

Police Policy Committee

Minutes

May 21, 2015

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 21, 2015, 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 (left the meeting at 11:37 a.m.)
Michael Crebs, Portland Police Bureau, Asst. Chief (Designee for Chief Larry O'Dea)
Richard Evans, Oregon State Police Superintendent
Larry Blanton, Oregon State Sheriff's Association
Scott Dillon, Non-Management Law Enforcement
Joel Lujan, OSP Command Staff Representative
Murray Rau, Non-Management Law Enforcement
Mike Wells, Non-management Law Enforcement
Mathew Workman, Oregon Association Chiefs of Police (by phone)
Greg Bretzing, Federal Bureau of Investigation

Committee Members Absent:

Kristine Allison, Oregon Association of Chiefs of Police
Brian Wolfe, Oregon State Sheriff's Association
Jeffrey Staples, Non-Management Law Enforcement

DPSST Staff:

Eriks Gabliks, Director
Todd Anderson, Training Division Director
Linsay Hale, Professional Standards Division Director
Mona Riesterer, Professional Standards Assistant
Theresa King, DOC-BCC Audit Program Coordinator
Kristen Hibberds, Professional Standards Investigator & Coordinator
Ryan Keck, Leadership Training Coordinator
Sara Tribbey, Training Evaluation Coordinator
Jennifer Howald, Scheduling/Certification Specialist
Debbie Anderson, Certification & Compliance Specialist

Guests:

Theresa Parker, OLCC
Eric Sheber, Portland Police Bureau
Maxine Bernstein, Oregonian



1. Minutes of February 19, 2015 Meeting

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

To see a complete record of the February 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 February 19, 2015 Police Policy Committee meeting. Larry Blanton seconded the motion. The motion carried unanimously.

2. *OLCC – Curriculum Approval

Presented by Sara Tribbey

A four week training curriculum was presented to the committee for the OLCC liquor enforcement inspectors. The passing of the 2012 SB 1528 required not only for OLCC liquor inspectors to be certified, but also for DPSST develop a certification program. The OLCC curriculum committee has been meeting over the past several months to build a student-centered development program to meet OLCC's needs, but also aligning the direction of DPSST training. The four week basic curriculum is designed to help new liquor enforcement inspectors acquire essential knowledge as well as develop job specific skills that will be utilized throughout their careers.

Larry Blanton moved to recommend approval of the OLCC Curriculum to the board based on the information presented. John Bishop seconded the motion. The motion carried unanimously.

3. *2015 Police Job Task Analysis Approval

Presented Theresa King

A group of subject matter experts were convened to review the job task analysis for police officers. Substantially, the JTA did not change, but because of current trending, there were new tasks added that include; active shooter, active threat, interacting with mentally ill, and use of audio devices in today's policing. There were also 28 characteristics and traits added to the analysis that identify skills a police officer should possess to make them successful in their career.

John Bishop moved to recommend approval of the 2015 Police Job Task Analysis to the board as presented. Mike Wells seconded the motion. The Motion carried unanimously. Rich Evans for the record thanked everyone involved for their participation.

4. ***Dustin Hyer, DPSST #34048, (Possible Executive Session)**

This item was removed for discussion from the agenda.

5. ***OAR 259-008-0010 Proposed Rule Change; Physical Standards Review, Form F2 and Physical Standard Waivers Process Changes**

Presented by Sharon Huck

This proposed rule change updates the medical standards for police officers, corrections officers, parole and probation officers, and liquor enforcement inspectors. The change also streamlines the reporting and waiver processes for the applicant, hiring agency, and the Department.

Larry Blanton moved to recommend filing the proposed language as presented with the Secretary of State and as a permanent rule if no comments are received. Rich Evans seconded the motion. The motion carried unanimously.

By consensus the committee found no fiscal impact to small businesses.

6. ***Thomas Kipp, Oregon State Police (Retired), DPSST #20794**

Presented by Leon Colas

Rich Evans asked to be removed due to a potential conflict of interest

Larry Blanton asked to be removed due to a potential conflict of interest

Joel Lujan asked to be removed due to a potential conflict of interest

Due to not having a quorum, Chair, Kent Barker stated we will table the agenda until next meeting.

7. ***James Escobar, Portland Police Bureau, DPSST #51843**

Presented by Leon Colas

Michael Crebs asked to be removed due to a potential conflict of interest.

James Escobar's conduct in Portland Police Bureau's Internal Affairs cases #2014-B-0006 and 2014-B-0022 involving violations of Bureau policies and dishonesty that led to his resignation in lieu of termination.

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

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

By discussion and consensus, the committee identified James Escobar's behavior did involve **Misconduct** as defined in the Administrative Rule by knowingly driving his vehicle without displaying license plates.

Rich Evans moved that the Police Policy Committee find that James Escobar's **Misconduct** does rise to the level to warrant revocation when considered alone. Larry Blanton seconded the motion. The motion carried unanimously.

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

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

By discussion and consensus, the committee determined that James Escobar'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 James Escobar's behavior did involve **Dishonesty** as defined in the Administrative Rule by repeated hiding of the VIN of his personal vehicle and his untruthfulness about why his vehicle did not have license plates. Also in the information from the Deputy Sheriff from Clackamas County, that stated he had seen Mr. Escobar without plates on his car in a previous incident, and had cited him for the same issue. Mr. Escobar's behavior of hiding the VIN number, taking the license plates off of his vehicle, and the overall untruthfulness of the situation shows **Dishonesty**.

