

Telecommunications Policy Committee

Minutes

May 1, 2019

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 1, 2019 at the Oregon Public Safety Academy in Salem, Oregon. Chair, Kelly Dutra called the meeting to order at 9:00 AM.

Committee Members:

Kelly Dutra, Chair, Oregon APCO-NENA
Candace Pozdolski, Line-Level Telecommunicator (phone)
George Long, APCO (phone)
Brandon Klocko, Emergency Medical Services & Trauma Rep.
Robin Sells, Oregon Association of Chiefs of Police
Erica Stolhand, APCO
Matt Dale, OFCA EMS Section (phone)
Rebecca Carney, Oregon State Police
Andre Lindauer, Public Member

Committee Members Absent:

Lindy Cox, Line-Level Communicator
Tim Svenson, Oregon State Sheriff's Association
Robert Horton, Oregon Fire Chiefs Association

Guests:

Bridgett Butler
Jacob Butler
Donnell Tanksley
Bonnie Amlin

DPSST Staff:

Linsay Hale, Professional Standards Division Director
Mike Leloff, Training Division Director
Marsha Morin, Criminal Justice Certification Program Manager
Kristen Hibberds, Criminal Justice Lead Professional Standards Coordinator
Jordan James-Largent, Criminal Justice Professional Standards Coordinator
Jennifer Howald, Administrative Rules Coordinator



1. Introductions

Introductions of members, guests and staff were presented.

2. *Minutes of February 6, 2019 Meeting

Approve meeting minutes from February 6, 2019 meeting.

- *George Long moved to approve the minutes from the February 6, 2019 Telecommunications Policy Committee meeting with minor corrections. Rebecca Carney seconded the motion. The motion carried unanimously.*

3. ***Review of Public Comment for Proposed Rule Changes for OAR 259-008-0060; FA & CPR Requirements for Obtaining DPSST Certification**

Presented by Jennifer Howald

During the November 7, 2018 Telecommunications Policy Committee (TPC) meeting, TPC members reviewed a draft proposed rule change that would no longer require current First Aid and CPR certifications in order to be eligible to apply for DPSST emergency medical dispatcher basic certification and any level of DPSST telecommunicator certification. The TPC voted 9-1 to recommend that the Board approve filing the proposed language as a permanent rule if no comments are received.

DPSST staff received a total of 14 comments which were presented to the TPC for consideration.

- *Upon review of the comments, TPC members, by consensus, tabled the issue in order for staff to develop additional options for consideration surrounding these requirements and their impact on telecommunicator and EMD certifications. These options will be presented at the next TPC meeting.*

4. ***Proposed Rule Changes for OAR 259-008-0015: Background Investigations**

Presented by Jennifer Howald

Current rule requires public and private safety agencies conduct a background investigation on each individual being considered for employment or utilization as a public safety professional to determine if the applicant is of good character. The current standard lists elements that must be included in a background investigation and elements that may be included.

The Criminal Justice Moral Fitness Workgroup recommends that conducting a search of DPSST records should be a mandatory element of all pre-employment background investigations to ensure that hiring agencies are aware of any past or pending DPSST professional standards reviews or the individual was the subject of any complaint filed with DPSST. The Workgroup also approved removing the requirement that the applicant's required personal history statement be notarized, instead requiring an acknowledgement of "declaration under penalty of perjury."

- *Matt Dale moved to recommend the Board adopt the changes as proposed and that the Board file the changes to OAR 259-008-0015 as a permanent rule change with the Secretary of State if no comments are received. George Long seconded the motion. The motion passes unanimously.*
- *By consensus the committee found no fiscal impact to small businesses.*

5. ***Proposed Rule Changes for OAR 259-008-0010, 259-008-0011, 259-008-0060 and 259-008-0067: Establishing the Expiration of DPSST Public Safety Professional Certification**

Presented by Jennifer Howald

DPSST public safety professional certifications are lifetime certifications. Once the certification has been issued to the public safety professional, the individual remains certified for life unless their certifications are relinquished or revoked.

