

Police Policy Committee Minutes February 15, 2018

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 15, 2018 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 10:01 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
Loren 'Renn' Cannon, Federal Bureau of Investigations (non-voting)
Dale Cummins, Oregon Association of Chiefs of Police (phone)
Scott Dillon, Non-Management Law Enforcement
Pat Garrett, Oregon Sheriff's Association
Laurence Halupowski, Non-Management Law Enforcement
Travis Hampton, Superintendent, Oregon State Police
Andy Heider, OSP Command Staff Representative
Liz Lawrence, Non-Management Law Enforcement
Chris Davis, Portland Police Bureau (Designee for Chief Outlaw) (phone)
Bradley Robertson, Non-Management Law Enforcement
Brian Wolfe, Oregon State Sheriff's Association (phone)
Craig Zanni, Oregon State Sheriff's Association
Patricia Patrick-Joling, Public Member

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Mike Leloff, Training Division Director
Robert Wood
Jordan James-Largent, Criminal Justice Compliance Specialist
Jessica Klossen, Scheduling Specialist
Bob Sigleer, Training Compliance Auditor
Kristen Hibberds, Professional Standards Coordinator/Investigator
Jennifer Howald, Administrative Rules Coordinator

Guests:

Melanie Sarazan
Todd Sarazan
Dennis Bartoldus
Mike Loughary
Nicole Mercado

Derek Ashton
Larry O’Dea
Kay O’Dea
Neil Taylor
Kelly Degman, Washington County Sheriff’s Office



1. Introductions

Introductions of members, guest and staff were presented.

2. Minutes of November 16, 2017 Meeting

Approve the minutes of the November 16, 2017 Police Policy Committee meeting.

- *John Teague moved that the committee approve the minutes of the November 16, 2017 Police Policy Committee meeting. Craig Halupowski seconded the motion. The motion carried unanimously.*

3. *Proposed Rule Adoption for OAR 259 Division 8 – Signature Authorities

Presented by Jennifer Howald

DPSST uses a variety of forms to capture information regarding the employment, training and certification of Oregon’s criminal justice public safety officers. DPSST staff requested the Criminal Justice Management/Executive Certification Workgroup review the current signature authorities to determine if a single signature authority could be applied to all of the forms for consistency. The Workgroup recommended making all forms follow the same signature requirements as the current requirement for the F-4 personnel action report; requiring a signature by a department head or a certified public safety professional designated by the department head, with the exception to the F-6 Course Attendance Roster which may continue to be signed by independent instructors or sponsoring entities that are not affiliated with a law enforcement unit or public or private safety agency.

- *John Teague moved to recommend that the Board adopt the Workgroup’s recommended changes to the signature authorities on DPSST forms as defined in the draft rule language and that the Board approve filing the changes to OAR 259 Division 8 as a permanent rule change with the Secretary of State if no comments are received. Patricia Patrick-Joling seconded the motion. The motion passed unanimously.*
- *By consensus the committee found no fiscal impact to small businesses.*

4. ***Proposed Rule Change for OARs 259-008-0040 and 259-008-0060 – Nine Months Experience Required for Basic Certification**

Presented by Jennifer Howald

Current rule language requires a public safety officer to have completed a minimum of nine months of employment in their certifiable position prior to becoming eligible to apply for basic certification. Recently staff received inquiries into the purpose for this experience requirement. Staff conducted research on the history of the requirement, but found no records providing a clear statement of the intent or purpose of this standard. Upon review, the Criminal Justice Management/Executive Certification Workgroup recommended removing the minimum employment requirement for basic certification allowing a public safety officer who meets all other certification requirements to apply for basic certification.

