

Police Policy Committee Minutes August 17, 2017

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 17, 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
Scott Dillon, Non-Management Law Enforcement
Pat Garrett, Oregon Sheriff's Association
Travis Hampton, Superintendent, Oregon State Police
Andy Heider, OSP Command Staff Representative
Chris Davis, Portland Police Bureau (Designee for Chief Marshman)
Murray Rau, Non-Management Law Enforcement
Jeffrey Staples, Non-Management Law Enforcement
Brian Wolfe, Oregon State Sheriff's Association

Absent:

Dale Cummins, Oregon Association of Chiefs of Police

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Mike Leloff, Training Division Director
Mona Riesterer, Professional Standards Assistant
Katrina Robson, Professional Standards Coordinator/Investigator
Kristen Hibberds, Professional Standards Coordinator/Investigator
Jennifer Howald, Rules Coordinator
Jordan James-Largent, CJ Training/Scheduling Specialist

Guests:

Jennifer Bjorhus, Star Tribune Minneapolis
Photographer, Minneapolis Star Tribune (name unclear)
Thomas Ianieri
Cory Hogg, Clackamas County Sheriff's Office
Mitch Beyer, Clackamas County Sheriff's Office
Chad Owens, Bend Police Department

Rebecca Woolington, The Oregonian
Carli Brosseau, The Oregonian
Jamie Rogers
Taylor Lawrence
Mark Banks, Oregon State Police
Roger Thorsvold (phone)



1. Introductions

Introductions of members, guest and staff were presented.

2. Minutes of May 18, 2017

Approve the minutes of the May 18, 2017 Police Policy Committee meeting.

To see a complete record of the May 18, 2017 Police Policy Committee minutes, please go to:

<http://www.oregon.gov/dpsst/BD/pages/policepolicycommitteemeetingminutes.aspx>

- *John Bishop moved that the committee approve the minutes of the May 18, 2017 Police Policy Committee meeting. Travis Hampton seconded the motion. The motion carried unanimously.*

3. *OAR 259-008-0010 – Proposed Rule Change; HB 2594 Changes to Citizenship Requirements for Certification

Presented by Jennifer Howald

During the 2017 legislative session, the Oregon legislature passed House Bill 2594. This bill allows a person who is a nonimmigrant legally in the United States under a Compact of Free Association to become certified as a corrections officer, a parole and probation officer or a police officer.

The changes to the Oregon Revised Statutes that identify the citizenship requirements for certification as a corrections officer, parole and probation officer and a police officer become effective January 1, 2018. OAR 259-008-0010 outlines the minimum standards for employment as a law enforcement officer and will need to be amended to reflect the statutory changes resulting from the passage of HB 2594.

DPSST staff is facilitating the permanent rulemaking process now to ensure that adequate timelines allow for permanent rule changes to be filed and become effective January 1, 2018 to coincide with the statutory changes.

- *John Bishop moved to recommend to the Board filing the proposed language for OAR 259-008-0010 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Travis Hampton seconded the motion. The motion carried unanimously.*

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

(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.

4. *Rogers, Jamie DPSST #36661; Request for Eligibility

Presented by Kristin Hibberds

*Pat Garrett recused himself due to conflict of interest
Murray Rau recused himself due to conflict of interest.*

Rogers' case was reviewed by the PPC on April 22, 2010 and they voted six in favor and four opposed to revoke Rogers certifications based on his discretionary disqualifying misconduct.

A Notice of Intent to Revoke was issued based on the PPC's vote and Rogers requested an Administrative Hearing. Prior to the Administrative Hearing Rogers stipulated to the revocation of his certifications with an ineligibility period of 3 years.

DPSST requests that the PPC review Rogers' written request for an eligibility determination and recommend to the Board whether or not Rogers' eligibility to apply for certification should be restored.

John Teague moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Brian Wolfe seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Rogers's behavior did not involve any **Mitigating Circumstances** or **Aggravating Circumstances**.

Jeff Staples recommends that the Police Policy Committee finds that Roger's eligibility to apply for police certifications **be restored** and recommends such to the Board. Chris Davis seconded the motion. The motion carried unanimously with two recusals.

5. *Ianieri, Thomas DPSST #37706 – Medford Police Department; Reconsideration of Previous Recommendation Requested by Board; Basic, Intermediate, Advanced and Supervisory Police Certifications

Presented by Kristen Hibberds

Kristine Allison recused herself due to conflict of interest

In October 2016, DPSST received an F-4 regarding Ianieri's separation from Medford Police Department (MPD). DPSST requested all of the information surrounding his separation and Settlement Agreement.

