

Police Policy Committee Minutes

November 15, 2018

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 15, 2018 at the Department of Public Safety Standards and Training located in Salem, Oregon. Chair John Teague called the meeting to order at 10:00 a.m.

Committee Members:

John Teague, Chair, Oregon Association of Chiefs of Police
Liz Lawrence, Non-Management Law Enforcement
Loren ‘Renn’ Cannon, Federal Bureau of Investigations (phone)
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 Outlaw) (phone)(left at 11:50, came back at 1:05)
Craig Zanni, Oregon State Sheriff’s Association (phone)
Zachary Kenney, Non-Management Law Enforcement
Kristine Allison, Oregon Association of Chiefs of Police (phone)
Mark Rauch, Public Member

Committee Members Absent:

Brian Wolfe, Vice Chair, Oregon State Sheriff’s Association
Bradley Robertson, Non-Management Law Enforcement
Laurence (Craig) Halupowski, Non-Management Law Enforcement
Dale Cummins, Oregon Association of Chiefs of Police

Guests:

Stephen Craig
Jeffrey & Mrs. Charpilloz

DPSST Staff:

Linsay Hale, Professional Standards Division Director
Mike Leloff, Training Division Director
Kristen Hibberds, Professional Standards Coordinator/Investigator
Jennifer Howald, Administrative Rules Coordinator
Alicia Robb, Criminal Justice Office Specialist
Marsha Morin, Criminal Justice Certification Program Manager
Sara Stewart, Learning & Performance Specialist
Annie Rexford, Criminal Justice Research Analyst



1. Introductions

Introductions of members, guest and staff were presented.

2. Minutes of August 16, 2018 Meeting

Approve the minutes of the August 16, 2018 Police Policy Committee.

- *Travis Hampton moved that the committee approve the minutes of the August 16, 2018 Police Policy Committee meeting. John Teague seconded the motion. The motion carried unanimously.*

3. *Approval for Changes to the Basic Police Curriculum

Presented by Staci Yutzie

The DPSST Training Division requests the approval of the Phase 2 Basic Police Revision Advisory Panel to make modifications to the Basic Police curriculum based on a review completed in October by the Advisory Panel and the Center for Policing Excellence. In November, 2017, the Board on Public Safety Standards and Training approved Phase 1 of the Basic Police Revision. The current proposal is the next step in the comprehensive revision. The proposed changes reflect the revised content and course hours for Phase 2.

- *Zachary Kenney moved to recommend approval of the proposed Phase 2 changes to the DPSST Basic Police curriculum. Mark Rauch seconded the motion. The motion carried unanimously.*

4. *Proposed Rule Changes for OAR 259-008-0085; Updates the Rule for Consistency and to Reflect the Current Regulatory Specialist FTM Version

Presented by Jennifer Howald

Issue: The amendments in this proposed rule address general consistency and provide an update for the current version of the regulatory specialist field training manual.

- *Mark Rauch moved to recommend the Board adopt the changes as proposed and that the Board approve filing the changes to OAR 259-008-0085 as a permanent rule change with the Secretary of State if no comments are received. Zachary Kenney seconded the motion. The motion passed unanimously.*
- *By consensus the committee found no overall fiscal or economic impact and no cost of compliance.*

5. *Administrative Closures

Presented by Kristen Hibberds

Officer	Certifications	Summary	Flagged for Review (if hired in future)
Roberts, Thomas #55857 Cottage Grove PD	Basic	Separation – Related to performance only.	No
Foxworthy, Cody #58111 Portland Police Bureau	None	Separation – Cheating on an exam	Yes

Horwath, John #58761 Winston PD	None	Separation – Untruthful during background about illicit drug use.	Yes
Sobremeonte, Christopher #57811 Sweet Home PD	None	Separation – Untruthful during background about illicit drug use.	Yes
Manley, Joel #27139 Clackamas County SO	Advanced	Separation – Allegations were not sustained.	No
Christensen, Kari #40679 Hillsboro PD	Advanced	Separation – Investigation related to performance with allegations of dishonesty. Insufficient evidence to support dishonesty.	No
Grindle, Travis #43070 Lakeview PD	Supervisory	Separation – Allegation of dishonesty. Insufficient evidence to support dishonesty.	No

- *Zachary Kenney moved to approve the recommendations made by staff to administratively close the above listed cases. Travis Hampton seconded the motion. The motion carried unanimously.*

6. ***White, Larissa DPSST #52624 – Basic Police Certification Turner Police Department**

Presented by Kristen Hibberds

Issue: In August 2017, DPSST received a Personnel Action form from the Turner Police Department (TPD) indicating that White had been discharged for cause. In May 2018, DPSST received an amended Personnel Action indicating the TPD accepted White's resignation as part of a settlement agreement.

