

**Board on Public Safety Standards and Training
(BPSST or the Board)
Meeting Minutes - Draft**

October 24, 2024

The Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on Thursday, October 24, 2024, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located at 4190 Aumsville Hwy SE, Salem, Oregon. Chair Matt English called the meeting to order at approximately 9:00 a.m.

Board members present in-person and by Video/Teleconference:

Matt English, Chair, Oregon State Sheriff's Association
DaNeshia Barrett, Vice-Chair, Non-Management Law Enforcement
Martha Bennett, League of Oregon Cities
Maria Caballero Rubio, Public Member – (Teams)
Jennifer Cameron, Non-Management Parole & Probation
Casey Coddling, Superintendent, Oregon State Police
Mark Daniel, Oregon Association of Chiefs of Police
Robert Day, Portland Police Bureau – (Teams)
Michael Fletcher, APCO-NENA
Ryan Gillespie, Chief, Portland Fire & Rescue
Jeromy Hasenkamp, Private Security Industry
Chris Heppel, Oregon Fire Chief's Association
Dan Lenzen, Private Security Industry – (Teams)
Joseph Morneau, Oregon Fire District Director's Association – (Teams)
Scotty Nowning, Non-Management Law Enforcement
Doug Olson, Federal Bureau of Investigation
Mike Reese, Director, Department of Corrections
Andrew Shearer, Oregon Association of Chiefs of Police
Mo Young, Public Member

Board Members Absent:

James Adams, Oregon State Fire Fighters Council
Jack Carriger, Oregon Volunteer Firefighters Association
Morry Jones, Public Member
Terry Rowan, Oregon State Sheriff's Association
Mariana Ruiz-Temple, Oregon State Fire Marshal

Guests:

Shanon Anderson, OSU Chief of Police
Rob Wood, Police Policy Committee Member

DPSST Staff:

Phil Castle, Agency Director

Bill Steele, Interim Deputy Director

Audra Anderson, Chief of Staff

Kathy McAlpine, Professional Standards Division Director

Kayla Ballrot, Fire Program Manager

Julie Collinson, Center for Policing Excellency Manager

Kathy Fink, Criminal Justice Program Manager

Suzy Herring, Private Professional Certification & Licensing Program Manager

Jennifer Howald, Legislative and Rules Coordinator

Jennifer Levario, Professional Standards Manager

Sam Tenney, Communications Coordinator

Joanna Wade, Fiscal Analyst

Juan Lopez, Executive Support Specialist

Shelby Wright, Executive Assistant to the Director

1. Introductions

- *Board Chair, Matt English, introduced himself and invited everyone in attendance to state their name and position for the record.*

2. *Meeting Minutes

Approve minutes from the July 25, 2024, Meeting

- *Member Casey Coddling motioned to approve the meeting minutes of the July 25, 2024, meeting. Vice-Chair DaNeshia Barrett seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

3. Fire Policy Committee

a. Fire Policy Committee Update – Chris Heppel, Chair

- *Chair Heppel noted that the Fire Policy Committee met at the end of August to propose a change to Oregon Administrative Rule 259-009-0087. The regional DPSST liaison officers recommended changes to the DPSST Accreditation of Fire Service Agency Training Programs, as noted on item 3a of the Fire Policy Committee Consent Agenda.*

b. *Consent Agenda (The following items to be ratified by one vote).

A. *Proposed Rule Changes for Oregon Administrative Rule (OAR) 259-009-0087 *DPSST Accreditation of Fire Service Agency Training Programs*

B. *Committee Appointments

Fire Policy Committee

- Rose Douglass – Oregon Fire Instructor Association, Appointment to the FPC, 2nd term effective October 27, 2024.