On May 18, 2017, the Police Policy Committee met and recommended to the Board that Ianieri's certifications not be revoked.

On July 27, 2017, the Board on Public Safety Standards and Training voted to return this matter to the PPC for consideration based on the fact that Ianieri was employed as a Sergeant with the MPD and therefore served as a leader and role model and the egregious nature of his conduct should be re-reviewed in light of his role as a leader with the MPD.

Thomas Ianieri presented verbal mitigation.

John Teague moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Jeff Staples seconded the motion. The motion carried with 11 voting aye, and Kristine Allison abstaining.

By discussion and consensus, the committee determined that Ianieri's behavior did involve **Gross Misconduct** as defined in Administrative Rule, in that there is strong evidence in the record that Ianieri damaged the efficient operation of the agencies by creating a hostile work environment which has significant and negative effects on female subordinates. Ianieri made inappropriate comments, inappropriate comments in text, photos, pinning subordinate staff against each other, releasing confidential personnel information, and retaliatory behavior.

Scott Dillon moved that the Police Policy Committee find that Ianieri's **Gross Misconduct** does not rise to the level to warrant Board action when considered alone. Jeff Staples seconded the motion. The motion failed with Jeff Staples, Scott Dillon, Jeff Hering, and Murray Rau voting aye, and John Teague, John Bishop, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, and Brian Wolfe voting nay, Kristine Allison abstaining.

John Teague presented a new motion that the Police Policy Committee find that Ianieri's Gross Misconduct does rise to the level to warrant Board action when considered alone. John Bishop seconded the motion. The motion carried with John Teague, John Bishop, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, and Brian Wolfe voting aye, and Jeff Staples, Scott Dillon, Jeff Hering, Murray Rau voting nay, and Kristine Allison abstaining.

By discussion and consensus, the committee determined that Ianieri's behavior did involve **Misuse of Authority** as defined in Administrative Rule due to the fact that Ianieri shared confidential information with individual staff members about other staff members.

John Bishop moved that the Police Policy Committee find that Ianieri's **Misuse of Authority** does not rise to the level to warrant Board action when considered alone. John Teague seconded the motion. The motion carried with Jeff Hering, John Teague, John Bishop, Scott Dillon, Travis Hampton, Andy Heider, Chris Davis, Murray Rau, Jeff

Staples, and Brian Wolfe voting aye, Pat Garrett voting nay, and Kristine Allison abstaining.

By discussion and consensus, the committee determined that Ianieri's behavior did involve **Disregard for the Rights of Others** when Ianieri sent texts to employees about other employees, and made disparaging remarks and comments, creating a hostile work environment for the agency.

Travis Hampton moved that the Police Policy Committee find that Ianieri's **Disregard for the Rights of Others** as defined in administrative rule, does not rise to the level warrant Board action. Murray Rau seconded the motion. The motion passed with Jeff Herring, John Teague, John Bishop, Scott Dillon, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Murray Rau, and Jeff Staples voting aye, Brian Wolfe voting nay, and Kristine Allison abstaining.

By discussion and consensus, the committee determined that Ianieri's behavior did not involve **Dishonesty** as defined in Administrative Rule.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that the totality of the situation was an additional **Aggravating Circumstance**. Ianieri should have known better as his position of supervisor is held at a higher standard.

By discussion and consensus, the committee determined that Ianieri's behavior did involve additional **Mitigating Circumstances** based on the fact that the records show that Ianieri was a good employee up until the time of the incident. Ianieri was in the armed services.

After reviewing the totality of the case, Jeff Staples voted to recommend the Board **not** take action on Ianieri's certification. Scott Dillon seconded the motion. The motion passed with seven ayes, Brian Wolfe, Pat Garrett, and John Bishop voting nay, and Kristine Allison abstaining.

6. ***Owens, Chad DPSST #56493; Bend Police Department – Application for Training and Subsequent Police Certifications**

Presented by Katrina Robson

The issue in this case is Owen's conduct in his arrests and subsequent conviction of a Minor in Possession of an Alcoholic Beverage and Criminal Mischief II and whether his Application for Training and subsequent certification should be denied as a result.

Chad Owen's presented verbal mitigation.

Pat Garrett moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Brian Wolfe seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Owen's behavior did involve **Gross Misconduct** based on the criminal acts and Owen's behavior.

