

# **Police Policy Committee Minutes February 18, 2016 (Draft)**

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 18, 2016, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Chair Kent Barker called the meeting to order at 10:02 a.m.

## **Attendees:**

### **Committee Members:**

Kent Barker, Chair, Oregon Association Chiefs of Police  
John Bishop, Oregon State Sheriff's Association  
Michael Crebs, Portland Police Bureau, Asst. Chief (Designee for Chief Larry O'Dea)  
Scott Dillon, Non-Management Law Enforcement  
Mathew Workman, Oregon Association Chiefs of Police (phone)  
Kristine Allison, Oregon Association of Chiefs of Police (phone)  
Brian Wolfe, Oregon State Sheriff's Association  
Jeffrey Staples, Non-Management Law Enforcement  
Pat Garrett, Oregon Sheriff's Association  
Joel Lujan, OSP Command Staff Representative  
Murray Rau, Non-Management Law Enforcement  
Richard Evans, Oregon State Police Superintendent

### **Committee Members Absent:**

Greg Bretzing, Federal Bureau of Investigation  
Jeff Hering, ONEA  
Mike Wells, Non-management Law Enforcement

### **DPSST Staff:**

Todd Anderson, Training Division Director  
Bob Sigleer, Training Compliance Program Auditor  
Mona Riesterer, Professional Standards Assistant  
Linsay Hale, Professional Standards Division Director  
Jennifer Howald, Scheduling/Certification Specialist  
Debbie Anderson, Certification & Compliance Specialist  
Leon Colas, Professional Standards Investigator & Coordinator  
Ryan Keck, Leadership Training Coordinator  
Monica Walker, Criminal Justice Certification Supervisor  
Theresa King, JTA and Training Compliance Program Coordinator

### **Guests:**

Sgt. Evan Sether, OSP  
Sgt. Kevin Ely, OSP  
Theresa Parker, OLCC



**1. Minutes of November 19, 2015**

Approve the minutes of the November 19, 2015 Police Policy Committee meeting.

To see a complete record of the November 19, 2015 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 November 19, 2015 Police Policy Committee meeting. Brian Wolfe seconded the motion. The motion carried unanimously.

**2. \*Oregon Liquor Control Commission (OLCC) Pilot Regulatory Specialist Field Training Manual**

Presented by Robert Sigleer & Teresa Parker (OLCC)

The OLCC, in partnership with the Department of Public Safety Standards and Training, has developed a 160-hour Basic training curriculum utilizing the 2013 Oregon Liquor Enforcement Inspector Job Task Analysis (JTA) and input from Subject Matter Experts (SME). To become a certified OLCC Regulatory Specialist requires attendance and completion of the Basic OLCC Academy and the Field Training and Evaluation Program (FTEP)

Joel Lujan recommended that the PPC consider approving the initial use of the OLCC Pilot Regulatory Specialist FTM. As designated a Pilot FTM, updates will be made on an as-needed basis. John Bishop seconded the motion. The motion carried unanimously.

**3. \*Changes to Basic Police Curriculum**

Presented by Ryan Keck, Sgt. Evan Sether, & Sgt. Kevin Ely

The Training Division requests the approval of the Police Policy Committee to make the adaptations to the Basic Police curriculum as presented to the Policy Committee.

Rich Evans recommended approval of the proposed changes to reduce the training hours for the Intoxilyzer course. Michael Crebs seconded the motion. The motion carried unanimously.

John Bishop recommended approval of the proposed changes to utilize the hours for the Community Policing Course. Michael Crebs seconded the motion.

4. **\*David Toll, DPSST #51790 –Nyssa Police Department**

Presented by Leon Colas

*Brian Wolfe abstained due to a potential conflict of interest.*

*Rich Evans and Joel Lujan, for the record, wanted to advise that their agency participated in the investigation of David Toll, which they had no knowledge of or were involved in.*

The case brought before the Policy Committee involves David Toll's false and misleading statements made to his superior when requesting permission to go to Boise, Idaho on July 24, 2014, while on administrative leave. David Toll was requested to submit an itinerary which failed to include all of the information requested.

Pat Garrett moved that the Police Policy Committee adopts the staff report as the record upon which its recommendation are based. Jeff Staples seconded the motion. The motion carried with 12 ayes and Brian Wolfe abstaining.

