

Police Policy Committee Minutes May 8, 2007

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 8, 2007 in the Boardroom of the Oregon Public Safety Academy. The meeting was called to order at 1:30 p.m. by Chair Andy Bentz

Attendees

Policy Committee Members:

Andrew Bentz, Chair, Oregon State Sheriffs' Association
Dave Burrigh, Oregon State Sheriffs' Association
Rob Gordon, Oregon State Sheriff's Association
Ray Gruby, Oregon Council of Police Associations
Robert Jordan, Federal Bureau of Investigation – Oregon
Robert King, Non-Management, Law Enforcement
Brian Martinek (for Rosie Sizer, Portland Police Bureau Chief)
Tim McLain, Superintendent, Oregon State Police
Steven Piper, Non-Management Law Enforcement
Stuart Roberts, Oregon Association Chiefs of Police

Policy Committee Members Absent:

Andrew Jordan, Oregon Association Chiefs of Police
Mike Healy, Oregon Association Chiefs of Police
Dan Durbin, Oregon State Police Command Officer

DPSST Staff:

Eriks Gabliks, Deputy Director
Marilyn Lorance, Certification and Records Supervisor
Theresa Martin-King, Professional Standards Coordinator
Tammera Hinshaw, Executive Assistant
Carolyn Kendrick, Administrative Assistant



1. Minutes of February 13, 2007

Approve minutes from the February 13, 2007.

Dave Burrigh moved to approve the minutes of the February 13, 2007, Police Policy Committee meeting. Brian Martinek seconded the motion. The motion carried in a unanimous vote.

2. Proposed Rule – OAR 259-008-0025

Marilyn Lorance presented information about the Basic Police course challenge.

Background: The current rule relating to minimum standards for training allow for a previously employed police officer to challenge the Basic Police Course.

Issue: The current Basic Police Course has been increased from a 10-week course to a 16-week course. The content of the course includes written examinations, firearms qualification, defensive tactics qualification, confrontational simulation qualification, emergency vehicle operation qualification and scenario practical(s) qualification. The Department currently lacks sufficient staffing and resources to accommodate individual requests to challenge these portions of the Basic Police Course.

A preliminary cost analysis was conducted to determine what fee(s) would be necessary to accommodate a challenge request. The preliminary fee breakdown is as follows:

Examination (Written exam w/ 300 questions/proctoring)	\$ 104.00
Confrontational Simulation Qualification	\$ 312.00
Defensive Tactics Qualification	\$ 416.00
Emergency Vehicle Operations Course Qualification	\$ 416.00
Firearms Qualification (including ammunition)	\$ 208.00
Scenario Practical(s) Qualification	<u>\$ 4,992.00</u>
 Preliminary Total	 <u>\$ 6,448.00</u>

The Department believes that the scheduling and budgetary challenges required to assemble necessary equipment and adequate staff make it cost prohibitive to allow individual students to challenge the Basic Police Course.

Staff seeks to amend the rule to eliminate the challenge provision for the Basic Police Course.

The following revised language contains recommended deletions (~~striketrough text~~) and additions (**bold and underlined text**):

259-008-0025

Minimum Standards for Training

(1) Basic Course:

(a) Except as provided in 259-008-0035, all law enforcement officers, telecommunicators, and emergency medical dispatchers shall satisfactorily complete the prescribed Basic Course, including the field training portion. The Basic Course and field training portion shall be completed within twelve months from the date of employment by corrections officers and within 18 months by police officers, parole and probation officers, telecommunicators, and emergency medical dispatchers.

(b) The field training program shall be conducted under the supervision of the employing department. When the field training manual is properly completed, the sign-off pages of the field training manual shall be forwarded to the Department. Upon the approval of the Department, the employee shall receive credit toward basic certification.

(c) Effective July 1, 2007, all police officers must satisfactorily complete the Department's physical fitness standard. The Department's physical standard is:

(A) Successful completion of the OR-PAT at 5:30 (five minutes and thirty seconds) when tested upon entry at the Basic Police Course; or

(B) Successful completion of the OR-PAT at 5:30 (five minutes and thirty seconds) when tested prior to graduation from the Basic Police Course.

(d) Law enforcement officers who have previously completed the Basic Course, but have not been employed as a law enforcement officer as defined in ORS 181.610, subsections (5), (13) and (14), and OAR 259-008-0005, subsections (7), (19), (23), and (24), during the last five (5) years or more, shall satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon a finding that the applicant has current knowledge and skills to perform as an officer.

(e) Telecommunicators and emergency medical dispatchers who have previously completed the Basic Course, but have not been employed as a telecommunicator or EMD, as described in ORS 181.610(9) and (18) and 259-008-0005(14) and (32) for two and one-half (2-1/2) years or more, must satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon finding that a Telecommunicator has current knowledge and skills to perform as a Telecommunicator. There is no waiver available for an emergency medical dispatcher.

(f) Previously employed corrections law enforcement officers, parole and probation officers, and telecommunicators; may challenge the Basic Corrections, Parole and Probation or Telecommunications Course based on the following criteria:

(A) The department head of the applicant's employing agency shall submit the "challenge request" within the time limits set forth in the Oregon Revised Statutes and Oregon Administrative Rules.

(B) The applicant shall provide proof of successful completion of prior equivalent training.

(C) The applicant shall provide documentation of the course content with hour and subject breakdown.

(D) The applicant shall obtain a minimum passing score on all written examinations for the course.

(E) The applicant shall demonstrate performance at the minimum acceptable level for the course.

(F) Failure of written examination or demonstrated performance shall require attendance of the course challenged.

(G) The applicant shall only be given one opportunity to challenge a course.

(g) Previously employed police officers who are required to attend the Basic Course may not challenge the Basic Police Course.

~~(g)~~ **(h)** All law enforcement officers who have previously completed the Basic Course, but have not been employed as a law enforcement officer as described in ORS 181.610(5), (13) and (14), and OAR 259-008-0005(7), (19), (23) and (24) over two and one-half (2-1/2) but less than five (5) years shall complete a Career Officer Development Course if returning to the same discipline. This requirement may be waived after a staff determination that the applicant has demonstrated the knowledge and skills required for satisfactory completion of a Career Officer Development Course.

~~(h)~~ **(i)** Corrections and police officers who have not completed the Basic Course shall begin training at an academy operated by the Department within 90 days of their initial date of

employment. A 30-day extension of this time period shall be granted by the Board or its designee upon receipt of a written statement of the reasons for the delay from the officer's employer. Any delays caused by the inability of the Department to provide basic training for any reason, shall not be counted as part of the periods set forth above (refer to ORS 181.665 and 181.652).

⊕ **(j)** Law enforcement officers who have previously completed a basic training course out of state while employed by a law enforcement unit, or public or private safety agency, may, upon proper documentation of such training and with approval of the Department, satisfy the requirements of this section by successfully completing a prescribed Career Officer Development Course or other appropriate course of instruction.

⊕ **(k)** Training on the law, theory, policies and practices related to vehicle pursuit driving and vehicle pursuit training exercises shall be included in the basic course for police officers.

(A) This requirement is subject to the availability of appropriate facilities and funding.

(2) Career Officer Development Course:

(a) All law enforcement officers who have not been employed as such for between two and one half (2 1/2) and five (5) years, shall satisfactorily complete the Career Officer Development Course approved by the Department.

(b) A law enforcement officer assigned to a Career Officer Development Course shall also complete the Board's field training program under the supervision of the employing department and submit to the Department a properly completed Field Training Manual. The Department may waive the Field Training Manual requirement upon demonstration by the employing agency that it is not necessary. See 259-008-0025(1)(b).

(c) The Department may also require successful completion of additional specified courses or remedial training.

(3) Supervision Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a first-level supervisory position shall satisfactorily complete the prescribed Supervision Course within 12 months after initial promotion, appointment, or transfer to such position. This section shall apply whether the individual is promoted or transferred from within a department, or is appointed from an outside department, without having completed a prescribed Supervision Course, within the preceding five (5) years.