Because the certification is a lifetime certification, certified public safety professionals are held to the moral fitness standards beyond their period of employment. This means from time to time, the Policy Committees receive discretionary professional standards cases for individuals who have been out of the public safety profession for many years due to retirement or any other separation from employment.

A current Policy Committee member requested the Criminal Justice Moral Fitness Workgroup consider whether or not public safety professional certifications should continue to be considered lifetime certifications, holding individuals who have been retired or otherwise separated for an extended period of to the same moral fitness standards for currently employed public safety professionals. The Workgroup recommended that certifications expire after five years of separation. The five year period recognizes the current Board standard that requires a person who has been separated from their certified discipline for longer than five years be required to recomplete their basic training course in order to be eligible for recertification.

The Workgroup was also asked to consider the impact of expiration on the levels of certification that an individual may have received prior to their separation from employment and subsequent expiration of certification. The Workgroup recommended that the years of service would remain applicable to the experience requirements for upper levels of certification. The Workgroup recommended that the training requirements for upper levels of certification should be satisfied with new training in recognition of the impact of the absence from the profession on knowledge and skills. The training recommendation mirrors the current practice for recompletion of basic training in order to be eligible for reissuance of basic certification.

- *Matt Dale moved to recommend the Board adopt the changes as proposed and that the Board file the changes to OAR 259-008-0010, 259-008-0011, 259-008-0060 and 259-008-0067 as a permanent rule changes with the Secretary of State if no comments are received. Brandon Klocko seconded the motion. The motion passes unanimously.*
- *By consensus the committee found no fiscal impact to small businesses.*

6. *Proposed Rule Changes for OAR 259-008-0070: Criminal Justice Moral Fitness Workgroup Recommendations, Part Two

Presented by Jennifer Howald

On October 17, 2018, the Criminal Justice Moral Fitness Workgroup began a review of the denial, suspension and revocation standards that were updated and implemented on August 1, 2017. The Workgroup was formed to review a number of unintended tensions in the revised administrative rule language as well as additional issues resulting from procedural and legal changes occurring after the standards became effective.

These proposed rule changes amend the denial/suspension/revocation standards or processes. In whole, the amendments seek to further clarify the intent of the existing standards and

provide clear guidance regarding professional standards case review processes. Changes include:

- Mandatory Grounds for Denial/Revocation - Amendments to the definition of discharge for cause adding destruction of evidence and removing category titles.
 - Discretionary Grounds for Denial/Revocation –
 - Clarifying amendments such as word order and punctuation for the definitions of the moral fitness categories Dishonesty, Misuse of Authority and Gross Misconduct;
 - Deleting the category of Disregard for the Rights of Others. Conduct previously considered disregard for the rights of others may still be grounds for denial/revocation under the definitions of Misuse of Authority and Misconduct.
 - Updates to the Department’s processes for administrative closure of professional standards cases.
 - Updates to the Policy Committee’s review processes for discretionary professional standards cases.
 - Removing suspension of certification for discretionary cases. Discretionary cases will result in the certification being denied or revoked.
 - Changes start date for the certification ineligibility period from the date of separation/conviction to the date the Board approves denial/revocation.
 - Updates to the Department’s processes for review of complaints.
 - An administrative rule reorganization that separates the currently existing single OAR 259-008-0070 into multiple, specific purpose/process rules in order to make the rules easier to read.
- *Rebecca Carney moved to recommend the Board adopt the changes as proposed and that the Board file the changes to OAR 259-008-0070, including the adoption of new rule numbers, with the Secretary of State as a permanent rule if no comments are received. Erica Stolhand seconded the motion. The motion passes unanimously.*
 - *By consensus the committee found no fiscal impact to small businesses.*

7. ***Morse, Timothy DPSST #55073 – Basic and Supervisory Telecommunicator Certifications, Oregon State Police**

Presented by Kristen Hibberds

Rebecca Carney recused herself due to a conflict of interest.

