

# **Police Policy Committee**

## **Minutes**

### **November 16, 2017**

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 16, 2017, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Chair Jeff Hering called the meeting to order at 10:00 a.m.

#### **Attendees:**

##### **Committee Members:**

Jeff Hering, Chair, Non-Management Law Enforcement  
John Teague, Vice Chair, Oregon Association of Chiefs of Police  
Kristine Allison, Oregon Association of Chiefs of Police (phone)  
John Bishop, Oregon State Sheriff's Association  
Loren 'Renn' Cannon, Federal Bureau of Investigations  
Dale Cummins, Oregon Association of Chiefs of Police (Phone)  
Scott Dillon, Non-Management Law Enforcement  
Pat Garrett, Oregon Sheriff's Association  
Andy Heider, OSP Command Staff Representative  
Chris Davis, Portland Police Bureau (Designee for Chief Marshman)  
Murray Rau, Non-Management Law Enforcement  
Brian Wolfe, Oregon State Sheriff's Association (phone)

##### **Absent:**

Travis Hampton, Superintendent, Oregon State Police

##### **DPSST Staff:**

Eriks Gabliks, Director  
Linsay Hale, Professional Standards Division Director  
Mike Leloff, Training Division Director  
Marsha Morin, Criminal Justice Certification Program Manager (phone)  
Mona Riesterer, Professional Standards Assistant  
Katrina Robson, Professional Standards Coordinator/Investigator  
Kristen Hibberds, Professional Standards Coordinator/Investigator  
Jennifer Howald, Rules Coordinator  
Staci Yutzie, Program Development Coordinator  
Ryan Keck, CPE Coordinator  
Sara Stewart, CPE Training Eval Coordinator  
Jennifer Skouras, CPE Support Specialist  
Kevin Rau, CPE Crisis Inter Trng Coordinator  
Curt Henckel, Training Coordinator

##### **Guests:**

Cindy Bolek, Hillsboro Police Department (phone)

Chief Brett Smith, Canby Police Department  
Theresa Plummer  
Craig Prins, DOC Inspector General  
Jennifer Chapman, Oregon AFSCME  
William Goff, Portland Police Bureau  
Mike Murray  
John Chamber  
Mike Loughary, DOJ Criminal Justice Division  
Neil Talo, DOJ Labor and Employment Division  
Stephen Steinberg, Clackamas County Peace Ofc Assoc.  
Stephen James, Washington State University  
Alex Nilo, CTUIR-DCFS  
Chief Tim Addleman, Umatilla Tribal PD  
Tony Barnett  
Robert Wood  
Brad Robertson, Multnomah CO Sheriff's Office



**1. Introductions**

Introductions of members, guest and staff were presented.

**2. Minutes of August 17, 2017**

Approve the minutes of the August 17, 2017 Police Policy Committee meeting.

- *John Bishop moved that the committee approve the minutes of the August 17, 2017 Police Policy Committee meeting. Travis Hampton seconded the motion. The motion carried unanimously.*

**3. \*Approval for Changes to the Basic Police Curriculum**

Presented by Staci Yutzi

The Training Division request the approval of the Police Policy Committee to make modifications to the Basic Police curriculum based on a review completed in October by the Phase 1 Basic Police Revision Advisory Panel and the CPE Advisory Committee. The recommended changes were presented to the Police Policy members.

- *Pat Garrett recommended approval of the proposed changes to the DPSST Basic Police Curriculum. John Bishop seconded the motion. The motion carried unanimously.*

4. **\*Introduction to the New Denial/Revocation/Suspension Standards**

Presented by Linsay Hale

Linsay Hale provided an overview of the new standards for the Criminal Justice Denial/Revocation/Suspension to the policy members (OAR 259-008-0070). The new standard took effect 8-1-17.

5. **\*McDonald, Rachel DPSST # 57760 – Portland Police Bureau; Application for Training and Subsequent Police Certifications**

Presented by Katrina Robson

*For the record Chris Davis recused himself due to a conflict of interest.*

Issue: In July 2017, DPSST received an F-5 (Application for Training) for McDonald. McDonald reported a conviction for DUI out of Colorado. The incident report was provided to DPSST by the hiring agency.

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board’s moral fitness standards have been violated.