By discussion and consensus, the committee determined that David Toll's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified David Toll's behavior did not involve **Misconduct** as defined in the Administrative Rule.

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

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

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

By discussion and consensus, the committee determined that David Toll's behavior did involve **Dishonesty** as defined in the Administrative Rule by the date in question; the information given stated he had a 10:00 a.m. appointment with a lawyer when in fact he had a criminal interview with an OSP investigator at 10:15 a.m. The itinerary that was created had information that was purposely omitted. Toll was requested to call and check in with his chief regarding additional appointments in which he did not do until 4:50 and at that point left a message.

John Bishop moved that the Police Policy Committee find that David Toll's **Dishonesty** did rise to the level warrant revocation when considered alone. Joel Lujan seconded the motion. The motion carried with 12 ayes and Brian Wolfe abstaining.

By discussion and consensus, the committee determined that David Toll's behavior did involve **Aggravating Circumstances** by not providing a letter mitigating his actions. Toll

had several opportunities to come clean and never took the initiative to do so. Also, David Toll's blatant dishonesty on several occasions and his overall attitude towards his Chief.

By discussion and consensus, the committee determined David Toll's behavior did not involve any **Mitigating Circumstances**.

After considering the totality of the circumstances, Richard Evans moved that the committee recommends to the Board that David Toll's certification be revoked. Kris Allison seconded the motion. The motion carried with 12 ayes and Brian Wolfe abstaining.

John Bishop moved that the committee recommends to the Board that David Toll's **Dishonesty** warrants for ineligibility for **Lifetime**. Richard Evans seconded the motion. The motion carried with 12 ayes and Brian Wolfe abstaining.

5. **\*Samuel Wolfe, DPSST #33680 – Basic Police Certification**

Presented by Leon Colas

The issue in this case is Wolfe's conduct surrounding his arrest and convictions for Criminal Driving While Suspended, ORS 811.182(4), a discretionary disqualifying crime under OAR 259-008-0070(4)(c), and whether his Basic police certification should be revoked as a result.

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

By discussion and consensus, the committee determined that Samuel Wolfe's behavior did not involve **Insubordination**.

By discussion and consensus, the committee determined that Samuel Wolfe's behavior did Involve **Misconduct** as defined in the Administrative Rule by violation of the law multiple times.

Pat Garrett moved that the Police Policy Committee find that Samuel Wolfe's **Misconduct** does rise to the level to warrant revocation when considered alone. Brian Wolfe seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Samuel Wolfe's behavior did Involve **Gross Misconduct** as defined in the Administrative Rule by criminal driving while suspended and violation of the law multiple times.

Richard Evans moved that the Police Policy Committee find that Samuel Wolfe's **Gross**

**Misconduct** does rise to the level to warrant revocation when considered alone. John Bishop seconded the motion. The motion carried unanimously.

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

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

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

By discussion and consensus, the committee determined that Samuel Wolfe's behavior did involve **Aggravating Circumstances** by driving while suspended. Wolfe's background of law enforcement, shows a lack of concern regarding rules of chapter 811, driving with a suspended license, without insurance, and speeding.

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

After considering the totality of the circumstances, John Bishop moved that the Committee recommends to the Board that Samuel Wolfe's certification be **revoked**. Joel Lujan seconded the motion. The motion carried unanimously.

John Bishop moved that the committee recommends to the Board that Samuel Wolfe's **Misconduct** warrants for an ineligibility period to reapply for **seven years**. Micheal Crebs seconded the motion. The motion carried unanimously.

Rich Evans moved that the committee recommends to the Board that Samuel Wolfe's Gross **Misconduct** warrants for an ineligibility period to reapply for **seven years**. Joel Lujan seconded the motion. The motion carried unanimously.

**6. \*Homero Reynaga, DPSST # 29551 – Portland Police Bureau**  
Presented by Leon Colas

The issue in this case is Reynaga's conduct surrounding his arrests and convictions for Criminal Mischief in the Second Degree, ORS 164.354, and DUII, ORS 813.010, both discretionary disqualifying crimes under OAR 259-008-0070(4)(c), and whether his Basic, Intermediate and Advanced police certifications should be revoked as a result.