Larry Blanton moved that the Police Policy Committee find that James Escobar's **Dishonesty** does rise to the level to warrant revocation when considered alone. Joel Lujan seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that James Escobar's behavior did involve **Aggravating Circumstance** by Mr. Escobar's continuing behavior. Using his knowledge as a police officer to try and get around the system rather than paying for the parking. The fact that Mr. Escobar did not respond is also an **Aggravating Circumstance**.

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

After considering the totality of the circumstances, Rich Evans moved that the committee recommends to the Board that James Escobar's certification be revoked. John Bishop seconded the motion. The motion carried unanimously.

Larry Blanton moved that the committee recommends to the board that James Escobar's **Misconduct** warrants for an ineligibility period to reapply for seven years. Rich Evans seconded the motion. The motion carried unanimously.

John Bishop moved that the committee recommends to the Board that James Escobar's **Dishonesty** warrants for an ineligibility period to reapply for a lifetime. Larry Blanton seconded the motion. The motion carried unanimously

8. *Request for Review of Training Waiver Process

Chief Brian Harvey, La Grande Police Department

At the request of the Chief Brian Harvey with the La Grande Police Department, Chief Harvey is asking for the committee to review the current standards for training waivers. Specifically the requirement for retraining someone when they have left full time certified law enforcement in the state. DPSST, at the request of the board, formed a work group last year to review this standard and determined that the standards were still relevant and recommended no changes at that time. The issue is presented for discussion and direction regarding the training waiver process for law enforcement officers.

By discussion and consensus the committee determined to not make any changes to the current training waiver process.

9. Staff Updates

Linsay Hale Reported:

There is a public records order that came out from the AG's office, regarding the release of officer dates of birth from DPSST. The Oregonian has made a public records request for DPSST information, including the dates of birth for law enforcement officers. DPSST feels this is protected information and disagrees with the Order and is seeking relief in circuit court. More information to follow.

DPSST has decided to go forward with a Criminal Justice IRIS system. This would be an internet portal for members of the public to look review law enforcement employment, rank and training records. This will only be for actively employed certified individuals. The information would only include the employer, officer's name and DPSST#, officer's rank, and the training records. It was a general consensus from the committee that they would like to add a disclaimer that states "this may not be a complete and accurate training record".

DPSST is also reviewing the internal complaint process. It has been recognized recently that there is not have a consistent process within the Professional Standards Division. DPSST is formulating one process for constituents to make complaints and have a standard way of how the complaints are handled. This will be coming forward by a rule change hopefully by the August Police Policy meeting.

Staff requests permission to form a workgroup to revisit the denial/revocation rule for all of the law enforcement discipline. There have been some issues that have come up that are requiring some clarification. It was agreed by a general consensus from the group to form a work group.

Todd Anderson Reported:

Basic 348 just graduated. This was the first class ever to receive all the citations, which are the academic, skills, defense tactic, and director's award. We have basic police classes starting in June, August and September which are completely full. We are hosting the Core Science two day classes, that are scheduled for June 15th and 16th. It is open registration currently on our website.

We are working with HIDTA and hosting the HIDTA training throughout the state. DPSST is hosting a Cellebrite Class that is scheduled for June 22nd through the 26th. If anyone is interested in applying, go to the ODA website to register. There will be 15 candidates selected that will be dispersed statewide.

Erik Gabliks Reported:

Glenn Sruggs has a new assignment at Tigard Police Department and as such, has decided to resign from the Board and Police Policy Committee, as well as Larry Blanton is retiring at the end of June, and this will be his last meeting. DPSST is working with the respective organizations and the Governor's office to find replacements.

Chair Kent Barker asked to entertain a motion from the committee to nominate for the position of Vice Chair. Rich Evans moved that Matt Workman be appointed for nomination of Vice Chair. Kent Barker seconded the motion. The motion carried unanimously.

Gil Datan with Coos County died last month in the line of duty. The memorial fund did meet and award benefits to the family. Thanks also to Greg Bretzing and his staff at the FBI for assisting w/ PSOB Benefits.

On the legislative side, DPSST was scheduled for a Budget Meeting, but it has since been postponed.

There is a bill currently being looked at which involves GI's. This would allow agencies to hire reserve officers and would send them to DPSST for training; we would then bill back the officer under the GI bill for the training while they were here. DPSST has several concerns with this bill as proposed.

There are three DPSST bills which include reserve backgrounds; this bill has been through the house and senate so we should be seeing a rule change soon. The access to records is moving through both chambers and the PERS Sunset extension has gone through both houses as well.

The marijuana bill still continues to be discussed. DPSST has submitted a fiscal to OLCC to add two full time positions and 2 part trainers to provide basic training to law enforcement officers.

The Tribal police officer legislation has passed both chambers and will be moving to the Governor's office. There are a number of bills that are still being actively discussed such as; use of force, profiling, and other bills in partnership with our shareholders to see what may come from this session.

Portland State University Police – DPSST hosted their governance group earlier this month for an informational session on statues and rules that DPSST/BPSST shared with PSU for their knowledge. A tour followed the information session.

DPSST is doing some background work on developing a minimum psychological standard. We are doing research as to what the impact of this might be.

Basic Classes – DPSST continues to monitor academy enrollments for basic police. At this time an officer hired today will be in a basic class within 90 days. We are working w/ OSP & PPB which forecast a large number of retirements in the upcoming year. We have discussed the potential of additional basic police classes with the legislative Ways and Means Committee, which understood and supported our concern.

21st Century Policing Task Force – DPSST (Steve Winegar) provided testimony to this group and staff within DPSST's Center for Policing Excellence. They are actively monitoring the national discussion to ensure Oregon is addressing identified issues.

10. Next Police Policy Committee Meeting – August 20, 2015 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.*