John Bishop moved that the Police Policy Committee find that Owen's **Gross Misconduct** does not rise to the level to warrant Board action when considered alone. Brian Wolfe seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Owen's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that behavior did involve **Disregard for the Rights of Others** as defined in Administrative Rule based the fact that Owen caused damage to the victim's vehicle using his pick-up truck.

Brian Wolfe moved to that the Police Policy Committee find that Owen's **Disregard for the Rights of Others** does not rise to the level to warrant Board action when considered alone. John Bishop seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Owen's behavior did not involve **Dishonesty** as defined in Administrative Rule.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that Owen's behavior did not involve any additional **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Owen's behavior did involve additional **Mitigating Circumstances** by the letters written on his behalf by the Chief of his department.

After considering the totality of the circumstances, Jeff Staples moved that the Police Policy Committee recommend that the case **does not** warrant Board action. Murry Rau seconded the motion. The motion carried unanimously.

7. ***Hogg, Cory DPSST #57151; Clackamas County Sheriff's Office – Application for Training and Subsequent Police Certification**

Presented by Katrina Robson

The issue in this case is Hogg's conduct in his arrest and subsequent conviction of DUII and whether his Application for Training and subsequent certification should be denied as a result.

John Teague moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Andy Heider seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Hogg's behavior did involve **Gross Misconduct** by being convicted of a crime.

John Bishop moved that the Police Policy Committee find that Hogg's **Gross Misconduct** does not rise to the level to warrant Board Action. Murray Rau seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Hogg's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Hogg's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that Hogg's behavior did not involve any additional **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Hogg's behavior did involve additional **Mitigating Circumstances** based upon that fact that it has been over fourteen years since the incident. Hogg's stated that he has learned from his actions based on the statement attached to his explanation on his application for training.

After considering the totality of the circumstances, Brian Wolfe moved that the Police Policy Committee recommend that the case **does not** warrant Board action. John Bishop seconded the motion. The motion carried unanimously

8. ***Lawrence, Taylor DPSST #51838; Corvallis Police Department- Basic Intermediate Police Certifications**

Presented by Katrina Robson

The issue in this case is Lawrence's conduct leading to his resignation and whether his Basic and Intermediate Police certification should be revoked.

Chris Davis moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Travis Hampton seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Lawrence's behavior did not involve **Gross Misconduct** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Lawrence's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Lawrence's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Lawrence's behavior did not involve **Dishonesty** as defined in Administrative.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that Lawrence's behavior did not involve additional **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Lawrence's behavior did involve additional **Mitigating Circumstances** In that his actions had meritorious intent and at worst his behavior/actions were naïve.

After considering the totality of the circumstances, Pat Garrett moved that the Police Policy Committee recommend that the case **does not** warrant Board action. Jeff Staples seconded the motion. The motion carried unanimously

9. ***Thorsvold, Robert DPSST #51402; Bend Police Department – Basic, Intermediate Police Certifications)**

Presented by Katrina Robson

The issue in this case is Thorsvold's conduct leading to this resignation in lieu of termination and whether his certifications should be revoked as a result.

Brian Wolfe moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Travis Hampton seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Thorsvold's behavior did involve **Gross Misconduct** as defined in Administrative Rule based upon Thorsvold's repeated conduct even after training had been provided to him. By falsely arresting an individual this causes a danger or risk to persons, which goes against the efficient operation of agency policies. His behavior shows a pattern of being reckless if not intentional, which ultimately becomes the responsibility of the individual not the agency.

Travis Hampton moved that the Police Policy Committee find that Thorsvold's **Gross Misconduct** does rise to the level to warrant Board action when considered alone. Brian Wolfe seconded the motion. The motion carried with eleven ayes, Murray Rau and John Teague voting nay.

By discussion and consensus, the committee determined that Thorsvold's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Thorsvold's behavior did involve **Disregard for the Rights of Others** as defined in Administrative Rule due to Thorsvold's violation of the subject's rights and his demonstrated disregard for the constitutional rights of others.

Travis Hampton moved that the Police Policy Committee find that Thorsvold's **Disregard for the Rights of Others** does rise to the level to warrant Board action when considered alone. Chris Davis seconded the motion. The motion carried with ten ayes and John Teague and Murray Rau nay. (Kris Allison did not vote.)