(4) Middle Management Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a middle management position must satisfactorily complete the prescribed Middle Management Course within 12 months after initial promotion, appointment, or transfer to such position. This section shall apply whether the individual is promoted or transferred to a middle management position within a department, or employed from outside a department and appointed to a middle manager position without having completed a prescribed middle management course within the preceding five (5) years.

(5) Specialized Courses:

(a) Specialized courses are optional and may be presented at the Academy or regionally. The curriculum is generally selected because of relevancy to current trends and needs in police, corrections, parole and probation, telecommunications, and emergency medical dispatch fields, at the local or statewide level.

(b) Specialized courses may be developed and presented by individual departments of the criminal justice system, local training districts, a college, the Department, or other interested persons. The staff may be available to provide assistance when resources are not available in the local region.

(c) Police officers, including certified reserve officers, shall be trained on how to investigate and report cases of missing children.

(A) The above mandated training is subject to the availability of funds.

(d) Federal training programs shall be offered to police officers, including certified reserve officers, when they are made available at no cost to the state.

(6) Waiver. A person requesting a waiver of any course requirements is required to submit to the Department any supporting documents or pertinent expert testimony and evaluation requested. Any expense associated with providing such documentation, testimony or evaluation shall be borne by the person requesting the waiver or the requesting agency.

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-008-0025 with the Secretary of State as a proposed rule.

Steven Piper moved to recommend filing the revised language for OAR 259-008-0025 with the Secretary of State as a proposed rule with the provision that the language be edited by the Telecommunications Policy Committee and the Corrections Policy Committee. Dave Burright seconded the motion. The motion was carried by a unanimous vote.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0025 with the Secretary of State as a permanent rule if no comments are received.

Steven Piper moved to recommend filing the revised language for OAR 259-008-0025 with the Secretary of State as a permanent rule with the provision that the language be edited by the Telecommunications Policy Committee and the Corrections Policy Committee. Dave Burright seconded the motion. The motion was carried by a unanimous vote.

ACTION ITEM 3: Pursuant to HB 3238, determine whether there is a significant fiscal impact on small businesses.

The Committee agreed that there is no significant fiscal impact on small business.

3. Proposed Rule – OAR 259-008-0000 - Fees

Marilyn Lorange reviewed the issue before the Committee.

Background: The Department has adopted rules relating to fees charged for copying and printing materials. However, some references in the rule still include fixed charges by Western Oregon University (WOU), when the Department is no longer maintaining tenancy on WOU property. The Department seeks to amend the rule to eliminate irrelevant charges and update the rule to clarify the Department policy on disseminating information.

The following revised language contains recommended deletions (~~striketrough text~~) and additions (**bold and underlined text**):

259-025-0000

Fees

(1) All information in the custody of the Director of the Department of Public Safety Standards and Training (Department) will be disclosed or protected from disclosure in accordance with Chapter 192 of the Oregon Revised Statutes and other applicable state and federal laws.

(2) As used in this rule, the following definitions apply:

(a) “Certified copies” means, photocopies, that on the date copied, are true and accurate copy of the original record. The Department cannot certify as to any subsequent changes or manipulation of the record.

(b) “Research” means the compilation or retrieval of information:

(A) That is not readily and immediately available from a single source or a group of related sources; or

(B) For which a search is required before the requested information can be located.

(3) A request for photocopies, facsimile (fax) copies, electronically distributed (e-mail) copies and certifications of public records that are on file with the Department must be made in writing, by fax or by e-mail.

(a) The request must:

(A) Include name and address of the person requesting the public record;

(B) Include telephone number of the person requesting the public record; and

(C) Adequately describe the record(s) requested including subject matter, and approximate creation date(s) when applicable.

(b) The request should:

(A) Be dated;

(B) Identify or be signed by the person requesting the public record; and

(C) Indicate a date by which the records are being requested.

(4) The Department will respond to the request in a reasonable amount of time.

(a) In its response, the Department will:

(A) Acknowledge the request;

(B) Provide an estimate of the expected cost of meeting the request;

(C) Identify any requested records that may be exempt from disclosure; and

(D) Identify the estimated date by which the information will be provided.

(b) The regular duties of the Department will be neither interrupted nor interfered with because of time or effort required to respond to the request.

(5) Unless otherwise provided by statute or other administrative rule, fees will be calculated as follows:

~~(1) Material printed by the Department may have a unit price appearing in the publication. In the absence of any such printed price, f(a) Fees charged for in-stock publications, pamphlets or outlines will be as listed below:~~

~~(a) (A) 1-10 pages -- \$ 5.00;~~

~~(b) (B) 11-25 pages -- \$ 7.50;~~

~~(c) (C) 26-50 pages -- \$ 10.00;~~

~~(d) (D) 51-100 pages -- \$15.00;~~

~~(e) (E) Over 100 pages -- \$15.00, plus twenty-five cents (\$.25) per page for each additional page over 100.~~

~~(2) (b) Documents other than publications will be charged at the rate of \$5.00 for the first 1-10 pages and \$.50 for each additional page.~~

~~(3) (6) The Department may charge fees for recovering actual costs of staff time;~~

~~(a) For locating, compiling, making available for inspection and delivering public records; and~~

~~(b) Researching and documenting information.~~

~~(4) (7) No charge will be made for furnishing normal and necessary records or publications to public safety officers, or public safety agencies.~~

~~(5) Training which is not under the purview of the Department, shall be charged at the room and board charge fixed by Western Oregon University cost plus \$100.00 per week for instructors and materials.~~

~~(6) (8) The Department may charge for the use of facilities at the Public Safety Academy.~~

~~(7) (9) The Department may charge replacement cost for lost or damaged keys, equipment, or meal cards.~~

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-025-0000 with the Secretary of State as a proposed rule.

Dave Burrignt moved to recommend filing the revised language for OAR 259-025-0000 with the Secretary of State as a proposed rule. Robert Gordon seconded the motion. The motion was carried by a unanimous vote.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-025-0000 with the Secretary of State as a permanent rule if no comments are received.

Dave Burrigh moved to recommend filing the revised language for OAR 259-025-0000 with the Secretary of State as a permanent rule. Robert Gordon seconded the motion. The motion was carried by a unanimous vote.

ACTION ITEM 3: Pursuant to HB 3238, determine whether there is a significant fiscal impact on small businesses.

The Committee agreed that there is no significant fiscal impact on small business.

4. **Policy Discussion**

Intermediate and Advance Level Certificates

Marilyn Lorange reviewed the issue before the Committee.

Background: In 1983, the Board on Police Standards and Training adopted rules creating Intermediate and Advanced levels of certification. At the time, the Board’s jurisdiction was over police, corrections, and parole and probation officers. The Basic Police Course was 280 hours; the Basic Corrections and Basic Parole and Probation courses were both 160 hours. At that time, the “Certification Chart” identifying the required combination of training, education, and experience for upper levels of certification was adopted. It has remained unchanged for 24 years. A copy of the original proposed rules is attached.

In the intervening years, the length of the Basic Police Course has increased to 640hours; Basic Corrections is 200 hours; Basic Parole and Probation remains at 160 hours, with an optional 40 hours for Firearms; and the Basic Telecommunications Course has been added at 80 hours. And additional 50 hours credit is given for successful completion of the Field Training Manual.

Other rules provide that college credit may be applied either towards the college credit requirement, or towards training hour requirements, whichever is to the advantage of the applicant for an upper level of certification.

In 1999, the curricula for the Basic Police and Basic Corrections courses were reviewed, and both were determined to be eligible for college credit. Through a grant with Clatsop Community College, up to 21 transfer credits are offered for successfully completing the Basic Police Course and up to 12 transfer credits are offered for the Basic Corrections Course.

This means that Basic Police and Corrections students now receive both Training and Education credit towards upper levels of certification for having completed the Basic course requirements.