- *Patricia Patrick-Joling moved to recommend that the Board adopt the changes removing the requirement for nine months experience for basic certification as defined in the draft rule language and that the Board approve filing the changes to OAR 259-008-0040 and 259-008-0060 as a permanent rule change with the Secretary of State if no comments are received. Pat Garrett seconded the motion. The motion passed unanimously.*
- *By consensus the committee found no fiscal impact to small businesses.*

5. ***Proposed Rule Change for OARs 259-008-0005, 259-008-0020, 259-008-0060, 259-008-0064 and 259-008-0065 – Multi-Discipline Certification**

Presented by Jennifer Howald

In light of the adoption of the new law enforcement maintenance standards, the standards for the issuance and maintenance of multi-discipline certification were reviewed by the Criminal Justice Management/Executive Certification Workgroup. The Workgroup recommended the following:

- Removing the requirement that law enforcement officers certified in multiple law enforcement disciplines complete an additional 20 hours of training annually; and
 - The added requirement that employing agencies designate a multi-disciplined officer's primary discipline and the use of the primary discipline designation for the accrual of years of experience toward additional levels of certification.
- *Patricia Patrick-Joling moved to recommend that the Board adopt the Workgroup's recommended changes removing to the issuance and maintenance of multi-discipline certification as defined in the draft rule language and that the Board approve filing the changes to OAR 259-008-0005, 259-008-0020, 259-008-0060, 259-008-0064 and*

259-008-0065 as a permanent rule change with the Secretary of State if no comments are received. Craig Zanni seconded the motion. The motion passed unanimously.

- *By consensus the committee found no fiscal impact to small businesses.*

6. *Proposed Rule Change for OAR 259-008-0100 – Updates to the Retirement Card Program

Presented by Jennifer Howald

Under current rule, DPSST may issue a retirement card based upon a combination of age and years of service in Oregon if requested by the employing agency. DPSST staff requested the Criminal Justice Management/Executive Certification Workgroup to review the retirement card program in its entirety to determine if this program is still relevant and in line with the current needs of constituents and DPSST. Upon review, the Workgroup determined that the award of recognition of service for a public safety officer's career continues to be an important program. The Workgroup developed the following recommendations to address the issues that affect the current administration of the retirement card program:

- Eliminating the age criteria from the eligibility requirements and amending the minimum years of experience from 5 years of service to 20 years of service in a certifiable public safety officer discipline and in service to the state of Oregon.
 - The Department will continue to administer the program as an “at the request of the employing agency” process.
 - The program will transition to recognition of service program. The award of any recognition materials does not prevent a public safety officers' certification from lapsing, grant the officer any authority to provide services or exempt the officer from any handgun licensing requirements. The wallet card portion of the program will be eliminated and the recognition letter will be amended to avoid confusion.
 - Expanding the program to include resignations in addition to retirements to help reinforce the purpose of the program which is to recognize service to Oregon.
 - Public safety officers who are the subject of a moral fitness review will be ineligible to receive recognition of service until a final determination has been made regarding their certification as a public safety officer.
- *John Teague moved to recommend that the Board adopt the Workgroup's recommended changes to retirement/recognition of service program as defined in the draft rule language and that the Board approve filing the changes to OAR 259-008-0100 as a permanent rule change with the Secretary of State if no comments are received. Patricia Patrick-Joling seconded the motion. The motion passed unanimously.*
 - *By consensus the committee found no fiscal impact to small businesses*

7. ***Administrative Closures**

Presented by Kristen Hibberds

Officer	Certifications	Summary	Flagged for Review (if hired in future)
Westmoreland, Loren # 48476 Bend PD	Basic and Intermediate Police	Probationary Discharge – Performance based	No
Hackstedt, Cory #56735 Albany PD	Not Certified	Resignation in Lieu of Termination – Performance based	No
McKenzie, Gatlin #56877 Albany PD	Not Certified	Resignation in Lieu of Termination – Performance based	No
Amen, Dylan # 55866 Salem PD	Not Certified	Resignation During Investigation – Dishonesty based. If employed in future, review will be required.	Yes
Scott, Brandon # 57815 Salem PD	Not Certified	Resignation in Lieu of Termination – Dishonesty based. If employed in future, review will be required.	Yes
Stevens, Cory #55007 Cottage Grove PD	Not Certified	Hired as a police officer and disclosed 2003 Reckless Driving Conviction. Only conviction and it occurred over 7 years ago.	No

- *Patricia Patrick-Joling moved to approve the recommendations made by staff to administratively close the above listed cases. John Teague seconded the motion. The motion carried unanimously.*

8. ***Sarazin, Todd DPSST # 22892 – Administrative Closures**

Presented by Kristen Hibberds

Todd Sarazin was discharged from employment as a police officer with the Newport Police Department on June 21, 2016. Investigative materials were received related to the conduct that led to Mr. Sarazin’s termination. Upon review of these materials, it was determined that Mr. Sarazin’s conduct violated the Board’s discharge for cause standards in effect at the time based upon the allegations in the termination letter that he

misrepresented and minimized his behavior on February 28th and 29th in which allegedly kicked and hit a large recycling bin in anger.