By discussion and consensus, the committee determined that Thorsvold's behavior did not involve **Dishonesty** as defined in Administrative Rule.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that Thorsvold's behavior did not involve any additional **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Thorsvold's behavior did involve additional **Mitigating Circumstances** due to the letter received from the Chief. Also that Thorsvold received no less than six letters of accommodation during his tenor. His peers describe him as highly energetic and self-motivated.

After considering the totality of the circumstances, John Teague moved that the Police Policy Committee recommend that the case **does not** warrant Board action. Murray Rau seconded the motion. The motion failed with Jeff Hering, John Teague, Scott Dillon, and Murray Rau voting aye, and Kristine Allison, John Bishop, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Jeff Staples and Brian Wolfe voting nay.

After considering the totality of the circumstances, Travis Hampton moved that the Police Policy Committee recommend that the case **does** warrant Board action. Pat Garrett seconded the motion. The motion carried with Kristine Allison, John Bishop, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Jeff Staples and Brian Wolfe voting aye, Murray Rau, Jeff Hering, John Teague, and Scott Dillon nay.

By consensus, the Police Policy Committee members feel that Thorsvold's behavior impacts his ability to serve as a police officer due to Thorsvold's history of cutting corners with respect to the constitution. This is the core of what a public safety represents; it shows a lack of substance of his ability to demonstrate the aptitude of being in the role of a police officer.

Chris Davis moved that the committee recommends to the Board that Thorsvold's **Gross Misconduct** warrants Thorsvold's ineligibility to hold certification for a period of three years. Brian Wolfe seconded the motion. The motion carried unanimously.

Chris Davis moved that the committee recommends to the Board that Thorsvold's **Disregard for the Rights of Others** warrants Thorsvold's ineligibility to hold certification for a period of three years. Travis Hampton seconded the motion. The motion carried unanimously.

The Police Policy adjourned at 12:25 p.m. for a break and reconvened at 12:50 p.m.

10. *Shipley, Joseph DPSST #24794; Yamhill county Sheriff's Office – Basic, Intermediate, Advanced, Supervisory , and Management Police Certifications and Instructor Certifications

Presented by Katrina Robson

*Jeff Hering recused himself due to conflict of interest.
Murray Rau recused himself due to conflict of interest.*

Vice Chair, John Teague served as Chair.

The issue in this case is Shipley's conduct leading to his resignation during an internal affairs investigation and whether his Police certifications should be revoked.

This case was originally presented during the May Police Policy Committee (PPC), but was postponed until the August PPC so that additional documentation could be obtained for Committee members. The additional information was obtained and attached to the exhibits presented to the members.

By consensus, it was decided to by the Police Policy Committee to Table this case again pending the receipt of further information for consideration.

11. *Bubar, Alexander DPSST #46589; Columbia City Police Department- Application for Training and Subsequent Police Certification

Presented by Katrina Robson

The issue in this case is Bubar's conduct in his arrest and subsequent conviction of Minor in Possession of an Alcoholic Beverage and whether his Application for Training and subsequent certification should be denied as a result.

Chris Davis moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Andy Heider seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Bubar's behavior did involve **Gross Misconduct** as defined in Administrative Rule based on the criminal offense and guilty finding.

John Bishop moved that the Police Policy Committee find that Bubar's **Gross Misconduct** does not rise to the level to warrant Board action when considered alone. Travis Hampton seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Bubar's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Bubar's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Bubar's behavior did not involve **Dishonesty** as defined in Administrative Rule.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that Bubar's behavior did not involve any additional **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Bubar's behavior did involve additional **Mitigating Circumstances** based upon Bubar was eighteen years old at the time of the incident which was fourteen years ago. Bubar has served as a reserve police officer for over ten years. He has also nearly completed his bachelor's degree in Criminal Justice Administration. In the letter presented to the Police Policy Committee, Bubar took full responsibility for his poor decision that he had made at that early point of his life. Additionally, there was a letter of support from the Chief.

After considering the totality of the circumstances, Pat Garrett moved that the Police Policy Committee recommend that the case **does not** warrant Board action. Jeff Staples seconded the motion. The motion carried unanimously

12. *Livingston, Ariel DPSST # 57429; Portland Police Bureau – Application for Training and Subsequent Police Certification

Presented by Katrina Robson

Chris Davis recused himself due to conflict of interest.

The issue in this case is Livingston's conduct in her arrest and subsequent conviction of person Under 21 Attempt to Purchase Alcoholic Beverages and whether her Application for Training and subsequent certification should be denied as a result.

John Teague moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Travis Hampton seconded the motion. The motion carried with twelve ayes and Chris Davis abstaining.

