department have the responsibility to ensure consistent statewide enforcement of minimum standards. The workgroup identified the following concerns with granting the PPB request:

1. Statewide medical standards were established by a panel of medical experts, to be consistent with the essential tasks of a police officer. PPB is concerned that the required physical examination will conclude that the individuals are not able to perform the essential tasks of a police officer. If this is the case, granting a broad waiver of the medical standards for these individuals would transfer significant liability to the Board and the Department.

2. Determination that an individual meets the minimum medical standards is required prior to any determination about eligibility to attend the required Basic course. Individuals from PPB who have been on leave of absence for more than five years would be required to attend the full Basic Police Course. The Department has limited authority to waive basic training requirements for those determined to have “current knowledge and skills” to perform as an officer. Without a medical determination that the individual was capable of performing the essential tasks, DPSST and the Board could incur significant liability if it were to require the person to demonstrate current skills in order to waive basic training requirements as PPB has requested. DPSST and the Board could also incur liability for granting police certification without the demonstration of skills needed to determine that a waiver of basic training requirements had been appropriate.
3. There is significant potential for adverse unintended consequences of granting the waivers of medical and training standards.
 - a. Chief Sizer identified her request as a one-time need for PPB. However, granting the request can be expected to open the door for similar requests from other agencies.
 - b. There would be a loss of credibility and defensibility of future Board denials of waiver requests for others who do not meet minimum standards, and an increased likelihood of waiver denials being appealed based on the Board’s granting the PPB waivers.
 - c. If officers who had been on medical leave and were unable to meet certification standards sought waivers in order to reactivate their certifications, DPSST could be compelled to grant them regardless of the position or concerns of the employing agency.

Based on the above concerns, the workgroup unanimously concluded that it would not be in the best interest of the Board, the Department or the state to grant the PPB request.

However, workgroup members are also unanimous in their support for PPB’s efforts to manage and utilize their resources. Members discussed other options that may meet the PPB need. Options included using the Portland Community Service Officers (CSO’s) in positions similar to CSO’s in other communities. These individuals may serve in a sworn capacity, but because they are unarmed and are not responsible for criminal law enforcement, they are not considered police officers and are not required to obtain DPSST certification. Workgroup members would be pleased to work with PPB or provide any information that would assist in developing a program that would not fall within DPSST’s standards and certification requirements.

After discussion, the Executive Committee decided that a blanket waiver was not appropriate and directed DPSST staff to conduct more research before presenting this matter to the Board. Additionally, the Executive Committee agreed that the established procedures for requesting a waiver of either attendance at a Basic Police Course or any physical requirement(s) should be followed on a case-by-case basis.

4. Oregon Association of Community Corrections Directors

The OACCD expressed their desire to seek representation on the Board of Public Safety Standards and Training. Additionally, they requested the opportunity to create a Parole and Probation policy committee. After discussion, it was decided that Shane Hagey will propose forming a sub-committee for Parole and Probation at the next Corrections Policy Committee.

There being no further business to come before the Committee the meeting adjourned at 2:15 p.m.