*Rachel McDonald presented verbal mitigation*

| Vote/Consensus                                                                                                                                                                                                                                                                                                              | Second      | Vote                             | Outcome                                      |
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| Murray Rau moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based.                                                                                                                                                                                           | Andy Heider | 10 ayes;<br>0 nays;<br>1 recusal | Motion passes,<br>Chris Davis<br>abstaining  |
| Consensus reached that McDonald’s conduct meets the criteria of <b>Gross Misconduct</b> based upon the violation which resulted in her conviction of DUI.<br><br>John Bishop moved that this <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer’s certification (s). | John Teague | 10 ayes<br>0 nays;<br>1 recusal  | Motion passes ,<br>Chris Davis<br>abstaining |
| Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.                                                                                                                                                                                                            |             |                                  |                                              |
| Consensus reached that the conduct did not involve <b>Disregards for the Rights of Others</b> as Administrative Rule.                                                                                                                                                                                                       |             |                                  |                                              |
| Consensus reached that the conduct did not involve <b>Dishonesty</b> as defined in Administrative Rule.                                                                                                                                                                                                                     |             |                                  |                                              |

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| <p>The Police Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>By consensus the Committee found as additional <b>Aggravating</b> Circumstances that McDonald's BAC level was high.</p> <p>By consensus the committee found as additional <b>Mitigating</b> Circumstances that McDonald shows a strong capacity to serve others in her community as well as taking responsibility for her responsibility.</p> |            |                                  |                                             |
| <p>After considering the totality of the case, John Bishop recommended to the Board that <i>no action</i> be taken on McDonald's certification.</p>                                                                                                                                                                                                                                                                                                                                                                                    | Murray Rau | 10 ayes;<br>0 nays;<br>1 recusal | Motion passes,<br>Chris Davis<br>abstaining |

6. **\*Ruiz, Jason DPSST # 57553 – Bend Police Department; Application for Training And Subsequent Police Certification**

Presented by Katrina Robson

Issue: In June 2017, DPSST received an F-5 (Application for Training) for Ruiz. Ruiz reported a conviction (citation) for Loaded Weapon and Open Fire. Possession of a Loaded Firearm upon a National Wildlife Refuge is comparable to ORS 166.250, Unlawful Possession of a Firearm. Unauthorized Fire during Fire Restrictions upon a National Wildlife Refuge is comparable to ORS 164.335 Reckless Burning. DPSST requested the incident report and received it.

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

*Jason Ruiz presented verbal mitigation*

| Vote/Consensus                                                                                                                                                    | Second      | Vote                           | Outcome                   |
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| Kristine Allison moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based.                           | Chris Davis | 11 ayes<br>0 nays              | Motion passes unanimously |
| Consensus reached that Ruiz's conduct meets the criteria of <b>Gross Misconduct</b> based the conviction of a violation, possession of marijuana while conducting | John Bishop | Murray Rau rescinds the motion | Motion dies               |

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| <p>other offenses and reckless disregard for fire law with signs posted.</p> <p>Murray Rau moved that this <b>Gross Misconduct</b>, when considered alone, rises to the level to warrant action against the officer's certification (s).</p> <p>Chris Davis moved that this <b>Gross Misconduct</b> when considered alone does not rise to the level to warrant action against the officer's certification(s).</p>                                                         | Pat<br>Garrett      | 11 ayes<br>0 nays | Motion passes<br>unanimously  |
| Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.                                                                                                                                                                                                                                                                                                                                                           |                     |                   |                               |
| Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.                                                                                                                                                                                                                                                                                                                                            |                     |                   |                               |
| Consensus reached that the conduct did not involve <b>Dishonesty</b> as defined in Administrative Rule                                                                                                                                                                                                                                                                                                                                                                     |                     |                   |                               |
| <p>The Police Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The committee found as additional <b>Aggravating</b> circumstances based on his verbal mitigation, Ruiz doesn't seem to take ownership of the crime as he thought that what he was doing was legal.</p> <p>The committee found no additional <b>Mitigating</b> circumstances.</p> |                     |                   |                               |
| After considering the totality of the case, Pat Garrett recommends to the Board that <b>no action</b> be taken on Ruiz's certification.                                                                                                                                                                                                                                                                                                                                    | Kristine<br>Allison | 11 ayes<br>0 nays | Motion carried<br>unanimously |

7. **\*Barnett, Anthony DPSST # 37913 – Request for Eligibility Determination**

Presented by Katrina Robson

Issue: On November 2, 2017 Anthony Barnett submitted a written request for an eligibility determination reinstating his ability to reapply for police certification.

On November 3, 2014, a final order was issued to Barnett stating that his police certifications were revoked with a minimum period of ineligibility to reapply for three years from the effective date of the Final Order. The Final Order was signed by Department of Public Safety Standards and Training (DPSST) Director Eriks Gabliks on November 3, 2014.

On November 2, 2017, staff did a criminal history check through LEDS and OJIN and found no criminal violations or arrests for Barnett. DPSST requests that the PPC review Barnett’s written request for eligibility determination and recommend to the Board whether or not Barnett’s eligibility to apply for certification should be restored.