After further review of this matter using the new standards, staff does not believe there is a preponderance of the evidence that Sarazin engaged in conduct that violates the Board’s certification standards. As such staff is recommending the administrative closure on this case.

- *Patricia Patrick-Joling moved to approve the recommendations made by staff to administratively close the above listed case. Craig Zanni seconded the motion. The motion carried unanimously.*

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

The issue in this case: On January 10, 2017, DPSST received a Personnel Action Request (F-4) from Hillsboro Police Department (HPD) indicating that Hewitt had resigned during an investigation. On November 16, 2017, the PPC requested that staff provide records un-redacted and return the matter to them in February.

Vote/Consensus	Second	Vote	Outcome
Craig Halupowski moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based.	Patricia Patrick-Joling	15 ayes; 0 nays	Motion passes unanimously.
Consensus reached that Hewitt’s conduct did involve Gross Misconduct as defined in Administrative Rule by deliberately and recklessly threatening co-workers. She threatened the operations of his agency when by spreading rumors about other employees and the time she spent on non-work related activities. After receiving a directive to not discuss the investigation she violated the directive further demonstrating his disregard for the rules that impact the efficient operation of the agency. Craig Halupowski moved that this Gross Misconduct when considered alone rises to the level to warrant action against the officer’s certification.	Patricia Patrick-Joling	15 ayes, 0 nays	Motion passes unanimously.

<p>Consensus reached that Hewitt’s conduct did not involve Misuse of Authority as defined in Administrative Rule.</p>			
<p>Consensus reached that Hewitt’s conduct did not involve Disregard for the Rights of Others as defined in administrative Rule.</p>			
<p>Consensus reached that Hewitt’s conduct involved Dishonesty as defined in Administrative Rule by spreading false information about people. Hewitt violated the agency’s directive to not discuss the investigation and confronted an employee whom she thought had initiated the investigation. The Police Policy found Hewitt’s excuse lacks credibility and found that she was deceptive and knowingly misrepresented the truth.</p> <p>Craig Halupowksi moved that the Dishonesty when considered alone rises to the level to warrant action against the officer’s certification.</p>	<p>Patricia Patrick-Joling</p>	<p>15 ayes; 0 nays</p>	<p>Motion passes unanimously.</p>
<p>The Police Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The Police Policy Committee found as additional aggravating circumstances the fact that Hewitt insubordinate and violated a directive two days after receiving it, further creating an intimidating and harassing environment. The members also found that Hewitt placed herself on calls that she was not on creating officer safety issues for herself and co-workers further endangering the community and efficient operations of the agency. Additionally, they found the letter to the committee was aggravating as it contradicted information in her case.</p>			

By consensus the Police Policy Committee found no additional mitigating circumstances.			
Craig Halupowski makes a motion that after considering the totality of the case that Board action be taken on Hewitt's certifications	Patricia Patrick-Joling	15 ayes, 0 nays	Motion passes unanimously.
Consensus reached that Hewitt's conduct impacts his ability to be employed as a public safety professional in Oregon.			
Craig Holupowski makes a motion that Hewitt's Gross Misconduct warrants an ineligibility period of 10 years.	Kristine Allison	15 ayes, 0 nays	Motion passes unanimously.
Craig Holupowski makes a motion that Hewitt's Dishonesty warrants an ineligibility period for a lifetime.	Liz Lawrence	15 ayes, 0 nays	Motion passes unanimously.

10. *O'Dea, Lawrence DPSST # 18924 – Portland Police Bureau; Basic, Intermediate, Advanced, Management, Supervisory, and Executive Police Certification

Presented by Kristen Hibberds

Issue: In July 2016, DPSST received a Personnel Action Request (F-4) from Portland Police Bureau (PPB) indicating that O'Dea retired while under investigation.

