

# Police Policy Committee Minutes

## November 19, 2020

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 19, 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  
Bradley Robertson, Non-Management Law Enforcement  
DaNeisha Barret, Non-Management Law Enforcement  
Loren “Renn” Cannon, Federal Bureau of Investigation  
Terri Davie, Superintendent, Oregon State Police (Phone)  
Alex Gardner, Oregon State Police Command Staff Representative  
Mark Garton, Oregon State Sheriff’s Association (Webex) (left meeting at 1:30 p.m.)  
Zachary Kenney, Non-Management Law Enforcement (Webex) (left meeting approx. 3:00 p.m.)  
Liz Lawrence, Non-Management Law Enforcement (Webex)  
Chris Davis, Portland Police Bureau (Designee for Chief Lovell) (Webex) (left meeting approx. 2:30p.m.)  
Kathy McAlpine, Oregon Association Chiefs of Police (Webex)  
Mark Rauch, Public Member (Webex)  
Jill Thissel, Non-Management Law Enforcement (Webex)  
Craig Zanni, Oregon State Sheriff’s Association (Phone)

### **Committee Members Absent:**

None

### **Guests:**

Justin Brester  
Brian Lister  
Daniel Miller  
Alex Noli  
Robert Obenauf

### **DPSST Staff:**

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



**1. Introductions**

Introductions of members, guest and staff were presented.

**2. Approve August 20, 2020 Meeting Minutes**

*Bradley Robertson moved to approve the minutes from the 8/20/2020, Police Policy Committee meeting. DaNeisha Barret seconded the motion. The motion passes unanimously.*

**3. Basic Police Academy Scenario Program – Informational Update**

Presented by Staci Yutzie

In 2019 the Training Division implemented a completely redesigned scenario program within the Basic Police Academy. The new program utilizes contemporary research in education and social science to deliver impactful learning opportunities specific to police work in Oregon based on feedback and practical experience from professionals working throughout the state.

**4. Administrative Closures – Police / Regulatory Specialists**

Presented by Linsay Hale

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

	Name	DPSST#	Certification(s)	Reason for Closure
a)	Scott Boyll	50225	Basic, Intermediate and Advanced Police Certifications	Prior to his separation, there were questions about Boyll's use of sick leave. Staff cannot prove by a preponderance of available evidence that a moral fitness violation occurred.
b)	Sean Luedke	50154	Basic and Intermediate Police Certifications	Luedke resigned in lieu of termination for performance related issues related to timely completion of reports. Separation was found to be related to performance issues only.
c)	Charles McCutchen	38887	Basic, Intermediate and Advanced Police Certifications	After McCutchen's resignation, an investigation was conducted showing he mishandled numerous criminal cases. McCutchen's conduct is reflective of incompetence only.

d)	David Poole	34568	Basic, Intermediate and Advanced Police Certifications; Basic, Intermediate and Advanced Parole & Probation Certification; Basic Corrections Certification	Poole resigned in lieu of termination after he engaged in an out-of-policy high speed pursuit. Poole's actions were indicative of poor decision making and incompetence only.
----	-------------	-------	--	---

*Liz Lawrence moved to approve the recommendations made by staff to administratively close the above listed cases. Mark Rauch seconded the motion. The motion passed with Mark Garton abstaining due to technical issues.*

**5. David Sytsma, DPSST (50389): Board Request for Reconsideration of No Action**

Presented by Linsay Hale

*Initial Reason for Discretionary Review:*

On January 9, 2019, David Sytsma was terminated by the Town of Lakeview Police Department (LPD) after an investigation revealed that he reported to work on November 26, 2018 while under the influence of alcohol.

Staff determined that Sytsma's conduct in this date violates the Board's moral fitness standards.

*Police Policy Committee (PPC) Recommendation:*

The PPC, in a 6 to 5 vote, recommended that the Board take **NO ACTION** against David Sytsma's certification at their meeting on August 20, 2020.

*Board on Public Safety Standards and Training Recommendation:*

The Board, in a unanimous vote, requested PPC members to reconsider the recommendation of no action against Sytsma's Basic Police certification.