Vote/Consensus	Second	Vote	Outcome
Travis Hampton moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based.	Mark Rauch	10 ayes; 0 nays	Motion passes unanimously.
Consensus reached that White's conduct did involve Gross Misconduct as defined in administrative rule when White repeatedly abandoned her assigned post without permission or approval. Kristine Allison moved that this Gross Misconduct when considered alone	Pat Garrett	10 ayes; 0 nays	Motion passes unanimously.

rises to the level to warrant action against the officer's certifications.			
<ul style="list-style-type: none"> • Consensus reached that White's conduct did not involve Misuse of Authority as defined in administrative rule. • Consensus reached that White's conduct did not involve Disregard for the Rights of Others as defined in administrative rule. 			
<p>Consensus reached that White's conduct did involve Dishonesty as defined in administrative rule when White falsely reported on her timesheets that she had worked hours she had not.</p> <p>Mark Rauch moved that this Dishonesty when considered alone rises to the level to warrant action against the officer's certifications.</p>	Liz Lawrence	10 ayes; 0 nays	Motion passes unanimously
<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), there are aggravating circumstances present: White's conduct occurred during her employment as a public safety professional, her conduct occurred multiple times and her conduct occurred while she was acting in an official capacity. Additionally aggravating was White's lack of accountability for her actions and her complete disregard for the terms of her administrative leave.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), there are no mitigating circumstances present. Additionally mitigating was the TPD culture that seemed to lack accountability, training, performance evaluations, progressive discipline and checks and balances for time keeping.</p>			
Zachary Kenney made a motion that after considering the totality of the case that Board action be taken on White's Certification.	Mark Rauch	10 ayes; 0 nays	Motion passes unanimously.
Liz Lawrence made a motion that White's Gross Misconduct warrants an ineligibility period of 10 years.	Travis Hampton	9 ayes; 1 nay (Rauch)	Motion passes.
Mark Rauch made a motion that White's Dishonesty warrants an ineligibility period of 10 years.	Zachary Kenney	10 ayes; 0 nays	Motion passes unanimously.

7. ***Craig, Stephen DPSST #37427 Basic, Intermediate and Advanced Police Certification Bend Police Department**

Presented by Kristen Hibberds

Issue: In June, 2018, DPSST received a Professional Standards Complaint form alleging misconduct by Craig while he was employed as a police officer with the Bend Police Department (BPD). Because Mr. Craig is no longer employed in a certifiable law enforcement position, this complaint was presented to the Police Policy Committee (PPC) On August 16, 2018 pursuant to OAR 259-008-0070 (4)(c)(B).

The PPC voted unanimously to open a professional standards case to determine whether or not Craig’s conduct violates the Board’s minimum certification standards.

Liz Lawrence recused herself due to a conflict of interest.

Stephen Craig presented verbal mitigation on his behalf.

Vote/Consensus	Second	Vote	Outcome
Mark Rauch moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based.	Andy Heider	9 ayes; 0 nays; 1 abstention	Motion passes.
<ul style="list-style-type: none"> • Consensus reached that Craig’s conduct did not involve Gross Misconduct as defined in administrative rule. • Consensus reached that Craig’s conduct did not involve Misuse of Authority as defined in administrative rule. • Consensus reached that Craig’s conduct did not involve Disregard for the Rights of Others as defined in administrative rule. • Consensus reached that Craig’s conduct did not involve Dishonesty as defined in administrative rule. 			
<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). There are aggravating circumstances present: The conduct occurred during the officer’s employment as a public safety officer and while the officer was acting in their official capacity.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), there are no mitigating circumstances present.</p>			
Zachary Kenney made a motion that after considering the totality of the case that no Board action be taken on Craig’s Certification.	Mark Rauch	9 ayes; 0 nays; 1 abstention	Motion passes.

