

Police Policy Committee Minutes

February 20, 2020

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 20, 2020, at the Oregon Public Safety Academy in Salem, Oregon. Chair, John Teague called the meeting to order at 10:00 am.

Committee Members:

John Teague, Chair, Oregon Association Chiefs of Police
Brian Wolfe, Vice Chair, Oregon State Sheriff's Association (Phone)
Kristine Allison, Oregon Association of Chiefs of Police
DaNeisha Barret, Non-Management Law Enforcement (Phone)
Loren "Renn" Cannon, Federal Bureau of Investigation
Mark Garton, Oregon State Sheriff's Association (Phone)
Travis Hampton, Superintendent, Oregon State Police
Andy Heider, Oregon State Police Command Staff Representative
Liz Lawrence, Non-Management Law Enforcement
Mark Rauch, Public Member
Chris Davis, Portland Police Bureau (Designee for Chief Outlaw) (Phone)
Bradley Robertson, Non-Management Law Enforcement
Craig Zanni, Oregon State Sheriff's Association (Phone)

Committee Members Absent:

Dale Cummins, Oregon Association Chiefs of Police
Zachary Keeney, Non-Management Law Enforcement

Guests:

Dan Thenell
Caleb Saulo
Dixon Andrews
Jeremy Shull

DPSST Staff:

Linsay Hale, Professional Standards/Interim Training Division Director
Wendy Nunez, Criminal Justice Office Specialist
Kristen Hibberds, Professional Standards Coordinator
Jennifer Howald, Administrative Rules Coordinator
Marsha Morin, Criminal Justice Certification Program Manager



1. Introductions

Introductions of members, guest and staff were presented.

2. Approve November 21, 2019 Meeting Minutes

Mark Rauch moved to approve the minutes from the 11/21/19, Police Policy Committee meeting. Kristine Allison seconded the motion. The motion passes unanimously.

3. Administrative Closures – Police / Regulatory Specialists

Presented by Linsay Hale

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

Officer	Certifications	Summary	Flagged for Review (if hired in future)
Fuller, Kyle DPSST #60144	None	Conviction – Providing Alcohol to Minors. Conviction occurred 18 years prior to employment and is the only conviction.	No
Howell, Kevin DPSST #60476	None	Conviction – Criminal Driving While License Suspended. Conviction occurred 9 years prior to employment and is the only conviction.	No
Lacer, Michael DPSST #49712	Basic	Arrest – Issued criminal citation. District Attorney filed as a violation not punishable as a crime.	No
Sturgeon, Matthew DPSST #60523	None	Conviction – Reckless Driving. Conviction occurred 7 years prior to employment and is the only conviction.	No
Tucker, Kyle DPSST #55464	None	Separation – Admitted Dishonesty. Not certified or employed.	Yes

Travis Hampton moved to approve the recommendations made by staff to administratively close the above listed cases. Liz Lawrence seconded the motion. The motion passes unanimously.

4. Complaint: 2019-94CJ: Palmer, Glenn DPSST #18276 – Grant County Sheriff’s Office

Presented by Linsay Hale

On July 29, 2019, DPSST received a complaint alleging misconduct by Sheriff Glenn Palmer. In November 2019, additional information was received from the complainant.

The allegations in the complaint were made against an elected official serving as a public safety professional and is being presented to the Policy Committee for review and determination of the next steps in accordance with OAR 259-008-0070(4)(c)(B).

Sheriff Palmer received a copy of the entire complaint and was provided an opportunity to submit written mitigation or rebuttal for the Policy Committee's consideration. Sheriff Palmer submitted a response for the Committee's consideration.

Staff is requesting the Committee review the allegations included in the complaint and the information submitted by Sheriff Palmer to determine whether DPSST should initiate an investigation into the alleged conduct, in order to determine if the Board's certification standards have been violated.

Brian Wolfe, Andy Heider and Travis Hampton recused themselves from the discussion due to a conflict of interest.

Mark Rauch moved to direct DPSST initiate investigation into alleged conduct to determine if the Boards certification standards have been violated. Additional fact finding and open a professional Standards case. Brad Robertson seconded. After discussion, Mark Rauch withdrew his motion.