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board’s moral fitness standards have been violated.

| Vote/Consensus                                                                                                                                             | Second      | Vote              | Outcome                    |
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| Murray Rau moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based                           | Andy Heider | 11 ayes<br>0 nays | Motion carried unanimously |
| Consensus reached that the no <b>Aggravating</b> circumstances were found.<br><br>Consensus reached that the no <b>Mitigating</b> circumstances were found |             |                   |                            |
| Murray Rau moved the PPC finds that Barnett’s eligibility to apply for police certifications <i>be restored</i> and recommends such to the Board.          | John Teague | 11 ayes<br>0 nays | Motion carried unanimously |

8. **\*Hewitt, Megan DPSST #31385 – Hillsboro Police Department; Basic, Intermediate, Advanced, Supervisory, and Management Police Certifications**

Presented by Katrina Robson

Issue: On January 10, 2017, DPSST received personnel Action Request (F-4) from Hillsboro Police Department (HPD) indicating that Hewitt had resigned during an investigation.

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board’s moral fitness standards have been violated.

*Dan Thenel, Thenell Law Group; representing Megan Hewitt, gave verbal mitigation*

| Vote/Consensus                                                                                                                                                                                                                                                                  | Second      | Vote              | Outcome                    |
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| Kristine Allison moved that the Police Policy Committee does not adopt the staff report due to the information that has been redacted be made available for the members to review. It was requested to table the case for now until further information can be brought forward. | Pat Garrett | 11 ayes<br>0 nays | Motion carried unanimously |

9. **\*Plummer, Teresa DPSST #31191 – Basic, Intermediate, Advanced, Supervisory, Management, and Executive Police Certifications and Instructor Certification**  
Presented by Katrina Robson

*For the record Kristine Allison recused herself due to a conflict of interest.*

Issue: In April 2017, DPSST Received an F-4 reporting that Plummer resigned with a settlement agreement. DPSST staff requested and received all documentation surrounding the resignation and settlement agreement.

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board’s moral fitness standards have been violated.

*Teresa Plummer gave verbal mitigation.*

| Vote/Consensus                                                                                                                               | Second      | Vote                         | Outcome                                   |
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| John Teague moved that the Police Policy Committee adopts the staff report as amended as the record upon which its recommendations are based | John Bishop | 10 ayes<br>0 nays; 1 recusal | Motion passes, Kristine Alison abstaining |
| Consensus reached that the conduct did not involve <b>Gross Misconduct</b> as defined in Administrative Rule.                                |             |                              |                                           |
| Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.                             |             |                              |                                           |
| Consensus reached that the conduct did not involve <b>Disregards for the Rights of Others</b> as defined in Administrative Rule.             |             |                              |                                           |
| Consensus reached that the conduct did not involve <b>Dishonesty</b> as defined in Administrative Rule.                                      |             |                              |                                           |
| The Police Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this              |             |                              |                                           |

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| <p>case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The committee found no additional <b>Aggravating</b> circumstances.</p> <p>The committee found as additional <b>Mitigating</b> circumstances that there was no previous history or disciplinary history and Plummer's letters of accommodation</p> |            |                                 |                                                |
| <p>After considering the totality of the case, John Bishop recommends to the Board that <i>no action</i> be taken on Plummer's certification.</p>                                                                                                                                                           | Murray Rau | 10 ayes<br>0 nays; 1<br>recusal | Motion passed with Kristine Allison abstaining |

**10. \*Schafer, Bradley DPSST #54285 – Canby Police Department; Basic Police Certification**

Presented by Katrina Robson

Issue: In June 2017, DPSST received a Personnel Action (F-4) Reporting that Schafer resigned during an investigation. DPSST requested and received all information surrounding the resignation.

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

| Vote/Consensus                                                                                                                                                                                                                                                                                                                                                                                                                            | Second           | Vote              | Outcome                    |
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| <p>John Teague moved that the Police Policy Committee adopts the staff report as amended as the record upon which its recommendations are based</p>                                                                                                                                                                                                                                                                                       | Kristine Allison | 11 ayes<br>0 nays | Motion carried unanimously |
| <p>Consensus reached that Schafer's conduct meets the criteria of <b>Gross Misconduct</b> based upon Schafer provided alcohol to a minor, encouraging a co-worker to participate in this behavior and, by a preponderance of evidence the commission of Sex Abuse 3.</p> <p>Chris Davis moved that this <b>Gross Misconduct</b>, when considered alone, rises to the level to warrant action against the officer's certification (s).</p> | John Bishop      | 11 ayes<br>0 nays | Motion carried unanimously |