8. *Charpilloz, Jeffrey DPSST #32160 Basic, Intermediate, Advanced, Supervisory Police Certifications Mt. Angel Police Department

Presented by Kristen Hibberds

Issue: In October 2017, DPSST received notification that Charpilloz separated from employment with the Mt. Angel Police Department.

Jeffrey Charpilloz presented verbal mitigation on his behalf.

Vote/Consensus	Second	Vote	Outcome
Pat Garrett moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based	Liz Lawrence	10 ayes; 0 nays	Motion passes unanimously.
<ul style="list-style-type: none"> • Consensus reached that Charpilloz’s conduct did not involve Gross Misconduct as defined in administrative rule. • Consensus reached that Charpilloz’s conduct did not involve Misuse of Authority as defined in administrative rule. • Consensus reached that Charpilloz’s conduct did not involve Disregard for the Rights of Others as defined in administrative rule. • Consensus reached that Charpilloz’s conduct did not involve Dishonesty as defined in administrative rule. 			
<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). There are aggravating circumstances present: The conduct occurred during the officer’s employment, the conduct occurred multiple times and the conduct occurred while the officer was acting in his official capacity.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), there are no mitigating circumstances present.</p>			
Andy Heider made a motion that after considering the totality of the case that no Board action is taken on Charpilloz’s certification.	Zachary Kenney	10 ayes; 0 nays	Motion passes unanimously.

9. *Knudson, Kelvin DPSST #16989 Basic, Intermediate and Advanced Police Certifications Not Affiliated

Presented by Kristen Hibberds

Issue: In October 2016, DPSST received a LEDS hit for Knudson’s arrest for DUII on September 7, 2016. Knudson entered into a DUII Diversion program that was later revoked for failure to comply with the court requirements. Knudson was convicted of DUII on April 12, 2017.

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	Liz Lawrence	10 ayes; 0 nays	Motion passes unanimously.
Consensus reached that Knudson's conduct did involve Gross Misconduct as defined in administrative rule when he was convicted of DUII. Pat Garrett moved that this Gross Misconduct alone does not rise to the level to warrant action against the officer's certifications.	Zachary Kenney	10 ayes; 0 nays	Motion passes unanimously.
<ul style="list-style-type: none"> • Consensus reached that Knudson's conduct did not involve Disregard for the Rights of Others as defined in administrative rule. • Consensus reached that Knudson's conduct did not involve Dishonesty as defined in administrative rule. 			
<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). There are aggravating circumstances present: The conduct resulted in a criminal disposition.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: The conduct occurred after the individual's employment in public safety and the conviction represents the only criminal disposition in the individual's history.</p>			
Zachary Kenney made a motion that after considering the totality of the case that no Board action is taken on Knudson's certification.	Travis Hampton	10 ayes; 0 nays	Motion passes unanimously.

10. *Humphrey, Matthew DPSST #37988 Basic Police Certification Washington County Sheriff's Office

Presented by Kristen Hibberds

Issue: In September 2017, DPSST was notified that Humphrey's had separated from employment with the Washington County Sheriff's Office.

Pat Garrett recused himself due to a conflict of interest.