- Andre Lindauer – Public Member, Appointment to the FPC, 2nd term effective January 26, 2025.
- *Member Mike Reese motioned to approve the Fire Consent Agenda as presented. Member Mark Daniel seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

4. Criminal Justice Policy Committees

a. Police Policy Committee Update – Scotty Nowning, Chair

- *Chair Nowning stated that the Police Policy Committee held a regularly scheduled meeting on August 22, 2024, where they reviewed ten case reports. The committee voted to take action on five of the ten cases presented in the Criminal Justice Consent Agenda before the Board.*

b. Telecommunications Policy Committee Update – Michael Fletcher, Chair

- *Chair Fletcher reported that the Telecommunications Policy Committee met on August 7, 2024, where they reviewed two administrative closures. The next meeting will take place on November 6, 2024.*

c. Corrections Policy Committee Update – Matt English, Chair

- *Chair English mentioned that the Corrections Policy Committee met on August 13, 2024, where they reviewed ten case reports and two administrative closures. The next Corrections Policy Committee meeting is scheduled for November 12, 2024.*

d. *Consent Agenda (The following items to be ratified by one vote)

A. *Nicholas Alberts, DPSST No. 58569; Multnomah County Sheriff's Office – Revoke

Unanimous vote to recommend to the Board by the CPC on August 13, 2024.

B. *Rachel Bonine, DPSST No. 56768; Lake County Sheriff's Office – No Action

Unanimous vote to recommend to the Board by the PPC on August 22, 2024.

C. *Milan Fietz, DPSST No. 46944; DOC/Eastern Oregon Correctional Institution – No Action

Unanimous vote to recommend to the Board by the CPC on August 13, 2024.

D. *Traci Hubler, DPSST No. 45406; Clatsop County Sheriff's Office – No Action

Unanimous vote to recommend to the Board by the CPC on August 13, 2024.

E. *Mark Mahlum, DPSST No. 36794; Coos County Sheriff's Office – No Action

Unanimous vote to recommend to the Board by the CPC on August 13, 2024.

- F. *Steven Mayberry, DPSST No. 22901; Salem Police Department – Revoke**
Eleven (11) to one recusal (1) vote to recommend to the Board by the PPC on August 22, 2024.
- G. *Ryan McKone, DPSST No. 48453; Washington County Sheriff’s Office – No Action**
Unanimous vote to recommend to the Board by the CPC on August 13, 2024.
- H. *Nathaniel Medeiros, DPSST No. 58231; Independence Police Department – No Action**
Unanimous vote to recommend to the Board by the PPC on August 22, 2024.
- I. *Nicholas Mitchell, DPSST No. 58076; DOC/Santiam Correctional Institution – Revoke**
Unanimous vote to recommend to the Board by the PPC on August 22, 2024.
- J. *Brian Needham, DPSST No. 33137; Harney County Sheriff’s Office – No Action**
Unanimous vote to recommend to the Board by the PPC on August 22, 2024.
- K. *Diego Saldana, DPSST No. 62469; DOC/Two Rivers Correctional Institution – No Action**
Unanimous vote to recommend to the Board by the CPC on August 13, 2024.
- L. *Quinn Sansom, DPSST No. 62175; Corvallis Police Department – No Action**
Unanimous vote to recommend to the Board by the PPC on August 22, 2024.
- M. *Bonnie Smythe, DPSST No. 60693; DOC/Eastern Oregon Correctional Institution – Revoke**
Unanimous vote to recommend to the Board by the CPC on August 13, 2024.
- N. *Daniel Surmi, DPSST No. 55998; Oregon State Police – No Action**
Unanimous vote to recommend to the Board by the PPC on August 22, 2024.
- O. *Lewis Topinka, DPSST No. 46866; Oregon State Police – Revoke**
Unanimous vote to recommend to the Board by the PPC on August 22, 2024.
- P. *Amanda Vincent, DPSST No. 60425; DOC/Deer Ridge Correctional Institution – Revoke**
Unanimous vote to recommend to the Board by the CPC on August 13, 2024.
- Q. *Luis Vivanco; DPSST No. 63585; DOC/Eastern Oregon Correctional Institution – Revoke**
Unanimous vote to recommend to the Board by the CPC on August 13, 2024.

R. *Evan Wallace, DPSST No. 59773; Tillamook County Sheriff's Office – Revoke
Unanimous vote to recommend to the Board by the PPC on August 22, 2024.