Specifically, the Board requested PPC members reconsider the weight given to the noted dysfunction of the City and issues with the City Manager at the time Sytsma's misconduct, which were identified as mitigating circumstances.

Alex Gardener moved that the Police Policy Committee adopt the staff report.	DeNeshia Barrett	13 ayes; 0 nays	Motion Passed Unanimously
<p>The committee re-considered this case, along with the Board's direction discussed the moral fitness violation and identified/reconfirmed the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ System's level of intoxication</li> </ul> </li> </ul>			

<ul style="list-style-type: none"> <li>○ Sysma’s behavior was criminal and put his agency and members of the community at risk by reporting to duty under the influence.</li> <li>○ Systma had previous alcohol-related incidents was on a last chance agreement.</li> <li>○ Systma had asked for the day off and was denied, but chose to drink to excess anyways before reporting for duty the next day.</li> <li>● Mitigating: <ul style="list-style-type: none"> <li>○ Systma had an addiction, was not intentionally morally unfit.</li> <li>○ Systma did not believe he was intoxicated when he reported for duty.</li> <li>○ Systma as not perceivably impaired, only smelled of alcohol.</li> <li>○ Systma was not defensive or deceptive during the investigation, in fact his cooperativeness was specifically noted by the investigator.</li> <li>○ Systma took responsibility for his actions and has sought treatment for his substance abuse issues.</li> </ul> </li> </ul>			
Bradley Robertston moved, after reconsidering the case and the Board’s instruction to the committee that no Board action should be taken against Systma’s certification.	Zachary Kenney	7 ayes; 5 nays (Barrett, Lawrence, McAlpine, Rauch and Thissel)	Motion Passed

**6. Brester, Justin (45588) Certification Review: Police**

Presented by Linsay Hale

*Reason for Discretionary Review*

On September 28, 2018, Justin Brester resigned from the Yamhill County Sheriff’s Office (YCSO) while under investigation for his inappropriate interactions with members of another law enforcement agency during a call for service, his delay in responding to the call, and his subsequent dishonesty during the investigation into his behavior.

The reason for this review was limited to Brester’s dishonesty during the YCSO investigation into his behavior which has been identified as a violation of the Board’s moral fitness standard.

*Justin Brester provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Mark Rauch moved that the Police Policy Committee adopt the staff report.	Bradley Robertson	13 ayes; 0 nays	Motion Passed Unanimously

The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:

<ul style="list-style-type: none"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ The reports of Bester’s co-workers and peers were consistent.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ There is no evidence that Brester willfully departed from the truth in his recounting of the events that led to his separation.</li> <li>○ Brester was under a tremendous amount of personal and professional stress at the time of the incident.</li> <li>○ Brester was interviewed two weeks after the incident. It’s reasonable to assume that he misremembers exactly what was said.</li> <li>○ These policy violations are not material to Brester’s ability to serve in law enforcement and are not indicative of a pattern of behavior.</li> </ul> </li> </ul>			
Alex Gardner 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 Brester’s certifications.	Zachary Kenney	13 ayes; 0 nays	Motion Passed Unanimously

**7. Lister, Brian (36594) Certification Review: Police**

Presented by Linsay Hale

*Reason for Discretionary Review*

On July 2, 2020, DPSST received an F28 Criminal History Reporting form from Brian Lister reporting his May 12, 2020, criminal citation for *Fail to Comply with Special Bobcat Regulations-Misdemeanor* and *Possession of Bobcat without Ownership Tag- Misdemeanor*. On August 4, 2020, Lister pled guilty and was convicted of *Taking, Angling, Hunting or Trapping in Violation of Wildlife Law or Rule*.

*Brian Lister provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
DaNeisha Barret moved to table this case and request staff obtain additional information, the internal investigatory information from Clackamas County Sherriff’s Office and any information relating to the DA’s Brady determination.	Liz Lawrence	13 ayes; 0 nays	Motion Passed Unanimously

**8. Miller, Daniel (40862) Certification Review: Police**

Presented by Linsay Hale

*Reason for Discretionary Review*

On March 12, 2018, Daniel Miller resigned from the Junction City Police Department (JCPD) as part of a settlement agreement. This settlement agreement was reached after an internal investigation was initiated after allegations that Miller was untruthful about his taking a JCPD patrol vehicle in for service.