The following chart demonstrates the impact of Basic training on eligibility for Intermediate Certification with four years of employment:

Discipline	% of Training Requirement Met by Basic Course	% of Education Requirement Met by Basic Course
Corrections	28%	27%
Parole & Probation with Firearms	22% 28%	-0-

Police	77%	47%
Telecommunications	14%	-0-

The disparity in Basic Course duration means that some disciplines are at a significant disadvantage in their ability to obtain upper levels of certification following completion of Basic training and the award of Basic certification in that discipline. For example, a Basic Telecommunicator would have to complete 770 hours of training and obtain 45 college credits before being eligible for Intermediate Telecommunications Certification, while a Basic Police Officer would be eligible for Intermediate Police Certification with 210 additional hours of training and 24 college credits.

Additionally, the College Credit partnership through Clatsop Community College has legitimized the practice of applying training as both Training and Education when applying for upper levels of certification.

Recommendations:

1. DPSST staff has concluded that it may be appropriate to discontinue the historic practice of applying training hours earned from the Basic Course towards upper levels of certification. This would:
 - Provide a consistent set of requirements beyond Basic for public safety professionals in all disciplines.
 - Eliminate the built-in problem of giving duplicate credit for the same training, while still allowing college credit for the Basic Police and Corrections courses to apply towards upper levels of certification.
 - Return to the intention of the Intermediate and Advanced Certification requirements when they were initially implemented in 1983, to encourage professionalism in public safety.
2. Because this proposal represents a departure from current practice, we also believe that it may make sense to reduce the current training hour requirements by 100 hours.
3. It will also be necessary to determine a phase-in date for the new certification chart.

Because the chart itself is no longer in the Administrative Rule text, no rule change is necessary.

ACTION ITEM 1: Determine whether to recommend excluding basic training hours from the intermediate and advanced certification requirements adopted under OAR 259-008-0060. If YES:

ACTION ITEM 2: Determine whether to recommend decreasing the number of training hours required for intermediate and advanced certification levels by 100 hours, for each minimum year of experience listed in the certification chart:

INTERMEDIATE CERTIFICATION							
Minimum Years of Experience	8 years	7 years	6 years	5 years	4 years	4 years	2 years
Minimum Training Points, including EXCLUDING DPSST Basic Course (Equivalent	15 (300 200 hours)	23 (460 360 hours)	30 (600 500 hours)	38 (760 660 hours)	45 (900 800 hours)	DPSST Basic Course	DPSST Basic Course

hours in parentheses)							-0-	-0-
Minimum College Education Credits New College Credit Rule	15	23	30	38	45		Assoc. Degree	Bachelor Degree
ADVANCED CERTIFICATION								
Minimum Years of Experience	12 years	11 years	10 years	9 years	8 years	9 years	6 years	4 years
Minimum Training Points, including EXCLUDING DPSST Basic Course (Equivalent hours in parentheses)	30 (600 500 hours)	35 (700 600 hours)	40 (800 700 hours)	45 (900 800 hours)	60 (1200 1100 hours)	DPSST Basic Course -0-	DPSST Basic Course -0-	DPSST Basic Course -0-
Minimum College Education Credits New College Credit Rule	30	35	40	45	60	Assoc. Degree	Bachelor Degree	Master Degree

If YES:

ACTION ITEM 3: Determine an effective transition date to phase in the new requirements for intermediate and advanced level certifications.

For example:

- A) New requirement takes effect for all officers hired on or after January 1, 2007;
- B) New requirement takes effect for all officers who obtain Basic certification after July 1, 2007;
- C) New requirement takes effect for all officers (*other options*).

Much discussion took place about this issue. All Committee members present agreed that double issuance of credit needs to stop. The question of eliminating 100 hours from all disciplines was discussed and the impact it would create on the other disciplines (i.e. Corrections, Telecommunications, etc.). Staff requested guidance on how to implement the changes from the Committee. Several members stated that there needs to be a redefinition of what the Intermediate and Advanced levels should look like before changing the chart. The conclusion of the Police Policy Committee is that a multi-discipline workgroup should be put in place to look at all aspects of the Intermediate and Advanced level certificate qualifications. Stuart Roberts, Robert Gordon, and Robert King volunteered to be part of said workgroup.

5. Convene in Executive Session:

Discuss matters exempt from disclosure under ORS 92.660(2)(f) to whether medical waivers for Tommy Hebert, Denise Kuemper, and Dave Stanton should be recommended to the Board.

The Committee convened in Executive Session at 2:35 p.m. to discuss medical issues which are exempt from disclosure under ORS 92.660(2)(f). Other than the information presented in the Committee packet, no additional information was brought forth.

6. Reconvene in Regular Session:

Take final action regarding a determination of whether medical waivers for Tommy Hebert, Denise Kuemper, and Dave Stanton should be recommended to the Board.

The Committee reconvened in Regular Session at 2:50 p.m. for further discussion and to take action regarding a determination of medical waiver recommendation to the Board.

City of Portland policy states that all employees of the Portland Police Bureau must be certified officers. The positions the 3 afore mentioned people currently hold could be filled by non-certified personnel anywhere else. The Committee proposed that the City of Portland change its polic, rather than changing the policy of the entire state. Brian Martinek requested a letter be written from the Committee to the Mayor of Portland suggesting an internal policy change rather than a state-wide policy change. Key points for the letter would be: Unanimous sympathy for employees, however positions currently occupied could be filled by non-certified personnel; Concern by the precedent the requested medical waiver action could cause state-wide.

Dave Burrigh made the motion to deny medical waivers for Tommy Hebert, Denise Kuemper, and Dave Stanton and requested DPPST staff to draft language to recommend to the Board the issuance of a letter to the Mayor of Portland suggesting internal rule change. Tim McLain seconded the motion. Robert King voted nay. Brian Martinek abstained from voting. The motion was carried.

6a. Discussion Item – Not on the Agenda

Meeting minutes content.

Dave Burrigh presented the topic of meeting minutes content. Discussion was that the current minutes are quite sterile and do not reflect discussion of agenda items by the Committee. He proposed that less background information be included in lieu of more discussion. Eriks Gabliks stated that DPSST will accommodate the Committee's wishes. It was noted that DPSST is in the process of acquiring digital recording equipment and future meeting minutes could be posted as audio files on the website. The Committee was in support of this option.

7. CHAMBERLIN, Chad DPSST #30852

Theresa King reviewed the issue before the committee.

ISSUE:

Should Chad CHAMBERLIN's basic and intermediate police certifications be revoked based on violation of the Moral Fitness standards defined in OAR 259-008-0010(6)?

BACKGROUND:

On May 5, 1998, CHAMBERLIN was employed as a police officer with the Baker City Police Department.

On October 15, 2004, CHAMBERLIN resigned from the Baker City Police Department.

On November 1, 2005, CHAMBERLIN was employed as a police officer with the Boardman Police Department.

On November 1, 2005, CHAMBERLIN signed his Criminal Justice Code of Ethics.

On August 17, 2006, CHAMBERLIN resigned from the Boardman Police Department.

On September 19, 2006, DPSST received an anonymous complaint about CHAMBERLIN, asserting he had resigned in lieu of termination from both the Baker City Police Department and the Boardman Police Department for misconduct.

On October 18, 2006, DPSST sent letters of inquiry to the Baker City Police Department and the Boardman Police Department. Both agencies provided the requested information.

On November 15, 2006, CHAMBERLIN was mailed a letter advising him that his case would be heard before the Police Policy Committee. CHAMBERLIN was advised he had an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration. This letter was sent regular mail and certified mail, return receipt requested. The address used was obtained through a DMV address verification.

On or about December 7, 2006, the certified mail was returned "Returned." The regular mail was not returned.

On or about November 30, 2006, CHAMBERLIN sent his response for the Committee and Board's consideration. Staff asks that members read this in its entirety.

DISCUSSION:

Oregon law requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct or criminal conviction that require denial or revocation. For all other conduct or convictions, denial or revocation is discretionary, based on Policy Committee and Board review.

Under Oregon Revised Statute 181.662(5), DPSST may take action on an Oregon public safety officer's certification, regardless of its status.

CHAMBERLIN's certification is currently in a lapsed status.