Vote/Consensus	Second	Vote	Outcome
Craig Holupowski moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based.	Patricia Patrick-Joling	15 ayes, 0 nays	Motion passes unanimously.
Consensus reached that O'Dea's conduct did not involve Gross Misconduct as defined in Administrative Rule.			
Consensus reached that O'Dea's conduct did not involve Misuse of Authority as defined in Administrative Rule.			
Consensus reached that O'Dea's conduct did not involve Disregard for the Rights of Others as defined in Administrative Rule.			
Consensus reached that O'Dea's conduct did not involve Dishonesty as defined in Administrative Rule.			
The Police Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this			

<p>case as required by OAR 259-008-0070(4)(f)(B).</p> <p>By consensus the Committee found as additional aggravating circumstances that O’Dea was the Chief with plenty of experience.</p> <p>By consensus the Committee found as additional mitigating circumstances the submitted letters on behalf of O’Dea and the long service and number of commendations.</p>			
<p>Pat Garrett makes a motion that after considering the totality of the case that no Board action is taken on O’Dea’s certifications.</p>	John Teague	13 ayes, Patricia Patrick- Joling and Chris Davis voting nay	Motion passes.

11. *Duncan, James DPSST # 35361 – Oregon State police; Basic Police Certification

Presented by Kristen Hibberds

Issue: In November 2016, DPSST received a Personnel Action Report (F-4) from the Oregon State Police indicating that Duncan was discharged from employment.

Andy Heider recused himself due to conflict of interest.

Vote/Consensus	Second	Vote	Outcome
<p>Pat Garrett moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based.</p>	Craig Zanni	14 ayes; 0 nays; Andy Heider abstaining	Motion passes.
<p>Consensus reached that Duncan’s conduct did involve Gross Misconduct as defined in Administrative Rule when he struck his minor son causing him physical injury or creating a substantial risk of serious physical injury to him, when he struck his minor daughter causing a cut on her lip and when he pushed his minor daughter against the</p>	Patricia Patrick- Joling	14 ayes; 0 nays; Andy Heider abstaining	Motion passes.

<p>vehicle twisted her arm behind her back, causing a sore shoulder.</p> <p>Kristine Allison moved that this Gross Misconduct when considered alone rises</p> <p>to the level to warrant action against the officer's certification.</p>			
<p>Consensus reached that Duncan's conduct did not involve Misuse of Authority as defined in Administrative Rule.</p>			
<p>Consensus reached that Duncan's conduct did not involve Disregard for the Rights of Others as defined in Administrative Rule.</p>			
<p>Consensus reached that Duncan's conduct involved Dishonesty as defined in Administrative Rule when he instructed his children not to bring up the incident with their mother and he deleted or attempted to delete video and photographs from his daughter's phone.</p> <p>Pat Garrett moved that this Dishonesty when considered alone rises to the level to warrant action against the officer's certification.</p>	<p>Craig Zanni</p>	<p>14 ayes; 0 nays; Andy Heider abstaining</p>	<p>Motion passes.</p>
<p>The Police Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The committee found as additional aggravating circumstances that Duncan claimed that his conduct was justifiable corporal punishment despite the fact that he had admitted criminal culpability for the actions he claimed was justified.</p> <p>The committee found as additional mitigating circumstances that Duncan completed all court requirements and had letters of support.</p>			

John Teague makes a motion that after considering the totality of the case that Board action is taken against Duncan's Certification.	Craig Halopowksi	14 ayes; 0 nays; Andy Heider abstaining	Motion passes.
Consensus reached that Duncan's conduct impacts his ability to be employed as a public safety professional in Oregon.			
Pat Garrett makes a motion that Duncan's Gross Misconduct warrants ineligibility of 7 years.	Craig Halopowksi	14 ayes; 0 nays; Andy Heider abstaining	Motion passes
Pat Garrett moves that Duncan's Dishonesty warrants ineligibility for a lifetime.	Craig Halopowski	11 ayes; Jeff Hering, John Teague, and Craig Zanni voting nay; Andy Heider abstaining	Motion passes

12. *Markos, Nicholas DPSST # 32110 – Washington County Sheriff's Office; Basic, Intermediate, and Advanced Police Certifications and Instructor Certification

Presented by Kristen Hibberds

Issue: In February 2017, DPSST received a Personnel Action Request (F-4) from Washington County Sheriff's Office (WCSSO) indicating that Markos was discharged for cause.