Chris Davis moved to request any available additional records from the Oregon Department of Justice (DOJ) and Grant County District Attorney's Office regarding the complaint. Craig Zanni seconded.

The motion died in favor of having DPSST supplement the record by requesting additional information from the DOJ and the Grant County District Attorney's Office surrounding the complaint for presentation at the next PPC meeting.

5. Johnson, Robert #50633; Basic and Intermediate Police Certifications – Medford Police Department

Presented by Linsay Hale

DPSST requested this case be tabled due to staff error identifying the conduct being reviewed. This case will be re-presented at the next PPC meeting.

6. Saulo, Caleb #59701; Application for Training and Subsequent Certification— Warm Springs Police Department

Presented by Linsay Hale

DPSST received an Application for Training for Caleb Saulo from the Warm Springs Police Department. Saulo was dismissed from the Oregon Public Safety Academy (OPSA) on October 29, 2019 after violating the Standards of Student Conduct.

Staff identified violations of the Board's minimum moral fitness standards for public safety professionals, specifically:

- **Gross Misconduct** when Saulo failed to report to class and admitted to bringing alcohol on campus which violated the Student Rules and Regulations and threatened the efficient operations of the OPSA.

Staff did not identify any violations of Dishonesty, Disregard for the Rights of Others or Misuse of Authority.

Caleb Saulo presented verbal mitigation.

Committee Vote/Consensus	Second	Vote	Outcome
Travis Hampton moved that the Police Policy Committee adopt the staff report as the record upon which its recommendations are based.	Mark Rauch	12 ayes; 0 nays;	Motion Passes Unanimously.
Kristine Allison moved that, when considering only what is contained in the staff report, Saulo violated the Board's Moral Fitness Standard, specifically Gross Misconduct.	Mark Rauch	12 ayes; 0 nays;	Motion Passes Unanimously.
<p>Mitigating Factors</p> <ul style="list-style-type: none"> • Saulo's conduct did not occur while they were acting in an official capacity; • Saulo's conduct did not occur multiple times; • Saulo's verbal mitigation; • The support of his employing agency and his progress in training; • Saulo's progress in training; • His honesty regarding past mistakes; • The steps he has taken to continue progressing with his sobriety; • The resiliency he has developed to deal with the stressors of the job. <p>Aggravating Factors</p> <ul style="list-style-type: none"> • Saulo's conduct occurred during their employment as a public safety professional; • The recentness of the conduct; • The short amount of time Saulo has maintained sobriety; • His dismissal from the academy 			

Bradley Robertson moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case that no Board action should be taken against Saulo's Application for Training and Subsequent Certification.	Mark Rauch	10 ayes; 2 nays; (Barrett, Lawrence)	Motion Passes.
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7. **Andrews, Dixon #14829; Basic, Intermediate, Advanced, Supervisory, Management and Executive Police Certifications – Gold Beach Police Department**

Presented by Linsay Hale

DPSST received an F4s Personnel Action Separation from Gold Beach Police Department indicating that Dixon Andrews had separated from employment.

Staff identified violations of the Board's minimum moral fitness standards for public safety professionals, specifically:

- **Gross Misconduct** when Andrews used a patrol vehicle and city personnel, rather than an ambulance and Emergency Medical Technicians, after he sustained injuries to his legs during a foot pursuit.

Staff did not identify any violations of Dishonesty, Disregard for the Rights of Others, or Misuse of Authority.

Committee Vote/Consensus	Second	Vote	Outcome
Kristine Allison moved that the Police Policy Committee adopt the staff report as the record upon which its recommendations are based.	Travis Hampton	12 ayes; 0 nays;	Motion Passes Unanimously.
Kristine Allison moved that Andrews' conduct did not violate the Boards Moral Fitness Standard and the case be administratively closed.	Andy Heider	12 ayes; 0 nays;	Motion Passes Unanimously.

8. **Meza, Dezi #41232; Basic, Intermediate and Advanced Police Certifications – Albany Police Department**

Presented by Linsay Hale

DPSST received an F4s Personnel Action Separation from Albany Police Department indicating that Meza had resigned during an investigation stemming from his conduct during a June 2018 arrest.