Staff determined that Miller’s untruthfulness violates the Board’s moral fitness standards.

*Daniel Miller provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
DaNeisha Barret moved that the Police Policy Committee adopt the staff report.	Bradley Robertson	13 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Miller was employed in public safety at the time of this behavior.</li> <li>○ Miller was admittedly untruthful on two instances, to two different supervisors.</li> <li>○ Miller’s lack of follow-up created a safety issue.</li> <li>○ Miller’s actions call into question his integrity, which impacts the policing profession.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ Miller proactively confessed to his untruthful statements, he didn’t wait until he was confronted.</li> <li>○ Miller’s verbal and written mitigation, including the provided character references.</li> <li>○ Miller took responsibility for his actions, both with his employer and before the PPC.</li> <li>○ Miller’s dishonesty was low-level and are not material to the policing profession.</li> </ul> </li> </ul>			
Alex Gardner 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 Miller’s certifications.	Mark Rauch	10 ayes; 3 nays; (Davis, McAlpine, Zanni)	Motion Passed

**9. Noli, Alex (53367) Certification Review: Police**

Presented by Linsay Hale

*Reason for Discretionary Review*

Alex Noli was terminated during his probationary period of employment with the Gresham Police Department (GPD) on November 18, 2019. Noli’s termination was the result of GPD’s determination that Noli was untruthful during their background investigation process, specifically in his failure to accurately disclose an incident of domestic violence that had occurring in 2015.

Staff determined Noli’s behavior violates the Board’s moral fitness standards.

*Alex Noli provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Craig Zanni moved that the Police Policy Committee adopt the staff report.	DaNeisha Barret	13 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ None identified.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ The allegations of did not involve domestic violence as defined in statute and were ultimately unfounded by DHS.</li> <li>○ The timeline of events indicate that Noli would not have known about the allegations made against him at the time of his background interview, therefore it is not reasonable to assume that he was intentionally dishonest during the background investigation.</li> <li>○ The investigator from GPD admitted to frustration with the transfer of information from DHS to his agency.</li> <li>○ Washington County Sheriff’s Office chose to rehire Noli, fully aware of the reason for his separation from GPD.</li> </ul> </li> </ul>			
Craig Zanni 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 Noli’s certifications.	Liz Lawrence	13 ayes; 0 nays	Motion Passed Unanimously

**10. Obenauf, Robert (32107) Certification Review: Police**

Presented by Linsay Hale

**\*\*NOTE: After the committee meeting it was discovered that the written mitigation provided by Obenauf was not provided for policy committee consideration due to staff error. This case will be re-presented to the Policy Committee at their next meeting.**

*Reason for Discretionary Review*

On November 11, 2018, Robert Obenauf was terminated from the Washington County Sheriff’s Office (WCSO). This termination was the result of Obenauf’s improper handling of a citizen complaint alleging misconduct by a temporary WCSO employee, and his subsequent attempts to mislead the complainant and his co-workers by omitting pertinent investigatory information.

Staff determined Obenauf’s untruthfulness violates the Board’s moral fitness standards.

*Robert Obenauf provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Craig Zanni moved that the Police Policy Committee adopt the staff report.	Bradley Robertson	13 ayes; 0 nays	Motion Passed Unanimously
The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case: <ul style="list-style-type: none"><li>• Aggravating<ul style="list-style-type: none"><li>○ Obenauf failed to report his omission of certain parts of an employee’s behavior until he realized an audit of computer usage was being conducted.</li><li>○ Obenauf’s rank at the time of his behavior.</li><li>○ The impact Obenauf’s behavior had on the procedural legitimacy of the agency’s complaint process and on public trust.</li><li>○ Obenauf blamed the failure to communicate the information of the complaint and subsequent investigation on his poor time management and lack of organization, which doesn’t account for the sequence of events.</li><li>○ Obenauf’s employer labeled the behavior as egregious and found an intent to deceive.</li></ul></li> <li>• Mitigating<ul style="list-style-type: none"><li>○ Obenauf admitted to his errors in handling the complaint.</li></ul></li></ul>			