Case Review:

1. This case involves a 33-year old police officer who has served in public safety for approximately seven years. CHAMBERLIN resigned from two police departments after internal investigations alleging misconduct.
2. CHAMBERLIN's first agency documented the following misconduct in three investigations:
 - a. In Investigation #1, CHAMBERLIN received a written reprimand for violating agency policies. In this case, while working an overtime assignment, CHAMBERLIN drove his patrol vehicle outside of his jurisdiction to respond to a call from his wife that a friend (a correctional officer) was suicidal. CHAMBERLIN did not report his activities to the local authorities and did not document this incident.
 - b. In Investigation #2:
 - i. CHAMBERLIN received a suspension and a Work Plan for violating agency policies. In this case CHAMBERLIN admitted to spending a specific amount of time visiting with a female employee of another

agency while on duty rather than on patrol, yet the investigation revealed that CHAMBERLIN had spent double the amount of time he had asserted. The employer found, among other things, CHAMBERLIN's misconduct constituted stealing time from the City, failure to provide safety and security to the community and allowing another officer to handle the calls for service for a part of two shifts.

- ii. CHAMBERLIN also failed to complete ride along paperwork for three riders, and when questioned about the paperwork, he first asserted he had completed it but could not produce some of it. Additionally, CHAMBERLIN asserted he received supervisory approval until he was confronted with the fact that the supervisor was not on duty that night; he then changed his story and commented he may have been in error.
- c. In Investigation #3, CHAMBERLIN was in a pre-disciplinary hearing process when he resigned. CHAMBERLIN was under a Work Plan from previous discipline and was required to adhere to specific requirements. CHAMBERLIN repeatedly and intentionally disobeyed his workplan by not reporting his activities accurately. CHAMBERLIN was untruthful with his supervisor regarding his whereabouts. The employer found, among other things, CHAMBERLIN violated his Law Enforcement Code of Ethics and numerous agency policies. This case involved CHAMBERLIN repeatedly visiting the same female identified in Investigation 2 while her husband, a deputy, was at work. Prior to meeting for the pre-disciplinary hearing, CHAMBERLIN conveyed, through Sgt. BAILEY, that he would resign if the City would seal his personnel file and give him a letter of recommendation. Ultimately CHAMBERLIN did resign.

3. CHAMBERLIN's second agency documented the following misconduct:

- a. Within six months of employment, CHAMBERLIN's co-workers reported that he was seeing a female EMT, even though he was married.
- b. During this time, CHAMBERLIN's co-workers also reported that he was pictured on a website on myspace.com, and was shown in full uniform standing next to a Boardman Police Department vehicle. When CHAMBERLIN was confronted by the Chief, according to the chief CHAMBERLIN could not understand how using his department vehicle and uniform for personal use was improper. CHAMBERLIN was given a letter of reprimand in which he was directed to immediately remove any pictures which included City equipment.- CHAMBERLIN was given a Written Reprimand and a Last Chance Agreement.
- c. A few days later, the Chief was approached by the City Manager who stated that the Mayor and the city council wanted CHAMBERLIN terminated because they had seen CHAMBERLIN's website and on it was a picture of a naked woman on top of a naked man. Further, this website was not protected and could be accessed by anyone, including children. CHAMBERLIN was provided an opportunity to resign or be terminated. CHAMBERLIN resigned.

4. CHAMBERLIN provide mitigating circumstances as follows:

- a. He left Baker City Police Department because he was not willing to work under the new administration.
- b. He “was not completely forthright with the sergeant [regarding his whereabouts],” and asserts it was this sergeant with whom he had prior difficulties. Further, he does not think that where he used the restroom [the location of his whereabouts] is relevant.
- c. He did not violate policy relating to using position or uniform because there was no personal gain.
- d. He was given the choice between resignation and termination and chose to resign.
- e. He has learned from his mistakes.

Mitigating or Aggravating Factors:

1. An aggravating factor is that CHAMBERLIN has appeared to engage in ongoing conduct which includes a knowing failure to follow agency policies. By omission, CHAMBERLIN appears to have been deceptive when he did not report his response to handle the suicidal man, and when he failed to report his activities. Had he reported these incidents, he would have been disciplined for insubordination.
2. Additionally, CHAMBERLIN misrepresented the amount of time he spent visiting the female employee; asserting it was 2.5 hours when it was actually 5 hours. In the same investigation CHAMBERLIN misrepresented gaining permission to have a citizen rider, either through completing the required forms or through supervisory approval.
3. An aggravating factor is that while on a Work Plan which contained specific requirements, such as reporting his on-duty whereabouts and activities, he knowingly and deliberately disobeyed those requirements.
4. An aggravating factor is that it appears CHAMBERLIN is attempting to mislead the Committee and Board with his asserting that he left Baker City Police Department because he was not willing to work under the new administration. In fact, he resigned while under investigation and during the pre-disciplinary phase.
5. An aggravating factor is that it appears CHAMBERLIN is attempting to mislead the Committee and Board with his assertion that he was given the choice to resign or be terminated “because the city council did not think it was appropriate for an officer to have a personal website on myspace.com.” The issue was not with the personal webspace but with the *content* of the webspace which contained pornography and was accessible to children.
6. A significant aggravating factor is that CHAMBERLIN appears to have been untruthful with his employer, the Baker City Police Department.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0010(6):

1. Would CHAMBERLIN’s actions cause a reasonable person to have doubts about his honesty, respect for the rights of others, and respect for the laws of the state?
2. Did CHAMBERLIN’s conduct involve dishonesty, fraud, deceit, or misrepresentation?
3. Was Chamberlin’s conduct prejudicial to the administration of justice?

4. Would CHAMBERLIN's conduct adversely reflect on his fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in his ability to perform competently?

STANDARD OF PROOF:

The standard of proof on this matter is a preponderance of evidence; evidence that is of greater weight and more convincing than the evidence offered in opposition to it; more probable than not.

STAFF CONCLUSION:

After considering the totality of circumstances, it appears that CHAMBERLIN has engaged in an ongoing pattern of misrepresentation, deception, and untruthfulness.

ACTION REQUESTED:

Staff requests the Police Policy Committee review the matter and recommend to the Board whether CHAMBERLIN's certifications should be revoked based on a violation of the moral fitness standard.

Robert Gordon moved to recommend to the Board that Chad Chamberlin's certifications be revoked based on a violation of the moral fitness standard. Robert Jordan seconded the motion. Robert King and Steven Piper voted nay. The motion was carried.

8. LONGHORN Jr., Gary L. DPSST #31117

Theresa King reviewed the issue before the committee.

ISSUE:

Should Gary LONGHORN's certification be revoked based on a violation of the Moral Fitness standards defined in OAR 259-008-0010(6)?

BACKGROUND:

On October 27, 2003, LONGHORN was employed as a police officer with the Pilot Rock Police Department (PRPD). On June 1, 2004, LONGHORN was promoted to Chief of Police. LONGHORN holds Basic and Intermediate Police certifications. LONGHORN attended DPSST Supervision course in 2003, DPSST Middle Management course in 2005, and OEDI in 2006.

On February 4, 1997, LONGHORN signed his Criminal Justice Code of Ethics.

On or about March 15, 2006, LONGHORN resigned from the Pilot Rock Police Department.

DISCUSSION:

Oregon law requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct or criminal conviction that require denial or revocation. For all other conduct or convictions, denial or revocation is discretionary, based on Policy Committee and Board review.

Under Oregon Revised Statute 181.662(5), DPSST may take action on an Oregon public safety officer's certification, regardless of its status.

LONGHORN's certifications are currently in a lapsed status.

Case Review:

This case involves a 39-year old individual who has served in Oregon public safety a cumulative total of approximately six (6) years with five different agencies, and who was asked by his most recent hiring authority to resign from his position.

This matter first came to the attention of DPSST upon receipt of a news clipping about a sudden resignation of LONGHORN. A subsequent F4 Personnel Action Report was received showing that LONGHORN had resigned.

On April 7, 2006, DPSST sent a letter to Mayor Carnes requesting a copy of the investigation that led to LONGHORN's resignation.

On June 26, 2006, DPSST sent a second letter to Mayor Carnes requesting a copy of the investigation that led to LONGHORN's resignation. The following day, DPSST received a letter from City of Pilot Rock's legal counsel. DPSST responded to counsel's inquiry via email.