By discussion and consensus, the committee determined that Livingston's behavior did involve **Gross Misconduct** as defined in Administrative Rule based upon the violation of the law.

John Bishop moved that the Police Policy Committee find that Livingston's **Gross Misconduct** does not rise to the level to warrant Board action when considered alone. John Teague seconded the motion. The motion carried with twelve ayes and Chris Davis abstaining.

By discussion and consensus, the committee determined that Livingston's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Livingston's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Livingston's behavior did not involve **Dishonesty** as defined in Administrative Rule.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that Livingston's behavior did not involve any additional **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Livingston's behavior did not involve any additional **Mitigating Circumstances**.

After considering the totality of the circumstances, Murray Rau moved that the Police Policy Committee recommend that the case **does not** warrant Board action. Jeff Staples seconded the motion. The motion carried with twelve ayes and Chris Davis abstaining.

13. *Watlamet, Phillip DPSST #27236; Columbia river Inter-Tribal Fisheries – Basic, Intermediate, and Advanced Police Certifications

Presented by Katrina Robson

The issue in this case is Watlamet's conduct leading to his termination and whether his Police certifications should be revoked as a result.

Jeff Staples moved that the Police Policy Committee adopt the staff report as the record upon which its recommendations are based. Pat Garrett seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Waltamet's behavior did involve **Gross Misconduct** as defined in Administrative Rule When he seized and stored a fishing net offsite at his mother's residence, by failing to follow policy and procedures in reference to the use of the body camera and report writing; all of which impacts the efficient operations of the agency.

Travis Hampton moved that the Police Policy Committee find that Waltamet's **Gross Misconduct** does rise to the level to warrant Board action when considered alone. John Bishop seconded the vote. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Scott Dillon, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Jeffrey Staples, and Brian Wolfe voting aye, and Murray Rau and John Teague voting nay.

By discussion and consensus, the committee determined that Waltamet's behavior did involve **Misuse of Authority** as defined in Administrative Rule when Waltamet used his position as a police officer to seize a gillnet from a citizen and took it to his mother's residence and depriving the owner of its use.

Chris Davis moved that the Police Policy Committee find that Waltamet's **Misuse of Authority** does rise to the level to warrant Board action when considered alone. John Bishop seconded the motion. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Scott Dillon, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Murray Rau, Jeff Staples and Brian Wolfe voting aye, and John Teague voting nay.

By discussion and consensus, the committee determined that Waltamet's behavior did involve **Disregard for the Rights of Others** as defined in Administrative Rule by depriving the use of the net by the rightful owner.

Travis Hampton moved that the Police Policy Committee find that Waltamet's **Disregard for the Rights of Others** does rise to the level to warrant Board action when considered alone. John Bishop seconded the motion. The motion carried with twelve ayes, John Teague voting nay.

By discussion and consensus, the committee determined that Waltamet's behavior did involve **Dishonesty** as defined in Administrative Rule by Waltamet's plan to keep the net based upon the preponderance of evidence which is considered theft.

Jeff Staples moved that the Police Policy Committee find that Waltamet's **Dishonesty** does rise to the level to warrant Board action when considered alone. Chris Davis seconded the motion. The motion carried with eleven ayes and John Teague and Murray Rau voting nay.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that Waltamet's behavior did not involve any additional **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Waltamat's behavior did involve additional **Mitigating Circumstances** including that key evidence wasn't provided for consideration by the PPC including interviews and phone/text logs.

After considering the totality of the circumstances, Pat Garrett moved that the Police Policy Committee recommend that the case **does** warrant Board action. John Bishop seconded the motion. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Scott Dillon, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Jeff Staples, and Brian Wolfe voting aye, and John Teague and Murray Rau voting nay.

By consensus the Police Policy Committee members feel that Waltamat's behavior impacts his ability to serve as a police officer due to gross negligence and sloppiness, a lack of trust that he will fulfill his job properly. The behavior precludes Waltamat from being a police officer because it shows deceitfulness and gross negligence whether it was on accident or on purpose.

Chris Davis moved that the committee recommends to the Board that Waltamat's **Dishonesty** warrants ineligibility to hold certification for life. Pat Garrett seconded the motion. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Scott Dillon, Pat Garrett, Travis Hampton, Chris Davis, Jeff Staples, and Brian Wolfe voting aye, Andy Heider, John Teague, and Murray Rau voting nay.