S. *Tyler Whitely, DPSST No. 52170; Washington County Sheriff's Office – No Action
Unanimous vote to recommend to the Board by the PPC on August 22, 2024.

T. *Request to Reinstate Telecommunication Workgroup for Field Training Manual Update Recommendation

U. *Committee Appointments

Police Policy Committee

- Teresa Livingston – OSP Command Staff Representative, Appointment to the PPC, 1st term effective October 24, 2024.

Corrections Policy Committee

- Margeux Bowden – Non-Management Corrections Officer, Re-appointment to the CPC, 2nd term effective January 26, 2025.
- Erin Reyes – Department of Corrections Superintendent, Re-appointment to the CPC, 2nd term effective November 7, 2024.

Telecommunications Policy Committee

- Ronda Griffin – EMS Section APCO/NENA, Re-appointment to the TPC, 2nd term effective October 27, 2024.
- *Vice-Chair Barrett motioned to approve the Criminal Justice Consent Agenda as presented. Member Fletcher seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

e. *Proposed Rule Changes for Oregon Administrative Rule (OAR) 259-012-0010 and OAR 259-012-0035

Amending the Standards and Processes for Student Suspension or Dismissal from the Academy

Presented by Jennifer Howald

Administrative Rule 259-012-0010 establishes the standards of student conduct, and Administrative Rule 259-012-0035 outlines the policies and processes for suspending or dismissing a student who violates the standards of student conduct. When a dismissal occurs, the current rules and processes requires that DPSST Professional Standards staff must open a case, and the case must be reviewed by the appropriate policy committee before the student can return to training at the academy.

If allowed to return to training, the student loses credit for any basic training completed before dismissal, warranting a repetition of those credits. Any time a student is dismissed from the academy for a violation of the standards of conduct, that dismissal has the potential to affect the student's ability to be employed as a public safety officer and to be certified by DPSST. In

recognition of this impact, it's important to ensure that the rules contain the appropriate path of review and due process.

DPSST recently reviewed these rules, as well as its internal procedures related to student dismissals. In reviewing the current standards of processes, one concern that DPSST had in mind is that the current and automatic outcomes for a student dismissal creates circumstances that force some agencies into a situation where they must terminate the student's employment. DPSST recognizes that the length of time it takes to complete the discretionary moral fitness violation review - and the requirement to restart the basic training course in its entirety - have a significant impact on the employing agency's operations, including staff scheduling and budget.

As a result, DPSST developed recommended rule changes, with three primary goals. First, there are amendments to the standards of conduct intended to support the enforcement of our student rules and regulations. The stand-alone rules and regulations (which are policy), and the Administrative Rule which outlines particularly egregious misconduct.

The recommended changes also give the Department more discretionary authority when determining when to take action for a dismissal, and how to reinstate students back to training. Finally, the Administrative Rule recommended changes include more specific appeal processes and actions that the Director's Office can take. Jennifer Howald provided an additional overview of the rule changes and pointed out that there are no amendments to Administrative Rule 259-012-0001 within the reference memo.

The ultimate goal is to recognize that violations of student conduct are not uniform, and that there is an opportunity for students to return to training while mitigating the impacts on their employing agency. The proposed rule changes would not incur any new costs to respective parties.

- *Member Nowning asked if students are entitled to have an advocate during the review process. Jennifer Howald stated that the appeal process enables up to two representatives (i.e. legal counsel, employer, etc.) per the Administrative Rule. However, there is no policy or process in place for representation during the investigatory process.*
- *Chair English confirmed the Board's consent to approve the fiscal impacts statements as presented in the memo.*
- *The Board's approval will authorize the Department to file the amendments as proposed rule changes. If there aren't any substantial comments, the Department will file the amendments as permanent rule changes.*
- *Member Shearer motioned to approve. Member Daniel seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*
- *Vice-Chair Barrett asked whether these changes would take effect in concurrence or after a public commenting period. Jennifer Howald explained that the agency wanted to request permission to file temporary rules – making them effective immediately. DPSST would then file the proposed rule changes and gather the public comment before anything permanent is implemented.*