On November 1, 2006, DPSST sent a follow-up email requesting the information. On November 6, 2006, DPSST received a cover letter and a copy of the investigation.

The 12-pg investigation was conducted by Chief Stuart Roberts, Pendleton Police Department. The investigation includes a number of allegations made by subordinates as well as assessments of LONGHORN's leadership abilities. However, DPSST's focus is solely on issues that are under its jurisdiction; specifically, the minimum standards for a public safety officer.

The investigator's findings included the following:

1. Honesty
 - a. The investigator found that LONGHORN asserted he had been at Pilot Rock for 2 ½ years and had not yet testified at a court hearing. This is inconsistent with information provided by the District Attorney's office that specifically identified four (4) cases in which LONGHORN had testified. *In a phone conversation with DPSST, LONGHORN recalled writing a memorandum that he had not testified but when staff asked about the assertions by the District Attorney's office that he had testified on four cases, LONGHORN believed it was a "misunderstanding."*
 - b. The investigator found that LONGHORN had taken a city vehicle out of town on personal business, and characterized this as "Official Misconduct;" that LONGHORN deliberately misled the council about the purpose of his trip. The investigator determined that LONGHORN had ultimately reimbursed the City. *When interviewed by DPSST staff, LONGHORN acknowledged that he was not to take a city vehicle for personal use, but asserted he was "supposed to meet" with a sergeant at the Hermiston Police Department to discuss training. When pressed about whether this was a pre-arranged meeting, LONGHORN admitted no meeting date or time had been discussed. Further, LONGHORN admitted he had spoken to the city council only after they had made the inquiry, following the trip.*
 - c. The investigator found that LONGHORN told the City Council that Rod Brown, a law enforcement consultant, had reviewed the new PRPD policy manual. During his interview with the investigator, LONGHORN told him that he had asked Brown if he had read the PRPD policy manual and that Brown had told him he had not

- read it. The investigator determined that because LONGHORN told the City Council that Brown had read the manual and it “looked great,” his statements to City Council were a blatant misrepresentation of fact. *When interviewed by DPSST staff, LONGHORN initially asserted that Brown had “reviewed the new policy that I sent him and that he okayed it.” When confronted with the investigator’s findings that LONGHORN told him he asked Brown if he had read the manual and Brown said he had not, LONGHORN then asserted that since his manual was based on the policy manual Brown was familiar with, “basically matched their [Pilot Rock’s] policy.” LONGHORN then asserted that he did not recall telling the investigator that Brown had not read LONGHORN’s manual, that it was a misunderstanding.* When Staff spoke with BROWN, he confirmed that he told LONGHORN he did not read the manual, nor did he tell LONGHORN that his manual, “looked great.”
- d. The investigator found that LONGHORN lied to a citizen while conducting an investigation on a subordinate. While the investigator acknowledged that LONGHORN had an obligation to look into the issue, he stated that LONGHORN was overstepping his bounds when he “chose to lie in hopes of getting a statement that would allow him to pursue discipline against [the officer].” *In a phone conversation with DPSST, LONGHORN asserted that he did not lie to a citizen and that he did not recall telling the investigator that he did lie to the citizen.*
 - e. The investigator found that LONGHORN’s credibility continued to be a “major concern.” *In a phone conversation with DPSST, LONGHORN acknowledged that his new policy addressed dishonesty and that he did recall signing his Criminal Justice Code of Ethics.*
2. LONGHORN provided mitigating circumstances for the Policy Committee to consider. Staff provides an overview but asks that policy committee members and the Board review LONGHORN’s response in its entirety. Within LONGHORN’s response he addressed a number of unrelated issues. DPSST’s focus is solely on issues that are under its jurisdiction; specifically, the minimum standards for a public safety officer.
 - a. LONGHORN asserted that he did not resign in lieu of termination, and later in his response LONGHORN stated that his choices were to resign or to go through due process. *In a phone conversation with DPSST, LONGHORN advised that the Mayor asked him to resign. When asked what would happen if he had not resigned, LONGHORN stated that he would have been placed on administrative leave and gone through due process for termination.*
 - b. LONGHORN asserted that he completely rewrote a new policy manual for the police department and sent it to Rod Brown for review. LONGHORN asserted that BROWN reviewed the manual and sent it back with his ok. *In a phone conversation with LONGHORN, he was confronted with the investigator’s findings that LONGHORN told him he asked Brown if he had read the manual and Brown said he had not, LONGHORN then asserted that since his manual was based on the policy manual Brown was familiar with, it “basically matched their[Pilot Rock’s] policy.” LONGHORN then asserted that he did not recall telling the investigator that Brown had not read LONGHORN’s manual, that it was a misunderstanding.*

Mitigating or Aggravating Circumstances:

1. An aggravating factor is that LONGHORN was repeatedly untruthful with those who relied upon him and his integrity.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0010(6):

5. Would LONGHORN's actions cause a reasonable person to have doubts about his honesty, respect for the rights of others, and respect for the laws of the state?
6. Did LONGHORN's conduct involve dishonesty, fraud, deceit, or misrepresentation?
7. Was LONGHORN's conduct prejudicial to the administration of justice?
8. Would LONGHORN's conduct adversely reflect on his fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in his ability to perform competently?

STANDARD OF PROOF:

The standard of proof on this matter is a preponderance of evidence; evidence that is of greater weight and more convincing than the evidence offered in opposition to it; more probable than not.

STAFF CONCLUSION:

After considering the totality of circumstances, and communications, it appears that LONGHORN was untruthful on more than one occasion.

ACTION REQUESTED:

Staff requests the Police Policy Committee review the matter and recommend to the Board whether LONGHORN's certification should be revoked based on a violation of the moral fitness standard.

The Committee noted that the agency was in error for hiring an un-qualified person for the position. Not seeing Gary L. Longhorn Jr.'s side of the story, the Committee members did not see grounds for revocation. Robert King moved to recommend to the Board the revocation of Gary L. Longhorn Jr.'s certifications not be revoked based on lack of information. Robert Gordon seconded the motion. Robert Jordan opposed. Stuart Roberts abstained from voting. The motion was carried.

9. MEYERS, Frank T. DPSST #34202

Theresa King reviewed the issue before the committee.

ISSUE:

Should Frank T. MEYERS' corrections certification be revoked, and his police certification denied, based on violation of the Moral Fitness standards defined in OAR 259-008-0010(6), or under the discretionary disqualifying convictions in OAR 259-008-0070, or both?

BACKGROUND:

On June 22, 2004, MEYERS was employed as a reserve police officer in the Elgin Police Department (EPD) On August 30, 2005, MEYERS was reclassified to police officer.

MEYERS holds a Basic Corrections certification. Prior to employment with EPD, MEYERS served as a corrections officer with the Union County Sheriff's Office for over eight (8) years, until he resigned while in good standing to pursue a police career.

On January 9, 2006, MEYERS signed his Criminal Justice Code of Ethics.

During the months of November and December 2006, DPSST and MEYERS communicated about a misdemeanor conviction.

DPSST mailed MEYERS a letter advising him that his case would be heard before the Police Policy Committee. MEYERS was advised he had an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration. This letter was sent regular mail and certified mail, return receipt requested.

On January 29, 2007 and later on January 31, 2007, MEYERS provided information for the Policy Committee's consideration. Staff asks that Policy Committee members read this in its entirety.

On January 30, 2007, DPSST mailed a request for a copy of the judgment against MEYERS.

On January 30, 2007, Judge Mendiguren was interviewed by staff and provided his recollections for the policy committee's consideration.

On January 30, 2007, DPSST sent Oregon State Police a request for a copy of the incident report and subsequently received it.

On February 5, 2007, DPSST received a copy of the judgment, along with a letter written by District Attorneys Monte Lundington and Jason Larimer, on MEYERS' behalf.

On February 28, 2007, DPSST sent an inquiry to Oregon State Trooper Chandler, the arresting officer, and recapped a telephone interview with him.