Staff identified violations of the Board’s minimum moral fitness standards for public safety professionals, specifically:

- **Gross Misconduct** when Meza engaged in off-duty criminal conduct and lied to officers from two different law enforcement agencies during the criminal investigation. Meza’s conduct brought discredit to the agency and threatening its efficient operation.
- **Dishonesty** when Meza lied during a criminal investigation and an administrative investigation, specifically:
 - Meza lied to the arresting officers about how much he had to drink and where he drank.
 - Meza lied to the arresting officer when he stated that he was in McMinnville to visit his wife who works at the hospital.
 - Meza admitted to intentionally not telling the arresting officer that he was drinking vodka after pulling alongside the road because he was embarrassed.

Staff did not identify any violations of Disregard for the Rights of Others or Misuse of Authority.

Committee Vote/Consensus	Second	Vote	Outcome
Liz Lawrence moved that the Police Policy Committee adopt the staff report as the record upon which its recommendations are based.	Kristine Allison	12 ayes; 0 nays;	Motion Passes Unanimously.
Mark Rauch moved that, when considering only what is contained in the staff report, Meza violated the Board’s Moral Fitness Standard, specifically Gross Misconduct and Dishonesty and that Board action be taken as a result.	Liz Lawrence	12 ayes; 0 nays;	Motion Passes Unanimously.
<p>Mitigating Factors</p> <ul style="list-style-type: none"> • No mitigating factors were identified. <p>Aggravating Factors</p> <ul style="list-style-type: none"> • Meza’s conduct occurred during their employment as a public safety professional; • Meza’s conduct did result in a criminal disposition. 			

Kristine Allison made a motion, after considering the totality of the case, that Meza be ineligible to hold public safety certification for life.	Liz Lawrence	12 ayes; 0 nays;	Motion Passes Unanimously.
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9. **Morberg, Matthew #40597; Basic, Intermediate and Advanced Police Certifications and Basic Corrections Certification – Eugene Police Department**

Presented by Linsay Hale

DPSST received an F4s Personnel Action Separation from the Eugene Police Department (EPD) indicating Morberg had resigned during an investigation

Staff identified violations of the Board's minimum moral fitness standards for public safety professionals. Specifically:

- **Gross Misconduct** when Morberg engaged in sexual relations while on duty. Morberg's conduct violated his agency's policies and procedures and threatened its efficient operation. Morberg also demonstrated poor judgement and unprofessionalism during text message conversations in which he talks about engaging in inappropriate behavior while on duty. Morberg's conduct compromises his credibility and reflects negatively on the EPD threatening its efficient operation.
- **Dishonesty** when Morberg denied having sexual relations while on duty. Morberg admitted in an interview that he probably engaged in sexual relations on duty on December 27, 2017. Morberg engaged in dishonesty during the investigation when he denied having sexual relations in a public park on March 31, 2018. The evidence shows more likely than not that Morberg did have sexual relations in his vehicle in a public park.

Staff did not identify any violations of Disregard for the Rights of Others or Misuse of Authority.

Committee Vote/Consensus	Second	Vote	Outcome
Bradley Robertson moved that the Police Policy Committee adopt the staff report as the record upon which its recommendations are based.	Mark Rauch	12 ayes; 0 nays;	Motion Passes Unanimously.
Bradley Robertson moved that, when considering only what is contained in the staff report, Morberg violated the Board's Moral Fitness Standard, specifically Gross Misconduct and Dishonesty, as well as Misuse of Authority and Disregard for the Rights of Others	Mark Rauch	12 ayes; 0 nays;	Motion Passes Unanimously.

when he shared confidential information therefore, board action should be taken against certifications.			
<p>Mitigating Factors</p> <ul style="list-style-type: none"> No mitigation was identified. <p>Aggravating Factors</p> <ul style="list-style-type: none"> Morberg’s conduct occurred during their employment as a public safety professional; Morberg’s conduct occurred while they were acting in an official capacity; Morberg’s conduct occurred multiple times; The egregiousness of the pattern of predatory behavior Morberg engaged in; The lack of remorse or acknowledgment of the inappropriate behavior. 			
Travis Hampton made a motion, after considering the totality of the case, that Morberg be ineligible to hold public safety certification for life.	Bradley Robertson	12 ayes; 0 nays;	Motion Passes Unanimously.