*Michael Crebs asked to abstain due to a potential conflict of interest.*

*For the record Kent Barker stated that his agency was involved in the criminal mischief report, as he was aware of when it happened but feels that he can make a fair determination based on the information presented. Also, Jeff Staples stated his agency was the arresting agency on his DUII, as he was not involved in the arrest, he also felt that he can make a fair determination as well.*

Joel Lujan 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 with 12 ayes and Michael Crebs abstaining.

By discussion and consensus the committee determined that Homero Reynaga's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Homero Reynaga's behavior did involve **Misconduct** as defined in the Administrative Rule based on the elements of the crime he was convicted of.

Jeff Staples moved that the Police Policy Committee find that Homero Reynaga's **Misconduct** does rise to the level to warrant revocation when considered alone. Rich Evans seconded the motion. The motion carried 12 ayes and Michael Crebs abstaining.

By discussion and consensus, the committee identified that Homero Reynaga's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the DUII shows a clear risk to the public and the criminal mischief presented.

John Bishop moved that the Police Policy Committee find that Homero Reynaga's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Scott Dillon seconded the motion. The motion carried 12 ayes and Michael Crebs abstaining.

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

By discussion and consensus, the committee determined that Homero Reynaga's behavior did involve **Disregard for the Rights of Others** as defined in the Administrative Rule by criminal mischief and purposely damaging a vehicle. Based on the definition of **Disregard for the Rights of Others**, he had a clear disregard of fairness and disrespect for the rights of others.

Jeff Staples moved that the Police Policy Committee find that Homero Reynaga's **Disregard for the Rights of Others** does rise to the level to warrant revocation when considered alone. Brian Wolfe seconded the motion. The motion carried 12 ayes and Michael Crebs abstaining.

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

By discussion and consensus, the committee determined that Homero Reynaga's behavior did involve **Aggravating Circumstances** as Reynaga had previously appeared before the Policy Committee and was given a chance to turn around his behavior and has since committed the same offense along with additional criminal activity shows as an **Aggravating Circumstance**. The fact that Reynaga had keyed the victim's car the previous day shows his behavior as an escalation as opposed to one single incident. The crime committed to the vehicle was a substantial amount of damage which resulted in a costly repair. Reynaga was previously ordered to alcohol treatment in which he did not take advantage of. He clearly had a disregard for the arresting officer and showed a lack of respect during the arrest.

By discussion and consensus, the committee determined Homero Reynaga's behavior did not involve any **Mitigating Circumstances**.

After considering the totality of the circumstances, Brian Wolfe moved that the committee recommends to the Board that Homero Reynaga's certification be **revoked**. Jeff Staples seconded the motion. The motion carried with 12 ayes and Michael Crebs abstaining.

Joel Lujan moved that the committee recommends to the Board that Homero Reynaga's **Misconduct** warrants for an ineligibility period to reapply for **seven years**. Rich Evans seconded the motion. The motion carried with 12 ayes and Michael Crebs abstaining.

Rich Evans moved that the committee recommends to the Board that Homero Reynaga's **Gross Misconduct** warrants for an ineligibility period to reapply for **ten years**. Murray Rau seconded the motion. The motion carried 12 ayes and Michael Crebs abstaining.

John Bishop moved that the committee recommends to the Board the Homero Reynaga's **Disregard for the Rights of Others** warrants for an ineligibility period to reapply for **fifteen years**. Jeff Staples seconded the motion. The motion carried 12 ayes and Michael Crebs abstaining.

7. **\*David Fuller, DPSST # 16332 – Columbia County Sheriff's Office**

Presented by Leon Colas

On November 20, 2014, the Police Policy Committee (PPC) voted to recommend revocation of the Basic, Intermediate, and Advanced Police certifications of David Fuller. On January 22, 2015, the Board unanimously affirmed the Policy Committee's recommendations. On December 2, 2014, Fuller requested a hearing and it was referred to the Office of Administrative Hearings. A contested case hearing was scheduled, and prior to the hearing dates Fuller and his attorney filed motions for Summary Determination. ALJ Fair issued a Ruling on Motions for Summary Determination and Proposed Order in June. The ALJ determined that Fuller engaged in conduct involving dishonesty in one of five alleged instances of dishonesty. ALJ Fair determined that since one instance of dishonesty did not involve matters relevant to the original criminal investigation of Fuller, DPSST should not revoke his certifications.