Vote/Consensus	Second	Vote	Outcome
<p>Travis Hampton moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based</p>	<p>Mark Rauch</p>	<p>9 ayes; 0 nays; 1 abstention</p>	<p>Motion passes.</p>
<p>Consensus reached that Humphrey's conduct did involve Gross Misconduct as defined in administrative rule when he was neglectful and inadequate in his basic duties to monitor court appearances and honor training requirements.</p> <p>Travis Hampton moved that this Gross Misconduct rises to the level to warrant action against the officer's certifications.</p>	<p>Liz Lawrence</p>	<p>7 ayes; 2 nays (Rauch & Kenney); 1 abstention</p>	<p>Motion passes.</p>
<ul style="list-style-type: none"> • Consensus reached that Humphrey's conduct did not involve Misuse of Authority as defined in administrative rule. • Consensus reached that Humphrey's conduct did not involve Disregard for the Rights of Others as defined in administrative rule. 			
<p>Consensus reached that Humphrey's conduct did involve Dishonesty as defined in administrative rule when he falsely stated to the Range Master that he had showed up to court only to learn that it had been reset. Also, when Humphrey's signed an F-6 roster for 3.75 hours of Ethics training when he only attended 2.75 hours and when he attempted to collect pay from the WCSO for 3.75 hours.</p> <p>Travis Hampton moved that this Dishonesty alone rises to the level to warrant action against the officer's certifications.</p>	<p>Mark Rauch</p>	<p>9 ayes; 0 nays; 1 abstention</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). Pursuant to OAR 259-008-0070(4)(f)(B), there are aggravating circumstances present: Humphrey’s conduct occurred during his employment as a public safety professional and his conduct occurred multiple times. Additionally aggravating was Humphrey’s lack of time keeping that impacted his ability to carry out his fundamental duties as a public safety professional.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), your conduct did not occur while the officer was acting in an official capacity. No additional mitigating circumstances were considered.</p>			
Travis Hampton made a motion that after considering the totality of the case that Board action is taken on Humphrey’s certification.	Andy Heider	9 ayes; 0 nays; 1 abstention	Motion passes.
Travis Hampton made a motion that Humphrey’s Gross Misconduct warrants an ineligibility period of 3 years.	Liz Lawrence	7 ayes; 2 nays (Rauch & Kenney); 1 abstention	Motion passes.
Zachary Kenney made a motion that Humphrey’s Dishonesty warrants an ineligibility period of 10 years.	Mark Rauch	9 ayes; 0 nays; 1 abstention	Motion passes.

11. *Law Enforcement Memorial Wall Nomination – Deputy Sheriff Robert “Bobby” Anderson Multnomah County Sheriff’s Office

Presented by Eriks Gabliks

On March 5, 1969, Deputy Robert Ray “Bobby” Anderson of the Multnomah County Sheriff’s Office was shot by a suspect in his custody. Deputy Anderson and his partner were transporting a person in crisis to the hospital when the person lunged over the seat in the patrol car and took control of Anderson’s partner’s service weapon the suspect shot both deputies and a civilian who was also in the vehicle accompanying the deputies. Both deputies were hospitalized in critical condition. Deputy Anderson was paralyzed as a result of the shooting and his health deteriorated until his death on December 1, 1994. Deputy Anderson was 49 years of age and served with the Multnomah County Sheriff’s Office for six years.

Deputy Anderson’s name was approved for addition to the National Law Enforcement Officer’s Memorial in Washington D.C. and is considered a line of duty death. The Multnomah County Sheriff’s Office requests that his name be added to the Oregon Fallen Officers Memorial.

Travis Hampton moved that the PPC recommend the Board approve adding Deputy Anderson's name to the Law Enforcement Memorial during the 2019 ceremony. Liz Lawrence seconded the motion. The motion passes unanimously.

12. Department Update

Work on 2019-2021 Agency Request Budget continues. Last month DPSST appeared in front of Governor Brown's budget development team, and discussed the budget and needs of the agency. The session was well received but the outcome would not be known until the Governor released their proposed budget at the beginning of 2019. The true agency budget would not be known until the Oregon Legislative Assembly completes its work most likely in June of 2019. DPSST did share during its budget appeal that if the projected hiring wave continues the agency will continue to return to the legislative Emergency Board to request funds for additional basic training classes.

DPSST staff is involved in a number of discussions regarding possible legislation that will be introduced during the 2019 session. DPSST staff met with leadership from the Oregon Department of Corrections (DOC) regarding the return of basic training for state corrections officers to the Oregon Public Safety Academy. DPSST would provide the training and has proposed that DOC provide two trainers to the Academy on an agency-loaned basis on two-year rotations to help deliver the training. The concept would be to offer two "flavors" of corrections officer training. The first, the current class offered for city and county corrections officers. The second, the DOC class that would cover the same topics but "flavored" toward the way in which DOC operates its facilities. DPSST was very honest with DOC, and during our budget appeal, that DOC could not return to the Academy currently as there is limited capacity to offer the training in the proper manner without the additional dorm wing and other infrastructure needs. This discussion would occur during the legislative session as a Bill would need to be introduced through which the return of training would occur. DPSST is supportive of the discussion but honest about the needs of the organization as it does not want to negatively impact the other training programs offered at the Academy.