During this investigation, DPSST learned that MEYERS resigned from the Elgin Police Department while under investigation for misconduct. DPSST followed up on MEYER's resignation (see case review).

DISCUSSION:

Oregon law requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct or criminal conviction that require denial or revocation. For all other conduct or convictions, denial or revocation is discretionary, based on Policy Committee and Board review.

Under Oregon Revised Statute 181.662(5), DPSST may take action on an Oregon public safety officer's certification, regardless of its status.

MEYER's corrections certification is currently in a lapsed status and he has received an extension to apply for his police certification.

Case Review:

This case involves a 32-year old police officer who has served in public safety for over ten (10) years; eight (8) years in corrections and two (2) years in the police discipline.

The issues in this case initially involved a single illegal hunting incident which resulted in three (3) misdemeanor charges and one violation charge, and ultimately resulted in a Fish and

Game Class A Misdemeanor. According to the incident report, MEYERS shot a buck with his bow and arrow without holding a valid tag, trespassed to retrieve the buck and then procured a valid archery tag from an acquaintance. MEYERS disposed of the meat and later disposed of the antlers. Although momentarily uncooperative when first contacted by Trooper CHANDLER, MEYERS was then forthright and truthful with him. Later, MEYERS was forthright and truthful with the court and demonstrated his remorsefulness.

During the staff investigation, MEYERS resigned while under investigation for misconduct. According to the employer, during the Chief's interview with MEYERS in which he outlined the allegations, MEYERS admitted to some misconduct and denied some misconduct. MEYERS admitted to having a relationship with a female with whom he had contact during a prisoner transportation. MEYERS admitted to a sexual relationship off duty, and admitted to sending sexually explicit text messages to the female while on duty. MEYERS also admitted to allowing the female to drink a beer while seated in his patrol vehicle on one occasion.

Mitigating or Aggravating Circumstances:

7. An aggravating factor is that MEYERS did not come forward regarding his illegal actions until contacted by police over one month later, and was heard by at least one person bragging about his actions.
8. An aggravating factor is that MEYERS initially acted like he did not know what police were talking about when he was confronted about the illegal activity.
9. A mitigating factor is that MEYERS then was forthright and truthful about his actions to the investigating officer and to the court.
10. An aggravating factor is that while on duty and in his patrol vehicle, MEYERS disposed of the antlers, in furtherance of covering up the crime.
11. A mitigating factor is MEYERS' general reputation with the Union County District Attorney's Office, which continues to have faith in MEYERS' honesty.
12. An aggravating factor is the most recent misconduct allegations against MEYERS which led to his resignation. These allegations again call MEYERS' judgment into question.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0010(6):

9. Would MEYERS' actions cause a reasonable person to have doubts about his honesty, respect for the rights of others, and respect for the laws of the state?
10. Did MEYERS' conduct involve dishonesty, fraud, deceit, or misrepresentation?
11. Was MEYERS' conduct prejudicial to the administration of justice?
12. Would MEYERS' conduct adversely reflect on his fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in his ability to perform competently?

STANDARD OF PROOF:

The standard of proof on this matter is a preponderance of evidence; evidence that is of greater weight and more convincing than the evidence offered in opposition to it; more probable than not.

STAFF CONCLUSION:

After considering the totality of circumstances, it appears that MEYERS has demonstrated a pattern of poor judgment and that the consequences of his poor judgment have negatively impacted other citizens.

ACTION REQUESTED:

Staff requests the Police Policy Committee review the matter and recommend to the Board whether MEYERS' corrections certification should be revoked and his police certification should be denied based on a violation of the moral fitness standard, or the discretionary disqualifying crimes, or both.

The Committee members felt the case presented was primarily hearsay and requested additional information prior to making a decision on recommending revocation and denial of certifications. Theresa King offered to pull this case, gather additional information, and re-present at the next Police Policy Committee meeting. The Committee members consented to pulling this case from the agenda for future review.

10. SANFORD, Michael J. DPSST #42867

Theresa King reviewed the issue before the committee.

ISSUE:

Should Michael J. Sanford's certification be revoked based on violation of the Moral Fitness standards defined in OAR 259-008-0010(6)?

BACKGROUND:

On September 9, 2002, SANFORD was employed as a police officer with the Lane County Sheriff's Office (LCSO)

SANFORD holds Basic, Intermediate, Advanced, Supervisory, Management and Executive Police certifications.

On April 20, 2005, SANFORD resigned from the LCSO.

On or about July 27, 2006, this matter came to the attention of DPSST when an anonymous male caller stated that SANFORD had resigned in lieu of discharge after assisting his wanted son in eluding police.

On August 7, 2006, DPSST sent a letter to the LCSO seeking the underlying investigation that led to the resignation.

On August 21, 2006, DPSST received the requested information from the LCSO.

On August 21, 2006, SANFORD was mailed a letter advising him that his case would be heard before the Police Policy Committee. SANFORD was advised he had an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration. This letter was sent regular mail and certified mail, return receipt requested.

On September 5, 2006, SANFORD sent DPSST a letter for review by the Committee and Board. Later, on September 25, 2006, SANFORD sent DPSST an addendum to be added to his materials. Staff asks that members review it in its entirety.

DISCUSSION:

Oregon law requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct or criminal conviction that require denial or revocation. For all

other conduct or convictions, denial or revocation is discretionary, based on Policy Committee and Board review.

Under Oregon Revised Statute 181.662(5), DPSST may take action on an Oregon public safety officer's certification, regardless of its status.

SANFORD's certifications are currently in a lapsed status.

Case Review:

This case involves a 50-year old police officer who has served in public safety for over seventeen (17) years, including two (2) years with LCSO, and who resigned during an investigation against him.

This case centers on SANFORD's actions regarding his 19-year old son, who had ongoing problems with law enforcement. The son, then a resident of California, had returned to Oregon in January, 2005 for an upcoming court appearance. SANFORD's mother, the son's grandmother, had assured SANFORD that an outstanding fine amount had been paid prior to the son returning to Oregon, so that the outstanding warrant would be quashed. SANFORD picked up his son at the airport in his assigned agency vehicle and took him to a restaurant and then to his motel. SANFORD had made prior arrangement to transport his son from the motel to the court appearance.

The morning he was to be picked up, SANFORD's son contacted him advising that he had been involved in an incident at Shari's Restaurant. The son asserted that he and six friends had gone to Shari's Restaurant, ordered food, and after waiting for it, left prior to the food arriving. The son stated that he jumped out his motel room window to avoid the police, and had subsequently been locked out of his motel room. SANFORD also asserted that his son assured him he had contacted the police and that they did not need to contact him.

SANFORD asserted that when he and his son were leaving, he was waved over by Deputy Gill who told him his passenger was wanted for a warrant. SANFORD asserted when he told GILL his son had a court appearance, GILL told him he could go to that court appearance and then to take care of the warrant. SANFORD asserted there was no discussion regarding the police wanting to speak to his son. SANFORD asserted he took his son to the attorney's office where he dropped him off. SANFORD then asserted he went to his office and left a note for Capt. FREEMAN to contact him, then explained the warrant incident to the on-duty sergeant, and then contacted Springfield Police Department where he spoke to the on-duty lieutenant. In addition to these contacts, SANFORD stated he asked that GILL return to the office and explained the situation to him in the presence of the on-duty sergeant; concerned about GILL's perception of the situation because of some prior history that existed between them. Thereafter, SANFORD spoke with Capt. FREEMAN about the incident. Ultimately, SANFORD asserted that he was trying to find the "balance" between being a police officer and being a father. Since this event SANFORD has had no contact with his son.

An AIRS system audit showed that in June 2004, SANFORD accessed AIRS, a criminal justice tracking system, by typing in his son's name, retying the name due to a typing error, inputting a "LI" command which requests a list of involvements on the inquiry subject and then inputting a "QI" command which requests detail on a specific entry from the list. The audit also showed that in September 2004, SANFORD conducted a name

inquiry on “Sanford” and then requested the system list the involvements. During an internal investigation interview, SANFORD admitted to a “technical” unauthorized access of AIRS information relating to his son, but that he was under the impression that he was authorized to access AIRS for any reason as long as he did not share the information with unauthorized persons. During an interview with an investigating officer, SANFORD did not specifically recall accessing AIRS in June 2004, but indicated that if he did access AIRS in June 2004, it was when he learned his son had been arrested for shoplifting. SANFORD advised that the September 2004 AIRS access may have been when he had come across his son’s name when he was searching for another individual’s telephone number.