- *Member Coddington motioned to approve and file the proposed rule changes as recommended by the Board. Member Cameron seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

5. Private Security/Investigator Policy Committee

a. Private Security Investigator Policy Committee Update – Dan Lenzen, Chair

Chair Lenzen reported that the Private Security/Investigators Policy Committee met on October 15, 2024, to discuss the proposed private security fee increases.

b. *Proposed Rule Changes for Oregon Administrative Rules (OAR) 259-059-0070, 259-060-0500, and OAR 259-061-0010

Fee Increases for the Private Security Entity, Private Security Provider, and Private Investigator Certification and Licensure Programs

Presented by Jennifer Howald

DPSST administers three regulatory programs that are fee-based: the private security provider, certification and licensure, private security entity licensure, and private investigator licensure. As fee-based programs, the fees that are collected are used to pay for the Department's administrative costs. These regulatory programs do not receive any other funding from the state (i.e. general, lottery, federal funds, etc.). Personnel services, which include employee salary and benefits, make up more than 90% of the administrative costs. Other administrative costs include supplies, travel, technology, rent, and legal services.

Fees for each certification and license are based on the estimated number of applicants for that specific type of licensure, the cost for issuing the license or certification, and ensuring compliance with the regulations. DPSST consistently monitors the revenues and the program expenses to maintain a healthy budget. The agency projected that there would be a probable fee increase during the next 25-27 biennium.

However, beginning in June and July 2024, DPSST's projections started to show that its balances would be depleted much faster than anticipated due to unprecedented changes to program expenses. As a result, DPSST is facing a revenue shortfall for the remainder of the current 23-25 biennium. This affects all three of the aforementioned regulatory programs. These programs have been impacted by a significant increase in cost from personnel services, and those costs will continue to impact the 25-27 biennium budget.

Each program also has unique budget considerations in addition to those personnel services outlined in the Board memo. In developing the recommended fee amounts, DPSST's goal was to provide adequate revenue to maintain our current service levels in the 23-25 biennium and carry those service levels into the next biennium.

Jennifer Howald noted that the printed memo shows an initial recommended fee increase from \$550 to \$660 for the private investigator license fee. However, DPSST later determined that the increase should be from \$550 to \$690. If the license fee is not increased to this latter amount, the investigator licensure program will come up short before the end of the 25-27 biennium.

The private investigator and private security provider fees are established by the Board in collaboration with the PSIPC, which met on October 15, 2024. DPSST presented the fee

increases, along with the supporting rule changes, and asked the PSIPC to vote on the recommended changes.

The PSIPC voted eight (8) to two (2) on a recommendation that the Board approve the amended private investigator fee increase and rule changes. The PSIPC voted five (5) to five (5) on a recommendation that the Board approve the private security provider fee increase and rule changes.

Additionally, the private security entity fees are established by DPSST, so although the fees were shared with the PSIPC to discuss fiscal impacts, members were not asked to vote. Jennifer Howald provided an overview of the concerns discussed during the PSIPC meeting. The PSIPC expressed concerns that the fee increases for the 2-year private investigator license were disproportionately higher than the increases for the 2-year private security provider certifications and licenses because of the lump sum increase of \$140. There are some ruling factors that affect this.

First, the private security program had incremental fee increases in 2011 and 2022, whereas the private investigator fees are still the same as those adopted in 2006 when they were transferred from the Oregon Board of Investigators to DPSST.

Second, there are far fewer investigator applicants, meaning that the program costs are shared by fewer licensees among the approximately 700 investigators compared to approximately 20,000 private security providers. The PSIPC asked if the private investigator and private security provider fee increases could be implemented on a temporary basis and their discussion regarding temporary fee increases proposed authorizing fees to meet the immediate budget shortfall, while allowing time to explore additional budget and program changes that can be implemented to reduce the need for the fee increases in the long-term.

In part, their concern was that the fee increase came up suddenly and that there was not enough time to evaluate other options. The fee change process – coordinated through the Department of Administrative Services and the legislature – does not easily support a temporary fee change. DPSST's current projections show that additional fee increases may be needed in the 27-29 biennium.