Other legislative discussions DPSST is actively involved in includes the Attorney General's Campus Public Safety and Private Security Work group that is looking at officer authority, uniforms, vehicle markings and operations. DPSST has also been working with the Attorney General's Hate Crimes Task Force and a legislative work group that is looking at sexual assault investigations. Both of these groups have looked at DPSST training programs and found no concerns regarding what is offered.

Enrollment at the Academy continues to be steady. DPSST did postpone the October Basic Police class as it had less than 20 officers enrolled. This was not a surprise as city and county agencies normally delay hiring in May and June due to uncertainties about local budget and began filling those vacancies when new budgets took effect on July 1. Agencies are actively hiring but could not get their processes completed in time for the October class. The November Basic Police class started full with 40 officers, the

December Basic Police Class has 25 of the 40 slots filled, and the January class has 14 of the 40 slots filled.

DPSST has been contacted by the Bureau of Labor and Industries (BOLI) which is looking into a wage and hour complaint that has been filed by a police officer attending the Academy. The complaint alleges that DPSST training exceeds the 40-hour work week and that morning colors and homework should be considered overtime. DPSST has fully cooperated with BOLI and looks forward to the review. DPSST has been transparent in its discussions and has advised BOLI that DPSST is not the employer of the men and women attending the Academy but the training provider. DPSST knows some agency collective bargaining agreements may define work hours and work weeks differently but DPSST has no way to know the contracts in place with 208 agencies who send their personnel to the Academy.

DPSST staff met with the community college consortium it has in place with six community colleges (Clatsop, Chemeketa, Blue Mountain, Umpqua, Treasure Valley, and Tillamook Bay) around the state that recognize DPSST basic police and corrections training programs towards college credit. The meeting was to review the current program and address any needed changes. Both Southwestern Community College and Mount Hood Community College have expressed interest in joining the program which provides college credit for a very low cost. Parole and Probation does not participate in this program as the majority of parole and probation officers join the field with graduate degrees. The goal of this program is encourage law enforcement officers to continue their education and achieve a college degree.

DPSST's Law Enforcement Traffic Safety Coordinator has advised us that the recently released 2018 NHTSA SFST curriculum will be implemented starting with class BP385, and the 2018 curriculum was used for September 's SFST Instructor Development Course.

To provide a better vehicle to distribute DPSST training class announcements and administrative announcements, DPSST has switched to a new email listserve. The new program allows users to have more options as to what they want to receive and also the system has the ability to select regional announcements versus the old system that did not have this option. If you have questions please contact Jennifer Otterlee via email at jennifer.otterlee@state.or.us

The name of Bend Police Sergeant John Lawrence (DPSST# 31555) was approved by BPSST for addition to the state's Fallen law Enforcement Officer Memorial. His name, along with Ashland Police Officer Malcus Williams will be added during the 2019 ceremony in May. On a related note, after the last PPC meeting Eriks contacted Oregon C.O.P.S. regarding the addition of Sgt. Lawrence's name to the Oregon memorial and was advised by Jim Whitehead of Oregon C.O.P.S. that their organization completely supports the addition and that the Lawrence family have been actively engaged in his organization's activities.

DPSST appreciates the candid feedback it received from stakeholders that recently completed the 2018 DPSST Public Safety Customer Service Survey. Lots of very good information was received that will allow the organization to make necessary changes to meet constituent needs. The survey can be found online at <https://www.oregon.gov/dpsst/docs/2018%20Customer%20Satisfaction%20Survey%20Results.pdf>

Linsay Hale updated the group on the work of the Criminal Justice Moral Fitness Workgroup. This multi-disciplined Workgroup was convened with the permission of the Board to review moral fitness standards and processes in which officer behavior is reviewed.

Linsay Hale also informed the group that DPSST has decided to stop printing DPSST certification wallet cards due to budgetary and workload considerations.

Meeting adjourned at approximately 2:23 pm.

Administrative Notes:

- *The PPC went on break at 11:16, coming back on the record at 11:20.*
- *The PPC went on break at 12:09, coming back on the record at 12:20.*
- *These minutes reflect the order of the discussion/voting items as they appear on the official meeting agenda. The actual order in which they were discussed may vary.*

** 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.*