Issue: In June, 2018, Morse was separated from employment with the Oregon State Police. After reviewing investigative materials, staff has identified violations of the Board’s minimum moral fitness standards for public safety professionals. Specifically:

- **Gross Misconduct** when Morse engaged in inappropriate conduct with subordinate employees, including sending and receiving text messages that contained sexual content while at work, planning sexual encounters with a subordinate employee while at work, kissing and groping a subordinate employee while at work, taking pictures of his penis and masturbating while at work, inappropriate use of Department computers while at work.

- Staff did not identify violations of **Dishonesty, Disregard for the Rights of Others, or Misuse of Authority.**

Vote/Consensus	Second	Vote	Outcome
Matt Dale moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based.	George Long	8 ayes; 0 nays; 1 abstention (Carney)	Motion passes.
Consensus reached affirming the staff analysis identifying violations of the Board's moral fitness standard.			
The Telecommunications Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F), there are aggravating circumstances present: The conduct occurred during employment as a public safety professional; the conduct occurred multiple times; and the conduct occurred while acting in an official capacity. No additional aggravating circumstances were considered.			
Pursuant to OAR 259-008-0070(4)(f)(F), there are no mitigating circumstances present. No additional mitigating circumstances were considered.			
Matt Dale made a motion that after considering the totality of the case that Board action be taken on Morse's certifications.	Brandon Klocko	8 ayes; 0 nays; 1 abstention (Carney)	Motion passes.
Robin Sells made a motion that after considering the totality of the case that Morse be ineligible to hold public safety certification for 10 years.	Brandon Klocko	8 ayes; 0 nays; 1 abstention (Carney)	Motion passes.

8. ***Butler, Bridgette DPSST #58692 – Application for Training and Subsequent Certifications, American Medical Response (AMR)**

Presented by Kristen Hibberds

Issue: In January, 2019, DPSST received an Application for Training (F-5) from AMR in which the applicant self-disclosed a criminal disposition. After reviewing the investigative materials staff has identified violations of the Board's minimum moral fitness standards for public safety professionals. Specifically:

- **Gross Misconduct** when Butler was convicted of Possession of Less than One Ounce of Marijuana within 1000 feet of a School.
- Staff did not identify violations of **Dishonesty, Disregard for the Rights of Others, or Misuse of Authority.**

Vote/Consensus	Second	Vote	Outcome
----------------	--------	------	---------

Andre Lindauer moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based.	George Long	9 ayes; 0 nays	Motion passes unanimously.
Consensus reached affirming the staff analysis identifying violations of the Board's moral fitness standard.			
<p>The Telecommunications Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F), there are aggravating circumstances present: The conduct resulted in a criminal disposition and the individual was found guilty of on Class A Violation punishable as a Class C Misdemeanor. No additional aggravating circumstances were considered.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: The conduct occurred prior to the individual's employment in public safety, the conduct did not occur while the individual was acting in their official capacity, the individual self-reported the conduct, the individual's age at the time of the conduct, the individual was not convicted of more than one offense and the individual has complied with all court-ordered obligations. Additionally mitigating was the fact that there were no student's present at the time of the conduct.</p>			
Robin Sells made a motion that after considering the totality of the case that Board no action be taken on Butler's certifications.	Brandon Klocko	9 ayes; 0 nays	Motion passes unanimously.

9. ***Elliott, Heidi DPSST #59214 – Application for Training and Subsequent Certification, American Medical Response (AMR)**

Presented by Kristen Hibberds

Issue: In October, 2018, DPSST received an Application for Training (F-5) from AMR in which the applicant disclosed a criminal disposition. After reviewing investigative materials, staff has identified violations of the Board's minimum moral fitness standards for public safety professionals. Specifically:

- **Gross Misconduct** when Elliott was convicted of Reckless Driving.
- Staff did not identify violations of **Dishonesty, Disregard for the Rights of Others, or Misuse of Authority.**

Vote/Consensus	Second	Vote	Outcome
Andre Lindauer moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based.	Robin Sells	9 ayes; 0 nays	Motion passes unanimously.