Mark Garton 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 Board action should be taken against Obenauf's certifications.	Liz Lawrence	13 ayes; 0 nays	Motion Passed Unanimously
Zachary Kenney moved, after considering the totality of the case, that Obenauf be ineligible to hold public safety certification for 3 years.	Mark Rauch	13 ayes; 0 nays	Motion Passed Unanimously

**11. Ellis, Brandon (56618) Certification Review: Police**

Presented by Linsay Hale

*Reason for Discretionary Review*

On October 4, 2018, Brandon Ellis was terminated during his probationary employment with the Klamath County Sheriff's Office (KCSO). This termination was the result of an investigation into multiple policy violations, including his contact and inappropriate relationship (non-sexual) with an inmate in the Klamath County jail.

Though the KCSO's decision to terminate included Ellis' inability to submit timely reports, this review was limited to Elis' inappropriate contact/relationship with an inmate. Staff determined this conduct specifically violates the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Bradley Robertson moved that the Police Policy Committee adopt the staff report.	DaNeisha Barret	12 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Ellis' demonstrated poor judgement and a complete lack of understanding about the dangerousness of the information he was providing to an inmate.</li> <li>○ The seriousness of the crime the inmate had been arrested for.</li> </ul> </li> <li>• Mitigating:</li> </ul>			

<ul style="list-style-type: none"> <li>○ The inmate involved in this incident was a lifelong friend of Ellis. Ellis' behavior appears to stem from empathy since the two shared a similar background.</li> <li>○ There was no intentional dishonesty displayed by Ellis, or misuse of his authority as a police officer. Ellis simply exercised extremely poor judgement.</li> </ul>			
Chris Davis 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 Board action should be taken against Ellis's certification.	Bradley Robertson	10 ayes; 2 nays; (Kenney, Zanni)	Motion Passed
Bradley Robertson moved, after considering the totality of the case, that Ellis be ineligible to hold public safety certification for 3 years.	Alex Gardner	11 ayes; 1 nays; (Kenney)	Motion Passed

**12. Adams, Japheth (49285) Certification Review: Police**

Presented by Linsay Hale

*Reason for Discretionary Review*

Japheth Adams resigned in lieu of termination from the Lebanon Police Department (LPD) on September 26, 2018. At the time of his resignation, Adams was under investigation for having a sexual relationship with a woman/victim he had met while responding to a call for service involving domestic violence.

Staff determined Adams' decision to initiate a relationship with the victim of a crime, his subsequent misuse of LPD resources and his dishonesty during the investigation into his behavior violates the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Alex Gardner moved that the Police Policy Committee adopt the staff report.	Terri Davie	11 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> <li>● Aggravating: <ul style="list-style-type: none"> <li>○ Adams initiated a sexual relationship with a crime victim almost immediately after a call for service.</li> <li>○ Adams misused his police terminal and intentionally hid his behavior.</li> <li>○ Adams' behavior was predatory in nature.</li> </ul> </li> </ul>			

<ul style="list-style-type: none"> <li>○ Adams' dishonesty during an investigation into similar behavior while employed with another police agency.</li> <li>○ Adams lied when he said he only had one phone, when in fact he had two.</li> <li>● Mitigating: <ul style="list-style-type: none"> <li>○ None identified.</li> </ul> </li> </ul>			
Zachary Kenney 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 Board action should be taken against Adam's certifications.	DaNeisha Barret	11 ayes; 0 nays	Motion Passed Unanimously
Liz Lawrence moved, after considering the totality of the case, that Adams be ineligible to hold public safety certification for a lifetime.	Alex Gardner	11 ayes; 0 nays	Motion Passed Unanimously

**13. Sherman-Burton, Wilson (60378) Certification Review: Police**

Presented by Linsay Hale

*Reason for Discretionary Review*

On 2/26/20, Wilson Sherman-Burton was dismissed from the Oregon Public Safety Academy (OPSA) for physically and verbally harassing members of his class, specifically using offensive and vulgar language and physically hitting a student during firearms training.

Staff determined Sherman-Burton's actions along with being less than truthful during the investigation violates the Board's moral fitness standards.