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| <p>Consensus reached that Schafer's conduct meets the criteria of <b>Misuse of Authority</b> based upon his access of LEDs to confirm the age of the victim, and by being aware of the conduct and not reporting it.</p> <p>Kristine Allison moved that <b>Misuse of Authority</b>, when considered alone, rises to the level to warrant action against the officer's certification(s).</p>                                                                                                                                                                                | Pat Garrett      | 8 ayes<br>3 nays<br>(John Teague, Dale Cummins, & Andy Heider) | Motion carried            |
| <p>Consensus reached that Schafer's conduct violated the victim's civil right to be secure in her person by touching her when it was unwanted.</p> <p>Pat Garrett moved that <b>Disregard for the Rights of Others</b>, when considered alone, rises to the level to warrant action against the officer's certification(s).</p>                                                                                                                                                                                                                                            | Kristine Allison | 10 ayes<br>1 nay<br>(John Teague)                              | Motion carried            |
| <p>Consensus reached that Schafer's conduct involved <b>Dishonesty</b> based upon his deceptive statements in the interview with investigators. Additionally the committee found it unbelievable that Schafer could remember detail concerning everything until it came to the questions about alcohol and the age of the victim, especially since there was an in depth conversation regarding the victim's age.</p> <p>John Bishop moved that <b>Dishonesty</b>, when considered alone, rises to the level to warrant action against the officer's certification(s).</p> | Andy Heider      | 11 ayes<br>0 nays                                              | Motion passes unanimously |
| <p>The Police Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The committee found as additional <b>Aggravating Circumstances</b> the fact that the incident took place in a small community where everyone knows everyone.</p>                                                                                                                                                                                                                  |                  |                                                                |                           |

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| The committee found no additional <b>Mitigating Circumstances.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                   |                            |
| After considering the totality of the case, John Bishop recommends to the Board that <b>action</b> be taken on Schafer's certification.                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Kristine Allison | 11 ayes<br>0 nays | Motion carries unanimously |
| Consensus reached that Schafer committed a premeditated criminal act by having an underage drinking party at his house that involved unwanted touching, all of this while he was employed as a law enforcement officer and then proceeded to lie about it. The principle foundation of the law enforcement profession is honesty in which Schafer has violated and cannot be trusted to tell the truth. Schafer showed inappropriate judgement and cannot be trusted to make the right decisions, and has shown a propensity to use his position to violate the law for your own gains. |                  |                   |                            |
| John Bishop makes a motion that Schafer's <b>Gross Misconduct</b> warrants ineligibility period for 10 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | John Teague      | 11 ayes<br>0 nays | Motion carries unanimously |
| Kristine Allison makes a motion that Schafer's <b>Misuse of Authority</b> warrants ineligibility period for 10 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Pat Garrett      | 11 ayes<br>0 nays | Motion carries unanimously |
| Chris Davis makes a motion that Schafer's <b>Disregard for the Rights of Others</b> warrants ineligibility period for 15 years                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Andy Heider      | 11 ayes<br>0 nays | Motion carries unanimously |
| John Bishop makes a motion that Schafer's <b>Dishonesty</b> warrants ineligibility period for a lifetime                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Pat Garrett      | 11 ayes<br>0 nays | Motion carries unanimously |

*The Police Policy committee took a lunch break at 12:45 p.m. and reconvened at 1:03 p.m.*

**11. \*Shiple, Joseph DPSST #24794 – Yamhill County Sheriff's Office; Basic, Intermediate, Advanced, Supervisory, and Management Police Certifications**  
Presented by Katrina Robson

*For the record Jeff Hering and Murray Rau recused themselves due to a conflict of interest.*

Issue: In August 2016, DPSST received an F-4 reporting that Shiple resigned during an investigation. DPSST requested and received the information surrounding the resignation.

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

| Vote/Consensus                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Second      | Vote                         | Outcome                                                   |
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| Pat Garrett moved that the Police Policy Committee adopts the staff report as amended as the record upon which its recommendations are based                                                                                                                                                                                                                                                                                                                                 | John Bishop | 9 ayes<br>0 nays; 2 recusals | Motion carries with Jeff Hering and Murray Rau abstaining |
| Consensus reached that Shipley was dishonest to the Sheriff and then tried to cover it by falsifying documents. Shipley admitted to being deceptive and evasive. Shipley's conduct by altering the case file introduces doubt and threatened the case, which goes against the efficient operation of the agency.<br><br>John Bishop moved that <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer's certification(s). | Andy Heider | 9 ayes<br>0 nays; 2 recusals | Motion carries with Jeff Hering and Murray Rau abstaining |
| Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule                                                                                                                                                                                                                                                                                                                                                              |             |                              |                                                           |
| Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule                                                                                                                                                                                                                                                                                                                                               |             |                              |                                                           |
| Consensus reached that Shipley's conduct involved <b>Dishonesty</b> based upon the fact that he was dishonest in what he said to the sheriff and then tried to cover it up by falsifying documents. In Shipley's own words he was evasive and deceptive and misrepresented the document to the sheriff.<br><br>John Bishop moved that <b>Dishonesty</b> , when considered alone, rises to the level to warrant action against the officer's certification                    | Pat Garrett | 9 ayes<br>0 nays; 2 recusals | Motion carries with Jeff Hering and Murray Rau abstaining |
| The Police Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).<br><br>The committee did not find any additional <b>Aggravating Circumstances</b> .                                                                                                                                                                                                           |             |                              |                                                           |