1. SANFORD has 1985 hours of training reported to DPSST.
2. The focus of the internal investigation was on SANFORD’s actions in relation to court and police activity against the son.
3. DPSST received the following information:
 - a. LCSO completed an internal investigation in which they sustained four (4) policy violations. It appears that none of the sustained violations involve untruthfulness or dishonesty:
 - i. Misuse of Department Vehicle. LCSO found that SANFORD’s use of his agency vehicle was “not incidental to normal duty.” (ref SOP Ex A13)
 - ii. Improper AIRS access. LCSO found that SANFORD accessed criminal justice data systems on two occasions, outside the scope of his official duties.
 - iii. Improper off-duty response. LCSO found that SANFORD was off duty when he interacted with law enforcement personnel regarding his son.
 - iv. Personal Conduct. LCSO found that SANFORD violated agency policy regarding personal conduct, but the investigation did not further expound upon this issue.
4. SANFORD provided a five-page response for the Policy Committee’s consideration, several attachments, and a follow-up four-page addendum. Staff requests the Committee review the documents in their entirety. As an overview:
 - a. SANFORD acknowledges errors in his judgment, but does not believe that his conduct rises to the level of revocation.
 - b. SANFORD asserted that he has had no other disciplinary history, and has passed a federal government employment background in which the above issues were fully investigated.
 - c. SANFORD asserted that he believes there was a political agenda involved in the investigation and pending discipline.
5. In a follow-up communication, SANFORD offered the additional information:

- a. SANFORD asserted that in good faith he believed his son's warrant had been recalled.
- b. SANFORD provided a historical perspective of his tenure in public safety

Mitigating or Aggravating Circumstances:

13. It appears that LCSO sustained four agency violations, none of which included dishonesty or untruthfulness.
14. It appears that SANFORD attempted to ensure his son had his outstanding warrant taken care of prior to entering Oregon and was under that belief when he transported him from the motel to the attorney's office.
15. It appears that after transporting his son to the attorney's office, SANFORD contacted his employer regarding the incident and followed up with the involved parties to provide an explanation for his actions.
16. It appears that SANFORD admitted to the policy violations.
17. It appears that SANFORD, or his son, did not benefit from SANFORD'S actions or their consequences.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0010(6):

13. Would SANFORD's actions cause a reasonable person to have doubts about his honesty, respect for the rights of others, and respect for the laws of the state?
14. Did SANFORD's conduct involve dishonesty, fraud, deceit, or misrepresentation?
15. Was SANFORD's conduct prejudicial to the administration of justice?
16. Would SANFORD's conduct adversely reflect on his fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in his ability to perform competently?

STANDARD OF PROOF:

The standard of proof on this matter is a preponderance of evidence; evidence that is of greater weight and more convincing than the evidence offered in opposition to it; more probable than not.

STAFF CONCLUSION:

After considering the totality of circumstances, it appears that this case involves a single incident of four agency policy violations within SANFORD's 17-year unblemished career.

ACTION REQUESTED:

Staff requests the Police Policy Committee review the matter and recommend to the Board whether SANFORD's certifications should be revoked based on a violation of the moral fitness standard.

Dave Burright moved to not recommend to the Board the revocation of Michael J. Sanford's certifications based on a violation of the moral fitness standard. Stuart Roberts seconded the motion. Motion was carried in a unanimous vote.

11. WALKER, Anthony P. DPSST #42867

Theresa King reviewed the issue before the committee.

ISSUE:

Should Anthony WALKER's certification be revoked based on a violation of the Moral Fitness standards defined in OAR 259-008-0010(6)?

BACKGROUND:

On October 26, 2000, WALKER was employed as a police officer with the Newport Police Department (NPD).

On December 7, 2000, WALKER signed his Criminal Justice Code of Ethics.

On November 19, 2001, WALKER received a Basic Police certification.

On or about November 27, 2006, WALKER resigned from the Newport Police Department.

DISCUSSION:

Oregon law requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct or criminal conviction that require denial or revocation. For all other conduct or convictions, denial or revocation is discretionary, based on Policy Committee and Board review.

Under Oregon Revised Statute 181.662(5), DPSST may take action on an Oregon public safety officer's certification, regardless of its status.

WALKER's certification is currently in a lapsed status.

Case Review:

This case involves a 38-year old individual who has served in public safety a cumulative total of approximately twelve (12) years with two different agencies.

This matter first came to the attention of DPSST upon receipt of a letter from Newport Police Chief Miranda advising that WALKER had resigned while under investigation for misconduct. Chief Miranda provided an internal Memorandum and the Investigator's summary. The focus of this case is on the following misconduct, according to the Investigator and Chief Miranda:

1. WALKER violated numerous agency policies.
2. WALKER had sexual relations with another individual while on duty, in a patrol car, at least three times.
3. WALKER utilized a City-owned facility to drink alcoholic beverages with non-department members while off duty.
4. WALKER used information gained on the job for personal reasons.
5. WALKER was untruthful during his interview.,

On December 27, 2006, DPSST sent a letter to WALKER advising him that his case would be heard before the Police Policy Committee, and the Board, and allowing him an opportunity to provide mitigating circumstances for the committee and Board's review.

On January 4, 2007, DPPST received the returned Certified Mail Return Receipt, signed by WALKER. To date WALKER has provided no response.

During the month of March, 2006, DPSST sought and obtained additional information regarding this case. This information included the agency policies cited in Exhibit A3, Internal Affairs Investigation, follow up information on WALKER's cell phone usage, and discussions with him about this violation of policy. This information also included an affidavit from investigator CUDAHY, a summary of her investigation and a recap of her conversation with WALKER.

Mitigating or Aggravating Circumstances:

2. An aggravating factor is that WALKER used his position as a police officer to gain personal information about female citizens with whom he came into contact, for personal reasons; and used his on-duty time and resources to engage in sexual relations with another individual on more than one occasion.
3. A significant aggravating factor is that WALKER was untruthful when interviewed.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0010(6):

17. Would WALKER's actions cause a reasonable person to have doubts about his honesty, respect for the rights of others, and respect for the laws of the state?
18. Did WALKER's conduct involve dishonesty, fraud, deceit, or misrepresentation?
19. Was WALKER's conduct prejudicial to the administration of justice?
20. Would WALKER's conduct adversely reflect on his fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in his ability to perform competently?

STANDARD OF PROOF:

The standard of proof on this matter is a preponderance of evidence; evidence that is of greater weight and more convincing than the evidence offered in opposition to it; more probable than not.

STAFF CONCLUSION:

Based on the totality of circumstances, it appears that WALKER, while on duty and in uniform, engaged in a pattern of misconduct strictly prohibited by his employer and that in doing so, he misused City-paid time and resources in the furtherance of his misconduct.

ACTION REQUESTED:

Staff requests the Police Policy Committee review the matter and recommend to the Board whether WALKER's certification should be revoked based on a violation of the moral fitness standard.

Steven Piper moved to recommend to the Board that Anthony P. Walker's certifications be revoked based on a violation of the moral fitness standard. Robert King seconded the motion. The motion carried in a unanimous vote.

12. **WORLEY, James DPSST #46062**

Theresa King reviewed the issue before the committee.

ISSUE:

Should James WORLEY's police certification be revoked based on violation of the Moral Fitness standards defined in OAR 259-008-0010(6)?

BACKGROUND:

On September 1, 2005, WORLEY was employed as a police officer with the Tillamook Police Department.

On October 3, 2005, WORLEY signed his Criminal Justice Code of Ethics.

On July 12, 2006, WORLEY received a Basic Police Certificate.

On November 14, 2006, DPSST received a F4, Personnel Action Report, showing WORLEY had received a probationary discharge. Based on this, DPSST mailed a letter to the employer to determine if the discharge met the criteria of discharge for cause, for purposes of denial or revocation of certification.