Pat Garrett recused himself due to a conflict of interest

Vote/Consensus	Second	Vote	Outcome
Brad Robertson moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based	Patricia Patrick-Joling	14 ayes; 0 nays; Pat Garrett abstaining.	Motion passes
Consensus reached that Markos' conduct did involve Gross Misconduct as defined in Administrative Rule by failing to report information known to him about	Craig Zanni	14 ayes; 0 nays; Pat Garrett abstaining	Motion passes

<p>criminal offenses and WCSO policy violations being committed by co-workers to a supervisor.</p> <p>Travis Hampton moved that this Gross Misconduct when considered alone rises to the level to warrant action against the officers certification</p>			
<p>Consensus reached that Markos' conduct did involve Misuse of Authority as defined in Administrative Rule by failing to act appropriately when becoming aware of actions or behaviors of co-workers that constituted criminal acts or administrative misconduct.</p> <p>Craig Halupowski moved that this Misuse of Authority when considered alone rises to the level to warrant action against the officers certification</p>	Liz Lawrence	14 ayes; 0 nays; Pat Garrett abstaining	Motion passes
<p>Consensus reached that Markos' conduct did not involve Disregard for the Rights of Others as defined in Administrative Rule.</p>			
<p>Consensus reached that Markos conduct did involve Dishonesty as defined in Administrative Rule when he was untruthful to the internal affairs investigators and supervisors about an injury he sustained during a domestic violence incident that involved his wife and girlfriend in a hotel. Additionally his involvement in creating and sending an "anonymous" email to WCSO leaders and the media about misconduct by several of his coworkers was deceptive.</p> <p>Craig Halupowski moved that this Dishonesty when considered alone rises to the level to warrant action against the officer's certification.</p>	Patricia Patrick-Joling	14 ayes; 0 nays; Pat Garrett abstaining	Motion passes
<p>The Police Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to</p>			

<p>this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The committee found as additional aggravating circumstances the egregiousness of this case based on all of the knowledge Markos had about the ongoing criminal conduct and the blame he placed on the victims.</p> <p>The committee found no additional mitigating circumstances.</p>			
<p>Kristine Allison makes a motion that after considering the totality of the case that Board action is taken on Markos' certification.</p>	<p>Craig Halupowski</p>	<p>14 ayes; 0 nays; Pat Garrett abstaining</p>	<p>Motion passes</p>
<p>Consensus reached that Markos' conduct impacts his ability to be employed as a public safety professional in Oregon.</p>			
<p>Travis Hampton makes a motion that Markos' Gross Misconduct warrants for ineligibility for 10 years.</p>	<p>Craig Zanni</p>	<p>14 ayes; 0 nays; Pat Garrett abstaining</p>	<p>Motion passes</p>
<p>Craig Halupowski makes a motion that Markos' Misuse of Authority warrants for ineligibility for 10 years.</p>	<p>Craig Zanni</p>	<p>14 ayes; 0 nays; Pat Garrett abstaining</p>	<p>Motion passes</p>
<p>Chris Davis makes a motion that Markos' Dishonesty warrants for ineligibility for a lifetime.</p>	<p>Patricia Patrick-Joling</p>	<p>14 ayes; 0 nays; Pat Garrett abstaining</p>	<p>Motion passes</p>

13. *Roberts, Matthew DPSST #31889 – Oregon Liquor Control Commission; Basic Regulatory Specialist Certification & Instructor Certification

Presented by Kristen Hibberds

Issue: In October 2016, DPSST received a Personnel Action Request (F-4) from Oregon Liquor Control Commission (OLCC) indicating that Roberts was discharged for cause.