10. Shull, Jeremy #43985; Basic, Intermediate, Advanced, and Supervisory Police Certifications – Sherman County Sheriff’s Office (SCSO)

Presented by Linsay Hale

DPSST received an F4s Personnel Action Separation from the Sherman County Sheriff’s Office (SCSO) indicating that Jeremy Shull had resigned during an investigation stemming from an arrest.

Staff identified violations of the Board’s minimum moral fitness standards for public safety professionals. Specifically:

- Gross Misconduct** when Shull was cited for two counts of Failure to Perform Duties of Driver-Property Damage (Hit and Run). Shull interfered in a criminal investigation after receiving information about a possible criminal suspect. Shull made contact with the suspect that ended in an inappropriate encounter, compromising the integrity of the criminal investigation. Shull’s conduct threatened the efficient operations of the SCSO.
- Dishonesty** when Shull lied about the damage to the front end of his truck during the February 2018 Hit and Run.

Staff did not identify any violations of Disregard for the Rights of Others or Misuse of Authority.

Committee Vote/Consensus	Second	Vote	Outcome
Bradley Robertson moved that the Police Policy Committee adopt the staff report as the record upon which its recommendations are based.	Mark Rauch	12 ayes; 0 nays;	Motion Passes Unanimously.
Travis Hampton moved that, when considering only what is contained in the staff report, Shull violated the Board's Moral Fitness Standard, specifically Gross Misconduct and Dishonesty as identified therefore, board action should be taken against individual's certification.	Andy Heider	10 ayes; 2 nays; (Allison, Robertson)	Motion Passes
<p>Mitigating Factors</p> <ul style="list-style-type: none"> • Shull's verbal statements to the committee; • Shull's on-duty injury requiring medication during the period of time he was engaged in criminal conduct. <p>Aggravating Factors</p> <ul style="list-style-type: none"> • Shull has more than one criminal disposition; • Shull's conduct occurred during their employment in public safety; • Shull's conduct did result in a criminal disposition; • The recentness of the criminal disposition; • Shull's conduct occurred multiple times; • Shull did not self-reported their arrest; • Shull pled no contest to two Class B Misdemeanors; • Time between when Shull sought treatment for alcohol abuse and when he committed a crime (4 months) 			
Travis Hampton made a motion, after considering the totality of the case, that Shull be ineligible to hold public safety certification for 10 years.	Liz Lawrence	10 ayes; 2 nays (Allison, Robertson)	Motion Passes.

11. Taresh, Nicholas #55912; Basic Police Certifications – Oregon City Police

Department

Presented by Linsay Hale

DPSST received an F4s Personnel Action Separation from Oregon City Police Department indicating that Taresh had resigned during an investigation. Upon further review of the case, staff recommended administrative closure by the policy committee as the issues surrounding this case are related solely to performance, not moral fitness.

Committee Vote/Consensus	Second	Vote	Outcome
Mark Rauch moved that the Police Policy Committee approve staff's recommendation to administratively close the case.	Andy Heider	12 ayes; 0 nays;	Motion Passes Unanimously

12. Watson, Dustin #34225; Basic, Intermediate and Advanced Police Certifications
– Newport Police Department

Presented by Linsay Hale

DPSST received an F4s Personnel Action Separation from Newport Police Department (NPD) indicating that Dustin Watson had resigned prior to being terminated.

Staff identified violations of the Board's minimum moral fitness standards for public safety professionals. Specifically:

- **Gross Misconduct** when Watson engaged in conduct as a supervisor that negativity affected his working relationship with other members of the NPD.
 - Singling out members of the NPD to engage in private conversations in which he spoke disparagingly about other members. Watson created distrust and turmoil amongst members of the NPD, creating an uncomfortable and at times a hostile work environment.
 - Watson violated two written directives when he had a conversation with an NPD officer about his internal investigation. Watson's conduct detailed above threatened the efficient operation of the NPD.