John Bishop recommended the Board amend the proposed order by ALJ Fair. Michael Crebs seconded the motion. The motion carried unanimously.

Rich Evans moved to adopt the Amended Proposed Order prepared by staff and legal counsel, revoking Fuller's certifications. Michael Crebs seconded the motion.

## **8. Department Update:**

Linsay Hale presented:

Sharon Huck, our Rules Coordinator, has announced her retirement at the end of the month. Jennifer Howald will be filling the position as a developmental opportunity. Jennifer served as a Scheduling and Certification Specialist within the Criminal Justice certification program. We are excited to have her fill this role in this developmental capacity.

Senate Bill 239 which states all agencies that use reserve officers conduct the same background check was affirmed by the Board and will open for public comment in March. We are looking at a roll out date of April 1<sup>st</sup> and will be sending out notice to our constituents.

The agency is working on a method that would allow F-6 training rosters to be electronically sent to the agency. Once received and uploaded into our system the process will be instantaneously so there would not be a wait time to get the information entered into officer training records.

The Criminal Justice Denial/Revocation workgroup has been actively meeting. There has been great discussion thus far. Any recommendations from the workgroup, they will be presented to the Policy Committee by way of a rule change.

With the implementations of the Intermediate and Advanced Certification Charts, and will start the discussion with the work group involving the evaluation of the management, supervisory and executive certifications to see if any adjustments will need to be made.

The CPC Maintenance Training discussion is continuing and will be exploring the implementation of maintenance training for corrections and parole and probation officers.

The legislature is in session. There is only one bill that would directly affect DPSST. This is a bill dealing with private security providers presenting themselves as law enforcement. DPSST has been participating in the discussion, since DPSST is the agency that regulates Private Security.

The concepts for the 2017 Legislative Session need to be submitted to DAS and the Governor's office by April. We have received permission from the Board to file three concepts on behalf of DPSST and the Board. The first concept relates to the fingerprint authorities. The second is would allow DPSST to suspend the certification of Armed Private Security providers who do not complete the annual requalification training. The final concept

involves adding a voting public member to the Corrections, Police and Telecommunications Policy Committees.

Todd Anderson gave an update on the following:

### **2016 Legislative Session**

Training Division Director Anderson shared that DPSST has four issues during the 2016 Legislative Session that will require that the agency appear in front of the Ways & Means Public Safety Sub Committee. DPSST has requested approximately 2.8 million to fund the addition of 4 additional 16-week Basic Police and 2 additional 6-week Basic Corrections classes during the 2015-2017 biennium. Along with the request for additional classes, Department of Corrections also requested fund for Coffee Creek and emergency beds at OSP.

The basic police numbers are if you hire someone today, the student will be enrolled in the May class which means we are under the 90 day wait period. The goal is to be under 60 days. There is a June class following the May class. The first 6 months of this year, the academy has a class coming in every month. This will move the Basic Classes from 13 to 17 and Basic Corrections Local from 5 to 7. These classes have been loaded into the DPSST calendar.

### **OACP Police Training Discussion**

A number of new Oregon law enforcement leaders, combined with the recent delays in getting newly hired officers into basic training classes at the Academy, have led to discussions on evaluating the current system. The below list of questions was recently discussed by the Oregon Association of Chiefs of Police (OACP) Training and Education Committee meeting earlier this month in Seaside.

- Is what DPSST is currently doing, regarding police training, adequate to meet LE's needs and recruitment challenges?
- Should the Metro Region have a commuter's academy?
- Should agencies be provided with an option to train their own recruits?
- Should DPSST look to certifying Community College programs to train police officers?
- Should the State begin a proactive PSA program touting the vocation of police work?

Director Anderson noted that the above list of issues is by no means is a reflection of statewide concerns, but a list of suggestions from a few. DPSST was actively engaged in the discussion and pledged to work with OACP members.