Vote/Consensus	Second	Vote	Outcome
<p>Craig Halupowski moved that the Police Policy Committee adopts the</p>	<p>Patricia Patrick-Joling</p>	<p>15 ayes; 0 nays</p>	<p>Motion passes.</p>

staff report as the record upon which its recommendations are based			
Consensus reached that Roberts' conduct did not involve Gross Misconduct as defined in Administrative Rule.			
Consensus reached that Roberts' conduct did not involve Misuse of Authority as defined in Administrative Rule.			
Consensus reached that Roberts' conduct did not involve Disregard for the Rights of Others as defined in Administrative Rule.			
<p>Consensus reached that Roberts' conduct did involve Dishonesty as defined in Administrative Rule by falsely claiming on repeated occasions that he did not pursue a suspect during a compliance check. Additionally, Roberts was dishonest by falsely reporting the incident in his use of force report.</p> <p>Craig Holupowski moved that Roberts' Dishonesty when considered alone rises to the level to warrant action against the officer's certification.</p>	Patricia Patrick-Joling	15 ayes; 0 nays	Motion passes
<p>The Police Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The committee found as additional aggravating circumstances was the dishonesty in an official capacity.</p> <p>The committee found no mitigating circumstances.</p>			
Travis Hampton makes a motion that after considering the totality of the case that Board action is taken on Roberts' certification.	Craig Holupowski	15 ayes; 0 nays	Motion passes

Consensus reached that Roberts' conduct impacts his ability to be employed as a public safety professional in Oregon.			
Craig Halupowski makes a motion that Roberts' Dishonesty warrants for ineligibility for a Lifetime	Patricia Patrick-Joling	8 ayes; John Teague, Andy Heider, Kristine Allison, Pat Garrett, and Bradley Robertson voting nay	Motion passes

14. *Bazer, Tanner DPSST #55400 – Springfield Police Department; Basic Police Certifications

Presented by Kristen Hibberds

Issue: On September 22, 2017, Bazer plead no contest and was convicted of Firearm Transferor Fail to Comply. On September 27, 2017, DPSST staff was notified by Bazer that he had been charged and convicted of Firearm Transferor Fail to Comply, ORS 166.435.

Vote/Consensus	Second	Vote	Outcome
Craig Halupowski moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based	Liz Lawrence	15 ayes; 0 nays	Motion passes unanimously
Consensus reached that Bazer's conduct did not involve Gross Misconduct as defined in Administrative Rule.			
Consensus reached that Bazer's conduct did not involve Misuse of Authority as defined in Administrative Rule.			
Consensus reached that Bazer's conduct did not involve Disregard for the Rights of Others as defined in Administrative Rule.			
Consensus reached that Bazer's conduct did not involve Dishonesty as defined in Administrative Rule.			
The Police Policy Committee reviewed and considered the Aggravating and			

<p>Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The committee found as additional mitigating circumstances the fact that Bazar did the right thing in self-reporting.</p> <p>The committee found no additional aggravating circumstances.</p>			
<p>John Teague makes a motion that after considering the totality of the case that Board action not be taken on Bazar's certification.</p>	<p>Kristine Allison</p>	<p>15 ayes; 0 nays</p>	<p>Motion passes unanimously</p>

Brian Wolfe left the meeting @ 3:00 p.m.

15. Hosek, Ronald DPSST #05927 – Basic, Intermediate, Advanced, and Supervisory Police Certifications

Presented by Kristen Hibberds

Issue: In November 2015, DPSST received a LEADS hit indicating that Hosek had been arrested for Harassment, Disorderly Conduct in the Second Degree (two counts), and Menacing. On June 26, 2017, Hosek plead guilty and was convicted of Menacing. The Harassment and two counts of Disorderly Conduct were dismissed.

The committee recommended tabling the case for now to allow DPSST staff to provide more information involving the arrest.

16. *Chastain, Daniel DPSST #36610 – Basic Police; Basic Police Certification

Presented by Kristen Hibberds

Staff Note: This matter has been stayed pending employment arbitration. This matter may be represented to the PPC in its entirety for reconsideration at a future meeting.

Chris Davis recused himself due to a conflict of interest

Issue: In August 2016, DPSST received a news article regarding Chastain's arrest for DUII, Recklessly Endangering Another Person, Assault in the Fourth Degree, Reckless Driving, Criminal Mischief in the Second Degree, and Official Misconduct in the Second Degree. On August 22, 2017, Chastain plead guilty to DUII, Assault in the Fourth Degree, and Reckless Driving, and the other charges were dismissed. In August 2017,

DPSST received a Personnel Action form (F-4) from the Portland Police Bureau in which they discharged Chastain from employment.