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| The committee found as additional <b>Mitigating Circumstances</b> the fact that Shipley felt like he was being targeted and panicked.                                                                                                                                                                                                                                                                           |              |                                 |                                                           |
| After considering the totality of the case, John Bishop recommends to the Board that <b>action</b> be taken on Shipley's certification.                                                                                                                                                                                                                                                                         | Scott Dillon | 9 ayes<br>0 nays; 2<br>recusals | Motion carries with Jeff Hering and Murray Rau abstaining |
| Consensus reached that one of the core values of the law enforcement profession is honesty and Shipley was deceptive and manipulated a document which impedes the efficient operation of the agency and impacts the ability of the public to trust law enforcement. Shipley lied when he was put on the spot by the Sheriff. Additionally Shipley's ability to testify is impeded due to his dishonest actions. |              |                                 |                                                           |
| John Bishop makes a motion that Shipley's <b>Gross Misconduct</b> warrants ineligibility period for 10 years                                                                                                                                                                                                                                                                                                    | Andy Heider  | 9 ayes<br>0 nays; 2<br>recusals | Motion carries with Jeff Hering and Murray Rau abstaining |
| John Bishop makes a motion that Shipley's <b>Dishonesty</b> warrants ineligibility period for a lifetime                                                                                                                                                                                                                                                                                                        | Chris Davis  | 9 ayes<br>0 nays; 2<br>recusals | Motion carries with Jeff Hering and Murray Rau abstaining |

**12. \*Ames, Zechariah DPSST #42841 – Oakridge Police Department; Basic Police Certification, Basic Corrections Certification, Basic Telecommunicator Certification, and Basic Emergency Medical Dispatcher Certification**

Katrina Robson

Issue: In December 2016, DPSST received a Personnel Action Form (F-4) reporting that Ames resigned with a settlement agreement. DPSST requested and received all documentation surrounding the resignation.

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

| Vote/Consensus                                                                | Second      | Vote              | Outcome                    |
|-------------------------------------------------------------------------------|-------------|-------------------|----------------------------|
| John Teague moved that the Police Policy Committee adopts the staff report as | John Bishop | 11 ayes<br>0 nays | Motion carries unanimously |

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| amended as the record upon which its recommendations are based                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |             |                                                    |                            |
| <p>Consensus reached that Ames's conduct involved <b>Gross Misconduct</b> based upon the fact that he placed emergency lights in his personal vehicle, performed an invalid arrest on a subject and inappropriately used his Taser by deploying it when it was not authorized. Ames inappropriately involved citizens to assist with an arrested subject and failed to conduct credible domestic violence investigations thereby not protecting the victim in the incident. Additionally, Ames has shown a clear pattern of abuse of his position and poor judgement.</p> <p>Pat Garrett moved that <b>Gross Misconduct</b>, when considered alone, rises to the level to warrant action against the officer's certification(s).</p> | Brian Wolfe | 11 ayes<br>0 nays                                  | Motion carries unanimously |
| <p>Consensus reached that Ames acted inappropriately throughout all of the incidents documented in the internal affairs investigation. Additionally, the benefit gained by Ames was power and control.</p> <p>Pat Garrett moved that <b>Misuse of Authority</b>, when considered alone, rises to the level to warrant action against the officer's certification(s).</p>                                                                                                                                                                                                                                                                                                                                                             | Andy Heider | 9 ayes<br>2 nays<br>( Chris Davis,<br>John Teague) | Motion carries.            |
| Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |             |                                                    |                            |
| Consensus reached that the conduct did not involve <b>Dishonesty</b> as defined in Administrative Rule                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |             |                                                    |                            |
| <p>The Police Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The committee found as additional <b>Aggravating Circumstances</b> the pattern of behavior in Ames lack of judgment,</p>                                                                                                                                                                                                                                                                                                                                                                                                                    |             |                                                    |                            |