On December 12, 2006, and again on December 14, 2006, DPSST received information from the employer regarding WORLEY's discharge.

On January 19, 2007, WORLEY was mailed a letter advising him that his case would be heard before the Police Policy Committee. WORLEY was advised he had an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration. This letter was sent regular mail and certified mail, return receipt requested. The address used was obtained through a DMV address verification.

On January 29, 2007, the certified mail was returned with a forwarding address. This forwarding address differed from the address listed on the F4.

On January 31, 2007, WORLEY was mailed a duplicate of the January 19, 2007 letter, using the address listed on his F4, Personnel Action Report.

On February 26, 2007, both the certified mail and the regular mail were returned, "Moved Left No Address."

On March 6, 2007, WORLEY was mailed a duplicate of the January 19, 2007 letter, using the forwarding address on this returned letter. On March 8, 2007, DPSST received a signed Certified Mail Return Receipt.

On March 20, 2007, DPSST received WORLEY's response, a six(6) page letter with a cover. Staff asks the Policy Committee and the Board members to review this document in its entirety.

On March 29, 2007, DPSST sent a follow up inquiry to the employer seeking additional and clarifying information. On April 3, 2007, DPST received a two-page cover letter and documentation to cover the areas of inquiry.

During the month of April, WORLEY communicated with DPSST regarding process questions.

On April 10, 2007, DPSST sent and received a series of clarifying questions to the employer.

On April 12, 2007, DPSST received an Affidavit from the female dispatcher cited as the victim of WORLEY's misconduct.

DISCUSSION:

Oregon law requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct or criminal conviction that require denial or revocation. For all other conduct or convictions, denial or revocation is discretionary, based on Policy Committee and Board review.

Under Oregon Revised Statute 181.662(5), DPSST may take action on an Oregon public safety officer's certification, regardless of its status.

WORLEY's certification is currently in a lapsed status.

Case Review:

This case involves a 33-year old police officer who has served in public safety for approximately one year and who was given a probationary discharge for ongoing misconduct.

The employer determined that:

1. On numerous occasions WORLEY was counseled and given clear direct and orders regarding the employer's expectations of performance and conduct. Examples of issues covered with WORLEY included unethical writing of citations, inappropriate response to a restraining order and destroying marijuana in the field.
2. On one specific occasion, WORLEY was counseled about his excessive and unauthorized use of the Internet while on duty. WORLEY was provided with agency policy and the employer's expectations. After this directive was given, WORLEY again engaged in excessive and unauthorized use of the Internet while on duty.
 - a. *WORLEY asserts that his excessive use of the Internet was the result of him logging into the Internet when going on duty, and then not logging off during the shift. WORLEY also asserts that he "occasionally" came into the office to check his email or to do law enforcement research.*
 - b. *The employer provided numerous and specific examples of WORLEY's continued and ongoing use of the computer and Internet during his shift through Internet activity printouts which show the times WORLEY was on the Internet and the Internet sites he visited. Prior to the employer's counseling, WORLEY's Internet activities included "myspace" conversations, shopping, music downloads and sports websites. After the employer's counseling and directives, the printouts show relatively limited law enforcement research time; the majority of Internet sites related to "myspace" conversations, apartment searches, job searches and music download websites. The employer provided copies of agency policies and correspondence relating to Internet use as well as WORLEY's signed acknowledgment of the policies. The employer also provided documentation which showed that while WORLEY was on the Internet*

and being paid to perform police services, he was not performing his assigned functions and had shown lack of performance. In addition to WORLEY's Internet use, he used the City computer to create unauthorized documents such as sexually explicit advertisements, and unauthorized and inappropriate internal memorandums, and other various computer files which were against policy.

3. On another specific occasion, WORLEY was aware there was a standing policy on not going into the 911 Center. WORLEY entered the 911 Center on two separate occasions and during one of the visits told a female dispatcher that he would "service her."
 - a. *WORLEY asserts that he entered the 911 Center to obtain a picture of a wanted individual and that while there, the female dispatcher told him there was "a job opening of servicing her."*
 - b. *The dispatcher asserts that between six (6) and twelve (12) times, WORLEY entered the 911 Center between the months of June to November 2006. Initially the conversations were friendly however between the months of August or September and November, WORLEY began to engage in sexual conversations with her. Examples of these conversations were when WORLEY offered to "service her" and she understood he meant this in a sexual manner because he would make reference to each of their genitalia in their conversations. Also, WORLEY told the female dispatcher he would please her as no man has pleased her. The female dispatcher understood that WORLEY meant this in a sexual manner because he would reference his male prowess.*
 - c. *In her Affidavit, the female dispatcher stated that she would brush WORLEY off and change the subject. Also, at one point WORLEY apologized to her and discontinued his inappropriate behavior.*
 - d. *The female dispatcher stated that she did not report this but other dispatchers who witnessed WORLEY's behavior did share their concerns with other officers and perhaps supervisory staff.*

Worley asserts that he was "let go" without any explanation and that he had never been counseled or disciplined for any serious reason in the past. Worley contends that perhaps he was let go to make room for a former employee who needed health insurance. Worley states that he was poorly trained and that he was not approached or redirected in any way by the employer and that he has never purposefully compromised his integrity and character on duty.

In November 2006, the State of Oregon Employment Division issued an administrative decision that the employer discharged WORLEY, but not for misconduct. The employer appealed this decision and a hearing was held. WORLEY did not participate in the hearing. The Judge determined that WORLEY was discharged for misconduct. The Judge's opinion includes her determination that WORLEY's "conduct was not a good faith error. . . . was a willful violation of the employer's policy. . . cannot be excused as an isolated instance of poor judgment . . ."

Mitigating or Aggravating Factors:

18. An aggravating factor is that WORLEY appears to have engaged in ongoing insubordination by not complying with the employer's directives and counsel.

19. A significant aggravating factor is that WORLEY appears to have been untruthful regarding his rendition of his Internet usage, and the conversation between the dispatcher and himself.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0010(6):

21. Would WORLEY's actions cause a reasonable person to have doubts about his honesty, respect for the rights of others, and respect for the laws of the state?
22. Did WORLEY's conduct involve dishonesty, fraud, deceit, or misrepresentation?
23. Was WORLEY's conduct prejudicial to the administration of justice?
24. Would WORLEY's conduct adversely reflect on his fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in his ability to perform competently?

STANDARD OF PROOF:

The standard of proof on this matter is a preponderance of evidence; evidence that is of greater weight and more convincing than the evidence offered in opposition to it; more probable than not.

STAFF CONCLUSION:

After considering the totality of circumstances, it appears that WORLEY violated agency policy, and was untruthful or deceptive on more than one occasion.

ACTION REQUESTED:

Staff requests the Police Policy Committee review the matter and recommend to the Board whether WORLEY's certification should be revoked based on a violation of the moral fitness standard.

Dave Burrigh moved to recommend to the Board that James Worley's certifications be revoked based on a violation of the moral fitness standard. Robert Gordon seconded the motion. The motion carried in a unanimous vote.

13. Additional Discussion Item – Not on the Agenda

Eriks Gabliks reminded the Committee about the Fallen Officer Memorial on May 10th at DPSST and invited all to attend.

14. Additional Discussion Item – Not on the Agenda

Eriks Gabliks spoke of the reconvening of the Police Curriculum Advisory Committee to discuss the effectiveness of the 16-week Basic Police training course and the development of an evaluation tool for agencies to use as a vehicle for feedback. He advised the Committee that the non-compliant officer maintenance training report will be finalized soon and the agency will address these on a case-by-case basis through administrative action.

15. Additional Discussion Item – Not on the Agenda

Dave Burrigh brought up whether the Committee should be hearing some of the cases presented as many appear that the individual agencies could/should rectify the issues. DPSST staff reminded the Committee that many more cases receive administrative closure than are presented before the Committee and that extensive investigation is completed before presentation to the Committee.

There being no further business to come before the Committee the meeting adjourned at 4:26 p.m.