Consensus reached affirming the staff analysis identifying violations of the Board’s moral fitness standard.			
The Telecommunications Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F), there are aggravating circumstances present: The conduct resulted in a criminal disposition, the conduct resulted in court ordered restitution, the recentness of the conviction, and the conduct resulted in the conviction of a Class A Misdemeanor. The committee found additionally aggravating the individual was uncooperative with law enforcement and the reckless operation of a vehicle during hazardous road conditions creating a threat to the safety of others.			
Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: the conduct occurred prior to employment in public safety, the conduct did not occur while acting in an official capacity, the individual complied with all court ordered obligations, the individual self-reported the conduct, and there are no additional criminal dispositions in the individual’s history. No additional mitigating circumstances were considered.			
Robin Sells made a motion that after considering the totality of the case that Board action be taken on Elliott’s certifications.	Matt Dale	8 ayes; 8 nay (Klocko)	Motion passes.
Matt Dale made a motion that after considering the totality of the case that Elliott be ineligible to hold public safety certification for 4 years.	Robin Sells	9 ayes; 1 nay (Klocko)	Motion passes.

10. *Amlin, Bonnie DPSST #59640 – Application for Training and Subsequent Certifications, Portland State University Department of Public Safety (PSU)

Presented by Kristen Hibberds

Issue: In January, 2019, DPSST received an Application for Training (F-5) from PSU in which the applicant self-disclosed a criminal disposition. After reviewing investigative materials, staff has identified violations of the Board’s minimum moral fitness standards for public safety professionals. Specifically:

- **Gross Misconduct** when Amlin was convicted of Less than One Ounce of Marijuana
- Staff did not identify violations of **Dishonesty, Disregard for the Rights of Others, or Misuse of Authority.**

Bonnie Amlin presented verbal mitigation.

Vote/Consensus	Second	Vote	Outcome
----------------	--------	------	---------

Matt Dale moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based.	Brandon Klocko	9 ayes; 0 nays	Motion passes unanimously.
Consensus reached affirming the staff analysis identifying violations of the Board's moral fitness standard.			
<p>The Telecommunications Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F), there are aggravating circumstances present: The conduct resulted in a criminal disposition and the individual was found guilty of a Unclassified Violation. No additional aggravating circumstances were considered.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: The conduct occurred prior to the individual's employment in public safety, the conduct did not occur while the individual was acting in their official capacity, the individual self-reported the conduct, the individual's age at the time of the conduct, the individual was not convicted of more than one offense and the individual has complied with all court-ordered obligations. Additionally mitigating was the individual's verbal and written mitigation, the individual's successful career with her agency following the incident and the individual's positive changes since the incident.</p>			
Robin Sells made a motion that after considering the totality of the case that Board no action be taken on Butler's certifications.	Matt Dale	9 ayes; 0 nays	Motion passes unanimously.

11. Staff Update

- Mike Leloff reported:
 - DPSST staff continue to work on the implementation of the three-week Basic Telecommunicator Course approved by the TPC and Board.
- Linsay Hale reported:
 - Wendy Nunez was introduced as a new member of DPSST's Professional Standards Division. Wendy will be assisting with the recording of Policy Committee meetings in the future. Jordan James-Largent was also recently promoted to a Compliance Specialist position within the Criminal Justice Professional Standards Unit.
 - DPSST staff continue to work on the installation of new A/V equipment in the Board room to allow for video streaming of Policy Committee and Board meetings.
 - The Criminal Justice Moral Fitness Workgroup has recently concluded its work as evidenced by the administrative rule changes presented to the Committee today. Thanks to all involved. Two new workgroups will be formed resulting from discussions had throughout these meetings: one dealing with DPSST's role in background investigations; the other looking specifically at the moral fitness standards being applied to employees of private ambulance companies.

- DPSST is monitoring a bill that make PTSD a presumptive occupational disease for a portion of our state's public safety professionals, including telecommunicators.
- George Long was recognized for his diligent and faithful service on the Telecommunications Policy Committee.

12. Next Telecommunications Policy Committee Meeting August 7, 2019 at 9:00 am

Meeting adjourned at approximately 11:55 a.m.

Administrative Notes:

- *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.*
- *The Committee went on break from 10:00-10:17 and again from 11:39-11:45.*