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| <p>indulging his own ego to the detriment of the law.</p> <p>The committee found as additional <b>Mitigating Circumstances</b> Ames behavior appeared to be a training issue or gross incompetence and as far as the record reviewed, Ames had no prior disciplinary issues.</p>                                                                                                                                 |               |                   |                            |
| <p>After considering the totality of the case, Pat Garrett recommends to the Board that action <b>be taken</b> against the officer's certification(s).</p>                                                                                                                                                                                                                                                       | Scott Dillion | 11 ayes<br>0 nays | Motion carried unanimously |
| <p>Consensus reached that Ames type of behavior limits credibility to the law enforcement profession and doing things for his own benefit and not abiding by the rules. There was a predictable pattern of unsophisticated thinking and the response is detrimental to the public. Ames shows a lack of awareness of crossing the line, lack of judgement, and an inability to follow the letter of the law.</p> |               |                   |                            |
| <p>John Teague makes a motion that Ames <b>Gross Misconduct</b> warrants ineligibility period for 3 years</p>                                                                                                                                                                                                                                                                                                    | Murray Rau    | 11 ayes<br>0 nays | Motion carried unanimously |
| <p>Scott Dillion makes a motion that Ames <b>Misuse of Authority</b> warrants ineligibility period for 3 years</p>                                                                                                                                                                                                                                                                                               | Pat Garrett   | 11 ayes; 0 nays   | Motion carried unanimously |

**13. \*Smith, Clarence DPSST #10581 – Basic Intermediate, Advanced & Supervisory Police Certifications**

Katrina Robson

Issue: In November 2016, DPSST received a LEADS hit for Smith's arrest for Unlawful Use of a Weapon, Pointing a Firearm at Another, and Menacing (two counts). A subsequent check of OJIN revealed that Smith had plead guilty had been convicted of Pointing a Firearm at Another on March 8, 2017, and the Unlawful Use of a Weapon and Menacing (two counts) had been dismissed. DPSST staff requested and received the documentation.

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

| Vote/Consensus                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Second         | Vote              | Outcome                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-------------------------------|
| John Teague moved that the Police Policy Committee adopts the staff report as amended as the record upon which its recommendations are based                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Murray<br>Rau  | 11 ayes<br>0 nays | Motion carried<br>unanimously |
| Consensus reached that Smith's conduct involved Gross Misconduct based on the conviction of Pointing a Firearm at Another, as well as the charge that was dismissed.<br><br>John Bishop moved that <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer's certification(s).                                                                                                                                                                                                                                                                                                                                                                                                   | Murray<br>Rau  | 11 ayes<br>0 nays | Motion carried<br>unanimously |
| Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                |                   |                               |
| Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                |                   |                               |
| Consensus reached that Smith committed <b>Dishonesty</b> by denying having a gun even after he was shown a photo to the contrary.<br><br>John Teague moved that <b>Dishonesty</b> , when considered alone, rises to the level to warrant action against the officer's certification(s).                                                                                                                                                                                                                                                                                                                                                                                                                                            | John<br>Bishop | 11 ayes<br>0 nays | Motion carried<br>unanimously |
| The Police Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).<br><br>The committee found as additional <b>Aggravating Circumstances</b> the fact that Smith was a law enforcement officer and was aware of what happens when you point a gun at someone else. Smith was wearing a shoulder holster with a gun on it. Smith showed a total disregard for the law by drawing his weapon on individuals that posed no threat, as he acted out of anger and not self-defense. There was no imminent threat for use of a deadly force. Additionally, Smith continued to lie even after being shown the evidence to the |                |                   |                               |

|                                                                                                                                                                                                                                                                                                                                                                      |             |                   |                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------|----------------------------|
| contrary.                                                                                                                                                                                                                                                                                                                                                            |             |                   |                            |
| The committee did not find any additional <b>Mitigating Circumstances</b> ,                                                                                                                                                                                                                                                                                          |             |                   |                            |
| After considering the totality of the case, John Bishop recommends to the Board that action <i>be taken</i> against the officer's certification(s).                                                                                                                                                                                                                  | Andy Heider | 11 ayes<br>0 nays | Motion carries unanimously |
| Consensus reached that one of the core values of the law enforcement profession is honesty and Smith lied about the incident. Smith cannot be trusted to write an honest report or testify. Additionally, the public expects law enforcement officers to have a legitimate reason to point their firearm at a subject, not because they were angered by the subject. |             |                   |                            |
| John Bishop makes a motion that Smith's <b>Gross Misconduct</b> warrants ineligibility period for 10 years                                                                                                                                                                                                                                                           | Murray Rau  | 11 ayes<br>0 nays | Motion carries unanimously |
| John Bishop makes a motion that Smith's <b>Dishonesty</b> warrants ineligibility period for a Lifetime                                                                                                                                                                                                                                                               | Pat Garrett | 11 ayes<br>0 nays | Motion carries unanimously |