Vote/Consensus	Second	Vote	Outcome
John Teague moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based	Patricia Patrick-Joling	14 ayes; 0 nays; Chris Davis abstaining	Motion passes
By consensus, the PPC found that Chastain's conduct DID involve Gross Misconduct . Chastain, was on call but not on duty, and was involved in a collision after operating a city owned vehicle at a high rate of speed and under the influence of alcohol. Chastain's conduct and collision caused physical injury to another person and was in violation of his agency's policies and procedures. Patricia Patrick-Joling moved that Chastain's Gross Misconduct when considered alone rises to the level to warrant action against the officer's certification.	Craig Lawrence	14 ayes; 0 nays; Chris Davis abstaining	Motion passes
Consensus reached that Chastain's conduct did not involve Misuse of Authority as defined in Administrative Rule.			
Consensus reached that Chastain's conduct did not involve Disregard for the Rights of Others as defined in Administrative Rule.			
Consensus reached that Chastain's conduct involved Dishonesty as defined in Administrative Rule. Chastain was dishonest about how much alcohol he had consumed. Chastain was dishonest by omission and deception during his contact with police. Patricia Patrick-Joling moved that Chastain's Dishonesty when considered alone rises to the level to	Pat Garrett	14 ayes; 0 nays; Chris Davis abstaining	Motion passes

warrant action against the officer's certification.			
<p>The Police Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>The committee found as additional aggravating circumstances the fact that there were three citizens that witnessed the crash and stated that Chastain was driving at a high rate of speed, and his high BAC.</p> <p>The committee found as additional mitigating circumstances that Chastain has met all of his court ordered obligations as well as his acknowledgment that he is struggling with alcohol addiction.</p>			
Patricia Patrick-Joling makes a motion that after considering the totality of the case that Board action is taken on Chastain's certification.	Travis Hampton	14 ayes; 0 nays; Chris Davis abstaining	Motion passes
Consensus reached that Chastain's conduct impacts his ability to be employed as a public safety professional in Oregon.			
Travis Hampton makes a motion that Chastain's Gross Misconduct warrants for ineligibility for ten years.	Patricia Patrick-Joling	14 ayes; 0 nays; Chris Davis abstaining	Motion passes
Travis Hampton makes a motion that Chastain's Dishonesty warrants for ineligibility for a lifetime.	John Teague	14 ayes; 0 nays; Chris Davis abstaining	Motion passes

17. ***Brodeur, Marc DPSST #43446 – Basic, Intermediate and Advanced Corrections and Police Certifications; Yamhill County Sheriff's Office**
Presented by Kristen Hibberds

Issue: In March 2016 a case was opened based on Brodeur's discharge for cause from employment as a Public Safety Professional.

Vote/Consensus	Second	Vote	Outcome
Craig Halupowski moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based	Patricia Patrick-Joling	14 ayes; 0 nays	Motion passes unanimously
Consensus reached that Brodeur's conduct did not involve Gross Misconduct as defined in Administrative Rule.			
Consensus reached that Brodeur's conduct did not involve Misuse of Authority as defined in Administrative Rule.			
Consensus reached that Brodeur's conduct did not involve Disregard for the Rights of Others as defined in Administrative Rule.			
Consensus reached that Brodeur's conduct did involve Dishonesty as defined in Administrative Rule when Brodeur told a supervisor that he did not take a Taser home over the weekend. Travis Hampton moved that Brodeur's Dishonesty when considered alone rises to the level to warrant action against the officer's certification.	Patricia Patrick-Joling	11 ayes; Scott Dillon, Jeff Hering, and John Teague voting nay	Motion passes
The Police Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B). The committee found no additional aggravating or mitigating circumstances.			
Kristine Allison makes a motion that after considering the totality of the case that Board action is taken on Brodeur's certification.	Craig Halupowski	11 ayes; John Teague, Jeff Hering, and	Motion passes

		Scott Dillon voting nay	
Consensus reached that Brodeur's conduct impacts his ability to be employed as a public safety professional in Oregon.			
Craig Halupowski moved that Brodeur's Dishonesty warrants for ineligibility for 10 years.	Patricia Patrick-Joling	10 ayes; Chris Davis, Kristine Allison, Scott Dillon, and John Teague voting nay	Motion passes

18. *Miller, Nicholas DPSST # 51590 – Formerly Employed with the Eugene Police Department; Complaint

Presented by Kristen Hibberds

Issue: On December 4, 2017, DPSST received a complaint alleging misconduct by Nicholas Miller, who had been employed with Eugene Police Department, but is not currently employed as a public safety official in Oregon.