*Wilson Sherman-Burton provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Chris Davis 9ed himself due to a conflict of interest.			
Bradley Robertson moved that the Police Policy Committee adopt the staff report.	DaNeisha Barret	12 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> <li>● Aggravating: <ul style="list-style-type: none"> <li>○ The level of profanity Sherman-Burton displayed towards his classmates of a certain gender.</li> </ul> </li> </ul>			

<ul style="list-style-type: none"> <li>○ The egregiousness of Sherman-Burton’s behavior while enrolled at the Basic Police Academy.</li> <li>● Mitigating: <ul style="list-style-type: none"> <li>○ None identified.</li> </ul> </li> </ul>			
Alex Gardner 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 Board action should be taken against Sherman-Burton’s certification.	Bradley Robertson	12 ayes; 0 nays	Motion Passed Unanimously
Mark Rauch moved, after considering the totality of the case, that Sherman-Burton’s be ineligible to hold public safety certification for 10 years.	Liz Lawrence	12 ayes; 0 nays	Motion Passed Unanimously

**14. Zelinka, Zachary (49984) Certification Review: Police**

Presented by Linsay Hale

*Reason for Discretionary Review*

On April 30, 2018, Zachary Zelinka was terminated from the Portland Police Bureau (PPB) following an on-duty vehicle crash with a suspect vehicle that occurred in December, 2015. Zelinka, who was subject to a Last Chance Agreement, was found to have misrepresented the facts of the crash in his subsequent report, and throughout the investigation into the incident.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
DaNeisha Barret moved that the Police Policy Committee adopt the staff report.	Liz Lawrence	10 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> <li>● Aggravating: <ul style="list-style-type: none"> <li>○ The maneuver used by Zelinka that led to the crash appeared to be very intentional and would be hard not to remember.</li> <li>○ The excuse that Zelinka didn’t remember the events of the crash due to stress was disingenuous.</li> <li>○ Zelinka’s actions could have been considered a use of force, and his unwillingness to be forthright in his reporting is significant.</li> </ul> </li> </ul>			

<ul style="list-style-type: none"> <li>○ Zelinka had engaged in previous behavior while employed with PPB that led to suspensions from duty.</li> <li>● Mitigating: <ul style="list-style-type: none"> <li>○ None identified.</li> </ul> </li> </ul>			
Mark Rauch 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 Board action should be taken against Zelinka’s certifications	DaNeisha Barret	10 ayes; 0 nays	Motion Passed Unanimously
DaNeisha Barret moved, after considering the totality of the case, that Zelinka be ineligible to hold public safety certification for lifetime.	Alex Gardner	10 ayes; 0 nays	Motion Passed Unanimously

**15. Nominations and Appointments to the Applicant Review Committee**

Presented by Marsha Morin

On July 23, 2020, the Board approved the formation of the Applicant Review Committee. The Applicant Review Committee (ARC) is charged with the review of discretionary professional standards cases where the public safety professional is a new applicant for DPSST training and certification and the professional standards case is based on a criminal disposition that occurred prior to employment in public safety.

The seven-person membership of the ARC is comprised of two members from each Policy Committee and the public member from the Board. ARC members representing the Policy Committees will serve a one-year term and may be reappointed for a second term. The public member of the Board will serve by virtue of the position.

To be eligible to serve on the ARC, a Policy Committee member must have served at least one term on a Policy Committee.

The ARC will meet monthly, or as needed.

*John Teague moved to select Mark Rauch and Chris Davis to serve on the Applicant Review Committee. Bradley Robertson seconded the motion. The motion passed unanimously.*

**16. Proposed Rule Changes for OAR 259-008-0015, 259-008-0290, 259-008-0300 and 259-008-0310: Moral Fitness Standards Relating to Discrimination**

Presented by Jennifer Howald

DPSST received correspondence from a number of concerned citizens requesting the Board consider amending its administrative rule (OAR) to include membership in a hate group as mandatory grounds for denial or revocation of criminal justice public safety certification.

DPSST presented draft rule changes that were prepared with the goal of addressing the citizen request as well as identifying additional opportunities to address discrimination as a part of the Board's moral fitness standards for public safety professionals.