**14. \*Administrative Closures – Police/Regulatory Specialist**

Presented by Katrina Robson

Staff presented the following professional standard cases to the Police Policy Committee for administrative closure.

| Officer                                                        | Certifications                     | Summary                                                                  |
|----------------------------------------------------------------|------------------------------------|--------------------------------------------------------------------------|
| Bendele, Kody DPSST #55713<br>Myrtle Creek Police              | None                               | Probationary Discharge – Dishonesty & Performance Issues.                |
| Golden, Chad DPSST # 55361<br>Burns Paiute Tribal              | None                               | Probationary Discharge – Failed Firearms & Physical Training at Academy. |
| Smith, Benjamin DPSST #56446 Multnomah County Sheriff's Office | Basic Police                       | Probationary Discharge – Performance Issues.                             |
| Eckley, Jessica DPSST # 57655 Eugene Police Department         | None                               | Probationary Discharge – Performance Issues.                             |
| Hingston, Meredith DPSST # 42088 Not Employed                  | Regulatory Specialist & Instructor | DUII was diverted.                                                       |

|                                                                     |                      |                                                                                |
|---------------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------|
| Douglas, Andrew DPSST # 51224 Springfield Police Department         | Basic & Intermediate | Minor in Possession of Alcohol that occurred in 20016. Only arrest/conviction. |
| Wallace, Matthew DPSST # 55615 Douglas County Sheriff's Office      | None                 | Probationary Discharge – Dishonesty.                                           |
| Zepeda-Leos, Martin DPSST # 57732 Tillamook County Sheriff's Office | None                 | Conviction was expunged in September 2017                                      |

- Murray Rau moved to approve the recommendations made by staff to administratively close the above listed cases. Scott Dillon seconded the motion. The motion carried unanimously.

**15. \*Citizen Complaints against Grant County Sheriff Palmer, Glenn DPSST #18276**

Presented by Katrina Robson

Issue: From 2016 until 2017 DPSST received numerous citizen complaints alleging misconduct by Grant County Sheriff Glenn Palmer; DPSST stayed its review of these complaints until the conclusion of a criminal investigation being conducted by the Oregon Department of Justice (DOJ). On October 11, 2017, DPSST was notified that the DOJ closed their criminal case involving Sheriff Palmer stating they were unable to obtain concrete evidence of criminal misconduct.

A majority of the allegations contained in the complaints are related to Sheriff Palmer's management and operation of the Grant County Sheriff's Office; matters that are outside of the Board's and the DPSST's jurisdiction. After reviewing the remaining allegations and considering the findings of DOJ's exhaustive criminal investigation, staff does not believe that an independent investigation would uncover any additional information related to Sheriff Palmer's conduct. Absent charges, staff does not believe that the DPSST would be able to demonstrate the objectively reasonable basis required to initiate administrative proceedings against Sheriff Palmer's Basic, Intermediate, Advanced, Supervisory, Management or Executive Police Certifications.

Given this evaluation staff is recommending that no further action be taken.

*For the record Renn Canon and Brian Wolfe recused themselves due to a conflict of interest.*

- Murray Rau affirmed the recommendation to staff that no further action be taken. John Teague seconded the motion. The motion carried with two recusals.

## **16. Department Update**

### *Linsay Hale Reported:*

- Effective January 1<sup>st</sup> recruitment will open to add a public member to each policy committee. Staff is working on the recruitment process.
- The Board approved a recent change in the reporting process on the F-4 Personnel Action form. The F-4 form will be split into two forms allowing agencies to provide more clarification on how an individual is being reported as separated. This will ensure that DPSST is handling the information appropriately for professional standards reviews.
- We continue to work through the public records and transparencies issues to increase the transparency. Staff is managing the records and working diligently to provide precise and accurate information so the members of the policy committees can make informed recommendations that will be forwarded to the Board.

### *Mike Leloff Reported:*

- Staff will be sending out a survey monkey to agencies to get a feel for what their training needs are. Staff is looking at the process of hiring new trainers to keep up with the retirement increase.
- Mike Herbes, the Regional Trainer Coordinator from LaGrande, OR will be retiring after 30 years of service with DOC and DPSST at the end of the month. Mark Fortnier, the Regional Firearms Coordinator, will also be retiring after serving 12 years with DPSST effective January 1, 2018.