Kristine Allison moved that the committee recommends to the Board that Waltamat's **Disregard for the Rights of Others** warrants ineligibility to hold certification for fifteen years. Pat Garrett seconded the motion. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Scott Dillon, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Jeff Staples, and Brian Wolfe voting aye, John Teague and Murray Rau voting nay.

Jeff Staples moved that the committee recommends to the Board that Waltamat's **Misuse of Authority** warrants ineligibility to hold certification for ten years. Kristine Allison seconded the motion. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Scott Dillon, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Jeff Staples, and Brian Wolfe voting aye, and John Teague, and Murray Rau voting nay.

John Bishop moved that the committee recommends to the Board that Waltamat's **Gross Misconduct** warrants ineligibility to hold certification for ten years. Brian Wolfe seconded the motion. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Scott Dillon, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Jeff Staples, and Brian Wolfe voting aye, John Teague, and Murray Rau voting nay.

14. *Rathbun, Douglas DPSST #03086; Basic, Intermediate, Advanced, Supervisory, Management, and Executive Police Certifications

Presented by Katrina Robson

The issue in this case is Rathbun's conduct that led to his arrest and subsequent conviction of Animal Neglect in the Second Degree and whether his Police certifications should be revoked as a result.

John Bishop moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. John Teague seconded the motion. The motion carried unanimously

By discussion and consensus, the committee determined that Rathbun's behavior did involve **Gross Misconduct** as defined in Administrative Rule based on the conviction of the crime of Animal Neglect in the Second Degree

John Bishop moved that the Police Policy Committee find that Rathbun's **Gross Misconduct** does rise to the level to warrant Board action when considered alone. John Teague seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Rathbun's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Rathbun's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Rathbun's behavior did involve **Dishonesty** as defined in Administrative Rule due to Rathbun's story was implausible and several witness's placed Rathbun's car in the vicinity.

John Teague moved that the Police Policy Committee find that Rathbun's **Dishonesty** does not rise to the level to warrant Board action when considered alone. Murray Rau seconded the motion. The motion failed with four ayes and eight nays.

Travis Hampton proposed a new motion for the Police Policy Committee to find that Rathbun's Dishonesty does rise to the level to warrant Board action when considered alone. Scott Dillon seconded the motion. The carried with eight ayes and four nays.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that Rathbun's behavior did not involve any additional **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Rathbun's behavior did involve additional **Mitigating Circumstances** due to Rathbun worked for the citizens for the State of Oregon from 1967-2001. Most of his time was spent in management or Chief of Police. Rathbun has not been in law enforcement for sixteen years.

After considering the totality of the circumstances, John Bishop moved that the Police Policy Committee recommend that the case **does** warrant Board action. John Teague seconded the motion. The motion carried unanimously.

By consensus, the Police Policy Committee members feel that Rathbun's behavior impacts his ability to serve as a police officer due to the criminal conviction. The lack of empathy for the suffering dog and his lack of honesty play a vital role in his ability to serve as a police officer.

Pat Garrett moved that the committee recommends to the Board that Rathbun's **Dishonesty** warrants ineligibility to hold certification for ten years. Brian Wolfe seconded the motion. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Murray Rau, Jeff Staples, and Brian Wolfe voting aye, and John Teague, and Scott Dillon voting nay.

John Bishop moved that the committee recommends to the Board that Rathbun's **Gross Misconduct** warrants ineligibility to hold certification for ten years. Chris Davis seconded the motion. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Murray Rau, Jeff Staples, and Brian Wolfe voting aye, and John Teague, and Scott Dillon voting nay.

15. Kimble, Kurtis DPSST #34515 DPSST # 34515; Basic and Intermediate Police Certification

Presented by Katrina Robson

The issue in this case is Kimble's conduct that led to his arrest and subsequent conviction of Disorderly conduct in the Second Degree and whether his police certification should be revoked as a result.

Murray Rau moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Jeff Staples seconded the motion. The motion carried unanimously

By discussion and consensus, the committee determined that Kimble's behavior did involve **Gross Misconduct** as defined in Administrative Rule based his conviction of Disorderly Conduct in the Second Degree.

Travis Hampton moved that the Police Policy Committee find that Kimble's **Gross Misconduct** does rise to the level to warrant Board action when considered alone. Brian Wolfe seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Kimble's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Kimble's behavior did involve **Disregard for the Rights of Others** as defined in Administrative Rule by putting his hands on someone else and preventing them from leaving.