*The Police Policy Committee expressed concerns over the language, specifically the definition of discrimination and its impact on the hiring agency's liability when conducting background investigations. The Committee made suggested updates to the proposed language, which will be incorporated and re-presented at the February, 2021 Policy Committee meeting.*

*Consensus reached approving the fiscal impact statements provided by staff.*

*John Teague moved to file the proposed rule changes to allow for public comment. DaNeisha Barret seconded the motion. The motion passed unanimously.*

**17. Informational Update Regarding the Proposed Rule Adoption for OAR 259-008-0110, House Bill 4203 (First Special Session) and HB 4301**

Presented by Jennifer Howald

*Informational Update:*

Staff provided an informational update regarding the required rule adoption relating to prohibiting the training of police officers and reserve officers to use physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person, except as a defensive maneuver.

This rulemaking authority and directive was established by House Bill 4203 (First Special Session)

Additional Legislative Background:

House Bill 4203 (First Special Session) prohibited the use of physical force impeding the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person unless the circumstance is one in which the peace officer may use deadly physical force as provided in ORS 161.239.

House Bill 4301 (Second Special Session) expanded the application of HB 4203 to apply to corrections officers in addition to peace officers and revised Oregon's use of force statutes.

ORS Chapter 161 provides a definition for the term peace officer as it is used in and applies to HB 4203 and HB 4301.

**18. Proposed Rule Changes for OAR 259-008-0100 – Oregon Fallen Law Enforcement Memorial Eligibility Criteria**

Presented by Jennifer Howald

On January 23, 2020, the Board discussed the eligibility criteria for recognition on the Oregon Fallen Law Enforcement Memorial. The Board's discussions highlighted a need to review the existing eligibility criteria to determine if the rules appropriately represent the types of line of duty deaths that should be honored on the Memorial.

General research of the Memorial history and the phrase "killed in the line of duty" indicates that killed, died, slain, lost, fallen and ultimate sacrifice have all been used interchangeably to capture recognition of law enforcement officers whose deaths were the result of performing the duties of or serving as a law enforcement officer.

*The Committee discussed concerns with the proposed language as it relates to eligibility criteria. The Committee made suggested updates to the proposed language, which will be incorporated and re-presented at the February, 2021 Policy Committee meeting.*

*John Teague moved to approve filing the draft rule changes as a proposed rule to allow for public comment. Alex Gardner seconded the motion. Motion passed unanimously.*

**19. Department Update:**

Linsay Hale Reported:

- DPSST is continuing to work with the Governor's Office the appointment of Chief Chris Skinner (replacing Chief Kris Allison for OACP) and Sheriff Terry Rowan (replacing Sheriff Brian Wolfe).
- DPSST is moving forward with four Board-approved legislative concepts during the 2021 session (two relating to private security accountability, one performing housekeeping on the private investigator application process, and other adjusting DPSST's procurement authority). While DPSST hasn't introduced any bills directly affecting our criminal justice disciplines, we fully expect there to be numerous bills introduced that will impact all of public safety in Oregon. Staff will be monitoring all bills, testifying when appropriate and keeping our Policy Committees, Board and public safety partners informed.
- The recruitment for the vacant Compliance Specialist 3 position is underway. We hope to have that position filled in the coming weeks.
- DPSST is continuing to manage the COVID environment while delivering effective public safety/first responder training. While we cannot completely eliminate the transmission of COVID anymore than we can eliminate the transmission of any other illness, we continue to mitigate risk wherever possible. The health and safety of our staff and students and the integrity of our training remains our number one priorities.
- DPSST announced the formation of two work groups, one to review DPSST's approach to certification reviews in cases involving arbitration, and another to review the possible training and certification of field training officers.

- DPSST is pleased to introduce Les Hallman as the Acting Director of DPSST. Les is on an executive rotation from Tualatin Valley Fire & Rescue where he serves as Assistant Chief. We all look forward to taking advantage of Les' leadership

**20. Next Police Policy Committee Meeting: February 18, 2021 at 10:00 am**

*Administrative Notes:*

*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](mailto:dpsst.records@state.or.us).*