## **BHO Labs**

The Oregon High Intensity Drug Trafficking Area (HIDTA) program is located at DPSST and its Director Chris Gibson expressed interest in working with fire agencies regarding the uptick of *Butane Honey Oil* (BHO labs we have been seeing in Oregon). Director Gibson, Captain Terri Davie of the Oregon State Police, and Fire & Arson Investigators with the Portland Police Bureau and Portland Fire & Rescue developed a presentation regarding this issue and the prosecution of these cases. The presentation has already been given to the Oregon Fire Chiefs Association (OFCA) Executive Board, Oregon Association of Chiefs of Police, and Oregon State Sheriff's Association. Presentations are scheduled for the upcoming Oregon Fire Marshals Association (OFMA), International Association of Arson Investigators (IAAI), and OFCA Conferences. The presentation covers the issue, safety concerns, and efforts underway to investigate process and prosecute if possible those involved in these explosions and fires. The presentation takes about 20-30 minutes. On a related note, Captain Davie is forming a work group on this issue that includes representatives of the OFCA, HIDTA, State Fire Marshal's Office, and other members to develop a statewide approach to this issue.

## **Active Shooter**

DPSST continues to offer active shooter training classes on a statewide basis to law enforcement, fire-rescue and 9-1-1 agencies. We are also going to develop an active shooter management class for first arriving supervisors and command staff that will provide tools for leadership of these events for the first 72 hours. DPSST will be working with public safety leaders from law enforcement, fire, and 9-1-1 who were involved in UCC, Clackamas Town Center, and Reynolds HS to assist us. DPSST also plans to include the FBI and ATF on the training class to ensure federal law enforcement resources are included in the training. The work group should begin in March and complete its assignment in a few months.

## **OACP/OSSA Mental Health Crisis Work Group**

DPSST has been asked to help facilitate the work of the OACP/OSSA Mental Health Crisis Work Group. The group will eventually bring together law enforcement representatives and will expand to include fire, EMS and 9-1-1 representatives as well as mental health and community resources.

### **Areas to be addressed:**

- State wide acknowledgment of current Legal status regarding 9th circuit and Use of Force encounters with Mentally Ill individuals. (i.e. state wide adoption of Enhanced Graham Standards for Use of Force policies and DPSST training). Kenny Montoya can help with this as well as Elmer if needed.

- Look at developing a "Standardized Response Protocol" once there is an understanding of current case law.
- Training for both recruits/ and career LE. What should the recommendation be for DPSST in regard to hours associated with classroom portion of CIT? How many hours dedicated to practical scenarios?
- Recommendation for # of hours for Enhanced CIT
- "Policy Framing" recommendations for LE agencies with regard to incorporating MH scenarios into Survival Skills training.
- Potential for Legislative goals around funding at a State wide level for Mobile Crisis Response Teams, Crisis Outreach Response Teams, more 24/7 Psychiatric Crisis Centers (Regional for the Coast and Eastern part of the State)

### **Death of Sgt. Jason Gooding – Seaside Police Department**

DPSST staff has supported the Oregon Fallen Badge Foundation as they assist the Seaside Police Department with their loss. Sergeant Jason Gooding's (DPSST# 43017) was shot and killed while serving a felony warrant on Friday evening, February 5, 2016 at around 9:20 pm. The Public Safety Memorial Fund Board held an emergency meeting to provide assistance to Sgt. Gooding's family. The Governor's Commission on the Law Enforcement Medal of Honor held an emergency telephonic meeting and unanimously approved a request to present the Medal of Ultimate Sacrifice to the family. Governor Kate Brown presented the Medal Ultimate Sacrifice to Sgt. Gooding's family during the memorial ceremony on Friday, February 12, 2016 at the Seaside Convention Ceremony. Sgt. Gooding is the 183rd Oregon law enforcement officer to have died in the line of duty since the first was recorded in the 1880s. Sgt. Gooding's name will be added to the Oregon Fallen Law Enforcement Officer Memorial during the 2017 ceremony.

### **Granite Police Department**

The City of Granite (Grant County – population approximately 40 residents) has been in touch with DPSST staff and has indicated that their community will be forming a police department. DPSST has been providing information on state standards and have also provided contact information for resources such as CityCounty Insurance Services (CCIS).

**9. Next Police Policy Committee Meeting – May 19, 2016 at 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](mailto:dpsst.records@state.or.us).*