Travis Hampton moved that the Police Policy Committee find that Kimble's Disregard for the Rights of Others does rise to the level to warrant Board action when considered alone. Jeff Staples seconded the motion. The motion carried with Jeff Hering, Kristine Allison, John Bishop, Scott Dillon, Pat Garrett, Travis Hampton, Andy Heider, Chris Davis, Murray Rau, Jeff Staples, and Brian Wolfe voting aye, and John Teague voting nay.

By discussion and consensus, the committee determined that Kimble's behavior did involve **Dishonesty** as defined in Administrative Rule due to Kimble's statement to the Oregon State Police Trooper that he did not place his hands on the victim, but this is contrary to the victim and witness statements as well as there were marks on the victim's neck.

Travis Hampton moved that the Police Policy Committee find that Kimble's **Dishonesty** does rise to the level to warrant Board action when considered alone. Pat Garrett seconded the motion. The motion carried unanimously.

Staff presented aggravating and mitigating circumstances for consideration as required by OAR 259-008-0070.

By discussion and consensus, the committee determined that Kimble's behavior did involve additional **Aggravating Circumstances** by the statements made in the report show Kimble has an explosive temper.

By discussion and consensus, the committee determined that Kimble's behavior did involve additional **Mitigating Circumstances** due to the fact that Kimble has been out of law enforcement for sixteen years.

After considering the totality of the circumstances, Travis Hampton moved that the Police Policy Committee recommend that the case **does** warrant Board action. Brian Wolfe seconded the motion. The motion carried unanimously.

By consensus, the Police Policy Committee members feel that Kimball's behavior impacts his ability to serve as a police officer due to indications of significant impulse control issues that show up in the case presented. His temperament shows that when grabbed the individual by the neck he denied it adamantly.

Pat Garrett moved that the committee recommends to the Board that Kimball's **Dishonesty** warrants an ineligibility to hold certification for life. John Bishop seconded the motion. The motion carried unanimously.

John Bishop moved that the committee recommends to the Board that Kimball's **Disregard for the Rights of Others** warrants an ineligibility to hold certification for 15 years. Chris Davis seconded the motion. The motion carried unanimously.

Jeff Staples moved that the committee recommends to the Board that Kimball's **Gross Misconduct** warrants an ineligibility to hold certification for ten years. John Bishop seconded the motion. The motion carried unanimously.

16. Department Update

Linsay Hale presented –

- Linsay reminded the group of the recent change in the citizen complaint process. These changes include bringing complaints against individuals that are no longer employed, complaints against elected officials and complaints against officers whose employing agency is non-responsive to the policy committee for review and determination of next action.
- The new rule does allow for a broader scope in regards to administrative closures. Staff will present a “consent agenda-like” memo for affirmation of staff recommendation to close cases.
- Linsay wanted to recognize for the record that there was a case that was on the original agenda for Scott Johnson in which the Board requested re-review. This case was pulled from the agenda due to a stipulated order.
- The Board approved staff altering the process in which DPSST handles the administrative rules. The new process will allow DPSST to file the rule permanently for public comment after Policy Committee review and approval. This will allow all the public comments period to occur prior to Board review/approval.. If there are comments, they will be presented to the policy committee. This will shorten the amount of time it takes to file a permanent rule by approximately 3 months.
- The bill passed to add public members to the body of all the policy committees. This will take effect January 1, 2018. Staff will present an OAR outlining the selection process to the Board in October for approval.
- DPSST is piloting equipment that would allow the Broadcasting of these meetings over the internet.
- DPSST is coordinating with our agency partners on changes to how records are managed internally that would allow the publishing of staff reports online.
- The CJ IRIS has been expanded to include the employment history of all actively employed and non-active officers to assist with background investigations. The Board has asked staff to evaluate operationally how officer separations from employment are handled by DPSST. Staff's recommendation will be presented to the Board in October.