In recognition of the PSIPC's discussions and concerns, DPSST staff committed to sharing more about the program's budget processes, including sharing the fee assessment and the budget projections in early 2026, when the agency will prepare the budget for the 27-29 biennium. Staff will also ensure that there is adequate time in the committee's future agenda items to review the comments and related program needs, along with further potential changes during the fiscal impact discussion.

Pages 8 to 10 of the Board memo includes the fiscal impact statements. Based on the PSIPC discussion, the following comments will be added to the fiscal impact statements noted in the memo:

- As small businesses, the increases affect the business expenses and reduce available funds for other small business costs (i.e. insurance and taxes).
- Applicants for individual private security professional certifications may be part-time employees or have entry-level wages, making it harder to cover the increased cost of the certification.
- Applicants who have multiple private security provider certifications and licenses will be further impacted by the compound effect of multiple fee increases.

- Increase in the private security instructor certification fees may result in higher training costs that are then passed on to those individual professional applicants who need the training for professional certification.

The Department recommends that the Board approve the fee increases and proposed rule changes for private security entities and providers. The Department also recommends that the Board approve the amended fee increase of \$690, along with the proposed rule changes for private investigators.

If the Board is to approve the fee increases and associated rule changes, DPSST will commence the public comment process. After the close of the public commenting period, the agency will compile its constituent feedback and application to the Department of Administrative Services to have the fee changes approved. If DAS approves the fees, then DPSST estimates implementation of fees on February 1, 2025. The fees would go through a final ratification through the Legislature in the 2025 session.

- *Member Reese asked if there is a mechanism that DPSST will implement moving forward to review the fee structure and ensure that there is an incremental increase through the budget process - as opposed to years of waiting for a significant increase in fees that may drive some small businesses out of the market. Joanna Wade replied that DPSST has committed to reviewing this increase during the budget build before each biennium's budget is due and to review the budget and fees with the policy committee.*
- *Member Hasenkamp provided comments on the private security entity license. There was a lot of discussion in the PSIPC regarding larger corporations paying their fair share. There are some out of state corporations that have a large presence in Oregon. Sometimes these corporations push the fees back down to the employees. The security services industry is set to increase 550% over the next five years. Since the Board sets the entity licensing fee, Member Hasenkamp noted that there was discussion about either offering an out-of-state entity licensing fee, or potentially one for those who possess a certain number of employees since larger businesses would take more staff time to review and process applications.*
- *Chair English confirmed the Board's consent to approve the fiscal impacts statements along with the additions presented today.*
- *Member Fletcher motioned to approve the recommended fee increases and rule changes, including the amended fee amount for the investigator license, as presented. Member Barrett seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

A. *Committee Appointments

Private Security/Investigator Policy Committee

- Nate Nakasone – Unarmed Security Representative, Re-appointment to the PSIPC, 2nd term effective October 25, 2024.
- *Vice-Chair Barrett motioned to approve. Member Hasenkamp seconded the motion. A vote was taken by roll call and the motion passed unanimously by the Board.*

6. Agency Updates – Agency Director, Phil Castle

Director Castle began by stating that a former BPSST Chair, Jason Meyers, passed away and took a moment to honor his memory by acknowledging his service and dedication to the agency. DPSST has just completed a reorganization. Bill Steele is now our permanent Deputy Director and Audra Anderson is our new Chief of Staff. DPSST's reorganization means that all training now falls underneath the Deputy Director, including Business Services. Audra Anderson is overseeing Facilities, HR, Procurement, and IT. There have been no changes to our Professional Standards division or PIO, which still reports to Director Castle himself.

Right now, the agency is strategically looking at its budgeting process and 2025-2027 scheduling. The schedule is now based on what the agency sees coming in the future. The Center for Policing Excellence has a data team, and this team in conjunction with the PIO, conducts a survey every year for all law enforcement agencies across the state in order to determine what their hiring process and overall projections will be for each agency. DPSST works hard to communicate with these agencies to remind about and encourage responses. This has produced accurate data over the last several years that now informs our projections.