Because these complaints involve an officer who is no longer employed with the agency, they are being presented to the Policy Committee for review and determination of next steps in accordance with OAR 259-008-0070(4)(c)(B).

The complaint was presented to the Police Policy Committee for review.

*Consensus reached that the information contained in the complaint does not warrant further action and **no** further action should be taken.*

19. Department Update

Presented by Eriks Gabliks

The changes approved to the Basic Police Course (Phase 1) were reviewed and approved by the Board at its meeting last month. The changes will be implemented with the Basic Police class starting in April. The Phase 2 work group is being formed and staff will begin working with them to review, update, and propose changes for your consideration.

DPSST was asked to give an update on changes made in the criminal justice professional standards program to a joint meeting of House and Senate Judiciary Committee in

January. Board Chair Sheriff Jason Myers, Professional Standards Division Director Linsay Hale, and I participated in the presentation.

During the 2018 session, DPSST has requested funds for five additional basic police and one additional basic corrections class. DPSST has also provided assistance and testimony on a bill (HB 4056) that was introduced to provide tuition assistance to children of fallen public safety officers (police, corrections, parole and probation, fire, etc.) who desire to attend college.

<https://olis.leg.state.or.us/liz/2018R1/Downloads/MeasureDocument/HB4056>

DPSST is working on its 2019-2021 Agency Request Budget. Enrollment to address retirements will be a primary focus of the agency. DPSST will also request funds to address infrastructure issues as the campus is getting close to twelve years old and items are starting to wear out. DPSST is also discussing with the Oregon Department of Corrections a request to return basic training for newly hired DOC officers to the Academy.

Academy enrollment continues to be strong. The largest numbers are in the basic police course where the statewide estimate is that 1,000 officers (20%) are eligible to retire over the next three years. The Basic Corrections class also continues to see strong numbers. DPSST plans to begin a new Basic Police class every month for the next three years, if warranted, and funded by the legislature, to meet the hiring and training needs of our statewide partners. The February class started with 40 and we have 36 enrolled for March and anticipate that will fill with 40 within the next few days. We are loading students into April which already has 24 enrolled as of this week.

DPSST is working with a group of chaplains who are developing a class specifically for public safety chaplains. The closest class is in Washington and is high demand which means slots for Oregon chaplains are limited. The chaplains group will develop and deliver the class for public safety chaplains who support law enforcement, fire, EMS, and 9-1-1 centers, their staff, and their customers. DPSST will host the class at the Academy free of charge and offer meals and lodging as well.

DPSST's leadership team recently completed a statewide listening tour that focused on its criminal justice partners. This was done because there are so many changes occurring in both standards and training for police, corrections, parole and probation, and 9-1-1 that the specific focus was necessary. More than 80 of the 208 criminal justice agencies DPSST attended. More than 150 attendees participated. The feedback was very good with a common theme statewide regarding increased communications from DPSST to agencies while their students were in the Academy. There was also feedback regarding updating the supervision and middle management training courses.

DPSST has funds available through the Oregon Health Authority to assist with deliver of classes specifically for public safety personnel responding to incidents with people in crisis.

DPSST is hosting Dr. Matthew Bacon from the University of Sheffield (UK) who is visiting the Academy to learn more about our Center for Policing Excellence (CPE) and the exciting work they are doing in our various training programs. Marion County Sheriff Jason Myers, Keizer Police Chief John Teague, Criminal Justice Commission Director Michael Schmidt and others will provide information on our collaborative efforts during Dr. Bacon's visit. Dr. Bacon lectures on Criminology at Sheffield's School of Law. <https://www.sheffield.ac.uk/law/staff/mbacon>

DPSST has been asked by the FBI Portland Division to help support their FBI Youth Camp in July. DPSST is pleased to help and attached please find a flyer that we ask that you share with interested parties.

DPSST will host the State's fallen officer memorial ceremony at the Academy on May 8, 2018 at 1 PM. Everyone is very thankful that no names are being added to the memorial this year.

** 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.*