Eriks Gabliks reported –

- The 79th Oregon legislative session is over. All of the Bills approved by the Board for DPSST are in route to Governor Brown's office for review and anticipated signature. A bill regarding racial profiling, which would add a number of positions within our Center for Policing Excellence, was approved in the final hours of the session.
- Eriks shared that a bill was approved during the session that would allow those in the United States under the Compact of Free Association (COFA) to serve as police officers, corrections officers and parole and probation officers. Current statutory language requires that applicants be citizens of the United States. COFA is a unique treaty between the United States and three island nations; Republic of the Marshall Islands, Federated States of Micronesia, and the Republic of Palau. Under the Compact, the Islanders from these nations are entitled to live, work and study in the United States. This bill was a topic of discussion at the Keizer law enforcement community forum that was held last year and attended by the region's law enforcement leaders. This bill would help agencies diversify their work forces.
- A bill introduced at the request of the Oregon Association of Chiefs of Police and the Oregon State Sheriff's Association to clarify language within the Oregon Revised Statute regarding billing for officers who leave one law enforcement agency for another within their first three years of employment has had a hearing and is moving forward through the process. This language is contained with DPSST statutes and DPSST staff helped facilitate the discussion.
- On the fiscal front, the DPSST budget for the 2017-2019 biennium was approved. The budget reduced the number of Basic Police classes in the 2017-2019 biennium by two 16-week classes. This reduces the number of APT hours we have available but does not affect any full-time positions at DPSST. If the current retirement/hiring trend continues we will be asking the E-Board for funds for additional classes in the Fall of 2018.
- To address the 1.6 billion shortfall the State is facing in the 2017-2019 biennium, the end of session bill included an across the board budget reduction in services and supplies, and delay of hiring vacant positions, to make up the shortfall. The impact to DPSST is approximately 1.2 million dollars. DPSST will need to make reductions internally but will not reduce the number of classes scheduled.
- Eriks thanked all of the organizations and agencies for their support during the 2017 legislative session. Eriks also thanked Linsay Hale, Jennifer Howald, and the DPSST Business Division for their work during the session.
- DPSST's Training Division continues to focus on the students' experience while at the Academy. DPSST is in the process of converting seven Public Safety Training Specialist 1 (PSTS-1) position from a mix of part-time, casual, employees to full-time

so that there is more consistency in classes and more reliable staffing. Part-time trainers will still serve an important role in the agency but with the number of basic classes being currently offered there are often times that there are not enough part-time trainers available. 56 applications were received and are being reviewed by staff and constituents.

- DPSST is continuing its review of the Basic Police Course. This is a comprehensive stem to stern review of the 16-week class that will take the program down to the frame and rebuild it. All recommendations will be shared with the PPC and the Board before the final changes are implemented. A very active work group that includes law enforcement professionals from various size agencies and organizational positions, along with citizens, are busy with the project. Eriks anticipates the process will take approximately one year to complete. DPSST's Center for Policing Excellence is overseeing the project as the curriculum section is located within this unit.
- Academy enrollment numbers remain steady. At the beginning of the week, one seat was available in the May Basic Police Class and three seats were available in the June Basic Police Class. Since that time, all of the seats have been filled with newly hired officers now being enrolled into the August class. DPSST staff continues to work with agencies to address their hiring needs and maintain on-going communications. The concern for staff is still the large number of certified law enforcement personnel who are eligible to retire.
- Jim De Sully, a retired Assistant Chief from the Tigard Police Department was hired to fill-in as the Tactical and Skills Training Section Manager. This will be a temporary position which will last no longer than one (1) year. Jim has over 30 years of experience with police departments in Cannon Beach, Lincoln City and Tigard. He worked his way through the ranks to Assistant Chief where he retired last year. Jim began with DPSST August 7th. The first three to six months will be assisting the leadership team with the management of the skills and tactical staff, assist with the full-time hiring of a PEM E/ Skills Manager, recruiting & hiring full-time PSTS 1 and APT's and working on projects reviewing policy and processes to make us more effective. Jim is an accomplished executive and brings a lot of experience to our Training Division and DPSST.
- Mike Herb has successfully completed a multi-stage hiring process for the Academy Operations Manager. Mike is a 30-year law enforcement veteran with Forest Grove Police Department and will retire as a Captain to accept the position here at DPSST. He worked various assignments over the years and spent the last seven years as a Captain, reporting directly to the Chief of Police. He has enjoyed a successful career and is looking forward to joining our team. His knowledge and experience will undoubtedly be an asset to us.
- On August 21, DPSST staff and Academy students participated in a campus-wide fire drill and many remained outside to partake in the 2017 total solar eclipse at the

Oregon Public Safety Academy. The eclipse was amazing and the fire drill identified some issues with the new fire alarm system that are being addressed by DPSST facilities and the vendor.

DPSST helped lodge ODF pilots, OEM and FEMA personnel, and a helicopter attack wildfire rappel team from Alberta, Canada who stayed in our dorms during the eclipse weekend.

17. Next Regular Scheduled Meeting – November 16, 2017 @ 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.*