For the 25-27 biennium, DPSST is projecting approximately 1,040 Basic Police (BP) students. This is as many as over the last two years, meaning there is no change in training turnover rate. The good news is that incoming student levels remain constant, and DPSST is scheduling to run 1,080 BP students.

DPSST is running at this capacity because we would rather cancel a class than forcefully accommodate it; posing safety issues, capacity issues, structural issues, etc. Additionally, DPSST normally trains approximately 400 corrections students every two years, and the academy is scheduling for 480 in the upcoming biennium. House Bill 4002 has had a significant impact on the need for more corrections, parole, and probation officers. DPSST could easily run one or two parole and probation courses per biennium, but instead are running five.

The schedule has been tight as a result of heavier class loads, but by preparing for this, DPSST can arrange for instructors, classrooms, etc. DPSST has strategically configured the classrooms to accommodate higher volumes as a result. This year, DPSST successfully completed its pilot for sixty person classes that will now become a staple of the academy beginning in January 2025. During the span of the 2025-2027 biennium, DPSST is scheduling to have one sixty-person course at any given time.

The agency is continuing its partnership with Oregon State Police and Portland Police Bureau, while extending its gratitude to Superintendent Coddington and Chief Day. By combining students of these two agencies into one class, DPSST has been able to open more seats and effectively meet its statutory obligation of providing training within ninety days of agency hires. Telecommunications student volumes have increased, and the academy has partnered with the Oregon Department of Emergency Management (ODEM) to schedule this influx accordingly by offering twelve telecommunications courses during the 2025-2027 biennium.

BCL volumes have also increased, and the scheduling overlap of classes has posed a challenge for the agencies that are not able to fill the open seats. Bill Steele has been working closely with these agencies to figure out a solution and make sure that they are being filled as soon as possible. Director Castle then called on Fire Program Manager Kayla Ballrot, to provide a departmental update, which highlights the following points:

- DPSST will host a Firefighter One Academy in April 2025, which has not gathered since 2017. Right now, DPSST is coordinating with different fire departments on whether or not they are going to train on weekday or weekends.
- The Fire Program is also working with DPSST's Regional Training Program to do a joint training all over Oregon in 2025. The program is looking to begin in Coos Bay sometime in February-March that will likely be a two-day active threat training, with one day forceful entry training with forceful entry props. These trainings depend on each area's wants and needs.
- The annual winter fire school will be held on campus in February 2025. The academy has up to 300 firefighters that participate each year for our two-day training, which ranges from entry level to developmental training for fire chiefs. Registration opened two weeks ago, and it has already received 200 applicants.
- The national standard that the Fire Program follows is doing major updates to their standards, meaning that there will be many updates at upcoming Board meetings.

Professional Standards Division Director Kathy McAlpine asked PPCL manager Suzy Herring, and Criminal Justice manager Kathy Fink about their experiences at this year's Olympic trials in Eugene and APCO-NENA conference in Bend.

Manager Herring mentioned that entity licenses was new to the Private Professional Certification and Licensing program, as per Jennifer Howald's presentation. This year, DPSST was in contact with TrackTown in Eugene, and found out they were contracting with an unlicensed entity at this year's Olympic trials. DPSST's compliance team successfully worked with the University of Oregon Police Department to conduct checks and certify private security personnel, and Director McAlpine noted the agency's priorities for safety, education, and accountability.

Manager Fink noted that the Criminal Justice Program, developed educational presentations that were distributed across the state in order to answer questions on accessing resources, etc. The Criminal Justice Program also received positive feedback on their presentation at the Oregon APCO-NENA conference.

Finally, Director McAlpine thanked Jennifer Howald and the Moral Fitness Workgroup for their diligent work this quarter. The Board on Public Safety Standards and Training is currently recruiting candidates for two vacant positions: a representative of ODAA and DOC-ACME.

7. Next Meeting Date: January 23, 2025, at 9:00 a.m.

- *With no further items or questions to discuss, Chair English adjourned the meeting at approximately 10:15 a.m.*

Administrative Note:

These minutes reflect the order of the discussion/voting items as they appear on the official meeting agenda. The actual order in which they were discussed may vary.