### *Eriks Gabliks Reported:*

- The Mental Health Crisis Response Work Group that was formed by the Oregon Association of Chiefs of Police and the Oregon State Sheriffs Association has completed its work. Co-chairs, Chief Jim Ferraris of the Woodburn Police Department, and Undersheriff Troy Clausen of the Marion County Sheriff's Office, guided the work of two sub-committees that included more than 30 participants from over two dozen agencies including law enforcement, fire, EMS, 9-1-1, mental health providers, community partners, and others from around the state. The final documents of the work group have been posted on the Oregon Knowledge Bank and are available for all to access at <http://okb.oregon.gov/portfolio-item/mh-and-crisis-response/>
- DPSST is working with a group of public safety chaplains who are interested in creating a public safety chaplains academy in Oregon. DPSST has offered to host the classes free of charge at the Oregon Public Safety Academy to help agencies defray costs for these dedicated volunteers.

- The first phase of the Basic Police curriculum review has been completed but much more work is ahead. DPSST is the steward of Oregon's 16-week Basic Police Course which is used to provide entry-level training to city, county, state, tribal and university law enforcement officers. This course has served our state well for over a decade, and has had a number of updates over the years, but it's time we take the course down to the frame and rebuild it to make sure it's meeting the needs of law enforcement agencies statewide and the communities they serve. DPSST is seeking participants to help. DPSST wants to make sure that we have good representation from agencies statewide. This includes city, county, state, university and tribal agencies but also geographic, agency-size, rank, etc. We are looking for folks from every size agency and also different backgrounds such as command staff, trainers (skills, classroom, etc.), field training officers, community members, and others. If too many names are received, we may need to limit participation, but that is a problem we are glad to work through. DPSST wants to have statewide participation so we will cover travel expenses such as mileage, per diem and lodging. We will also make participation possible via teleconference. It would take too much time for a single committee to review the entire course so we are breaking it into segments. Curriculum groups will have meetings specifically to look at and update defined segments or areas of the basic course. The time commitment might be three meetings over three months, etc. The work of the curriculum groups is important to law enforcement agencies and communities around the state. Because of this, the work of the curriculum groups will have a three-part review process that will include our Center for Policing Excellence (CPE) Advisory Committee, the Board's Police Policy Committee, and final review and approval by the Board on Public Safety Standards and Training (BPSST). The entire process will easily take over a year to complete to make sure we have a solid product at the end.
- Eriks, Training Division Director Mike Leloff, and Professional Standards Division Director Lindsay Hale, recently traveled the state and conducted thirteen regional information sharing and listening sessions with our criminal justice stakeholders. The regional meetings were well attended, with 81 of our 208 agencies sending representatives. The feedback was very positive with the common theme statewide more feedback to agencies while students are in basic training classes.
- DPSST continues to manage the enrollment of new hired officers by ensuring enough Basic Police classes are being offered. DPSST has shifted classes forward from the end of the biennium to address the hiring trends of partner agencies. As a result, DPSST asked the Board on Public Safety Standards and Training (BPSST) for permission to request additional Basic Police classes when the 2018 legislative session begins in February. DPSST will ask for additional classes to fill the back end of 2018 and the first two months of 2019. If the retirement and hiring trends continue, a similar request will be made when the

2019 session convenes. DPSST is planning to begin a Basic Police every month over the next three years if needed. Eriks said if a class has less than 20 students enrolled it will not run as its not cost effective. In such a case, those students would move back to the next scheduled class. DPSST is getting newly hired officers into the Academy 90 days within their date of hire. The challenge for all will be the projected retirement of more than 1,000 officers over the next three years.

- The Officer Involved Domestic Violence (OIDV) training DVD is almost completed. The project is under the oversight of the Oregon State Sheriffs Association with technical assistance provided by the Clackamas County Sheriff's Office. As soon as the DVD is ready it will be sent out to all law enforcement agencies in Oregon. This will support the OIDV policy framework that was sent out last year by OSSA and OACP.
- Eriks shared with the PPC that Salem Police Detective Jeff Staples retired at the end of October and DPSST staff is working to fill his position as a non-management representative. Eriks also thanks Detective Murray Rau of the Washington County Sheriff's Office and Retired Sheriff John Bishop of the Oregon State Sheriff Association for their two, two-year, terms on the PPC. Both will find their second terms at the end of January 2018. DPSST staff is working to fill these vacancies also.
- Eriks shared that some members of the Board and Policy Committees have been contacted by officers and agencies that have officers involved in professional standards cases that will be in front of them for review. Eriks said it is perfectly fine to let the callers know you cannot discuss the case as to not create a conflict of interest. Board and policy committee members should not engage in any discussions with parties involved in professional standards cases. Calls and questions can, and should be, referred to Linsay Hale, DPSST's Professional Standards Division Director.

#### **8. Next Regular Scheduled Meeting – February 15, 2018 @ 10:00 a.m.**

*\* All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at [dpsst.records@state.or.us](mailto:dpsst.records@state.or.us).*