- **Dishonesty** when during internal affairs interview Watson:
 - Denied providing details to the officer regarding his internal affairs investigation.
 - Denied telling the officer that other members of the NPD were out to get him.
 - Denied making negative comments to the officer about other NPD members.
 - Denied asking the officer if he was interviewed by the Lieutenant.
 - Denied telling the officer to keep the conversation private.

Staff did not identify any violations of Disregard for the Rights of Others or Misuse of Authority.

Committee Vote/Consensus	Second	Vote	Outcome
Liz Lawrence moved that the Police Policy Committee adopt the staff report as the record upon which its recommendations are based.	Travis Hampton	12 ayes; 0 nays;	Motion Passes Unanimously

Mark Rauch moved that Watson's conduct did not violate the Board's Moral Fitness Standard and the case be administratively closed.	Chris Davis	12 ayes; 0 nays;	Motion Passes Unanimously
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13. Five-Year Review of the Adoption of OAR 259-008-0078 - Informational Update

Presented by Jennifer Howald

ORS 183.405 requires agencies to conduct a review of the rules that they adopt. The review must occur within the five years following the adoption of the rule. The review is meant to assess the following:

- Whether the rule had its intended effect;
- Whether the anticipated fiscal impact of the rule was overestimated or underestimated;
- Whether subsequent changes in the law required that the rule be repealed or amended; and
- Whether there is a continued need for the rule.

OAR 259-008-0078 is the result of a recommendation by the 2014 Minimum Training

Standards Workgroup to allow a public safety professional with lapsed certification to be employed by a public safety agency for a limited duration without having certification requirements imposed on the individual and the employing agency.

This rule was intended to provide a solution to the challenge public safety agencies experienced when filling interim leadership roles during transition periods, such as changes in leadership or during interview processes.

Without this rule, a public safety professional hired in an interim leadership position would be required to reactivate their certification and meet all the training and maintenance standards for certification. Through this rule, the Department suspends pursuit of the limited duration administrator's certification until the statutory certification requirement is triggered at 18 months of employment (12 months for a limited duration administrator in a corrections position).

OAR 259-008-0078 includes specific eligibility criteria and limits the amount of time a public safety professional can be employed without imposing certification requirements.

OAR 259-008-0078 was considered by the Corrections Policy Committee on November 4, 2014, the Telecommunications Policy Committee on November 5, 2014, and the Police Policy Committee on November 20, 2014, and approved by the Board on Public Safety Standards and Training on January 22, 2015. OAR 259-008-0078 was adopted effective March 24, 2015.

14. Law Enforcement Memorial Wall Nomination Constable Hansford ‘Harry’ Greenfield – City of Salem Police Department

On Wednesday, February 25, 1942, The Capital Journal of Salem, Oregon reported that a Silverton constable had died. Constable Harry Greenfield died as a result of a heart attack on February 24, 1942 while engaged in helping Night Officer Vic Grossnickle investigate a break-in at a local tavern. While discussing the case with his fellow officer, he complained of feeling ill and collapsed in a nearby lavatory.

Only one of the news articles provided by the City of Silverton Police Department indicates Constable Greenfield died assisting with an investigation. The other articles indicate Constable Greenfield was meeting with officers and did not provide details as to any law enforcement activities being conducted.

Staff recommended that the death meets the criteria for the Oregon Law Enforcement Memorial.

Mark Rauch moved to include Constable Harry Greenfield of the City of Silverton Police Department on the Law Enforcement Memorial Wall. Bradley Robertson seconded the motion. The motion passes unanimously.

15. Department Update

Linsay Reported:

- Reminder that the new moral fitness standards were approved by the Board and will go into effect on May 1st. The presentation of professional standards cases at the next PPC meeting will look differently as a result.
- The Background Investigation Workgroup has concluded its work. Two recommendations will be moving forward as a result, one relating to the review of pre-employment criminal conduct, the second relating to DPSST’s role as a record keeper/repository for pre-employment background checks.
- The Board has approved the formation of a new multi-disciplined workgroup formed to review DPSST’s current medical standards.

16. Next Police Policy Committee Meeting: May 21, 2020 at 10:00 am

Administrative Note:

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.