

Telecommunications Policy Committee Minutes

February 2, 2022

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 2, 2022, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Michael Fletcher called the meeting to order at 9:00 am.

Committee Members:

Michael Fletcher, Chair, APCO-NENA
Matt Dale, OFCA EMS Section (Webex)
Rebecca Carney-Interiano, Oregon State Police (Webex)
Chelsea LaBar, APCO (Webex)
Andre Lindauer, Public Member (Webex)
Rebecca Long, Emergency Medical Services & Trauma Rep (Webex)
Ray Rau, Oregon Associate of Chiefs of Police (Webex)
Erica Stolhand, APCO (Webex)
Reann Thurber, Telecommunicator (Webex)

Committee Members Absent:

April Benedetti, Line-Level Communicator
Tim Svenson, Oregon State Sheriff's Association

Guests:

Rachel Girard
Emerson Lennon

DPSST Staff:

Jerry Granderson, Director
Suzy Herring, Professional Standards Administrator
Marsha Morin, Standards and Certification Manager
Melissa Lang-Bacho, Professional Standards Case Manager
Jordan James-Largent, Professional Standards Case Manager
Shelby Alexander, Executive Support Specialist



1. Introductions

Introductions of members, guests and staff.

2. Approve November 3, 2021 Meeting Minutes

Matt Dale moved to approve the minutes from the November 3, 2021, Telecommunications Policy Committee meeting. Andre Lindauer seconded the motion. The motion passed unanimously, with one member not voting due to technological issues (Thurber).

3. Case Review Process Overview/Updates

Presented by Marsha Morin

Staff provided a brief overview of the case review process and updates that were made to the staff report.

4. Girard, Rachel (55285) Certification Review: Telecommunications/Emergency Medical Dispatch

Presented by Melissa Lang-Bacho

On November 6, 2020, Rachel Girard separated from the Wallowa County Sheriff’s Office (WCSO) as part of a settlement agreement. WCSO found that Girard was untruthful in the steps she took prior to contacting another agency Chief, was insubordinate and made deceptive Law Enforcement Data System (LEDS) entries.

Rachel Girard provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Raeann Thurber moved that the Telecommunications Policy Committee adopt the staff report.	Matt Dale	9 ayes; 0 nays.	Motion Passed Unanimously

The policy committee found Girard violated the Board’s moral fitness standard, specifically:

- Dishonesty: Girard was untruthful about the steps she took prior to contacting the Enterprise Chief of Police; Girard was untruthful about a caller who refused to get off the 911 line; and Girard was deceptive with an entry she made in LEDS, which she initialed as her supervisor.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: The committee did not identify elements of misconduct.

The committee further identified the following aggravating and mitigating factors that influenced their decision on the severity of the action to be taken.

- Mitigating
 - Girard’s dishonesty was not malicious.
 - Girard had a duty to respond to the 911 call in a timely manner and send help no matter where the help came from.
 - There is a hang-time for the phone systems which may have led to the attempts to make phone calls not being recorded by the system.
 - The agency requested an audit of the LEDS entries after Girard sent officers from another agency to respond to the 911 call, which gives the appearance they were looking for issues.
 - There are cultural issues at the WCSO.
 - Girard’s supervisor gave Girard permission to place their initials as having verified entry on the LEDS forms.
 - Girard had no other disciplinary actions in her career as a dispatcher.
 - There were several areas in need of improvement at the agency level and coaching for Girard.
 - Girard’s agency was violating LEDS policies by allowing staff to initial for a supervisors on entries.

<ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ A false arrest was made as a result of the errors in the LEDS entry. ○ The errors in the LEDS entry could have been caught had the entry been peer reviewed. ○ There is no concrete evidence showing that Girard attempted to call WCSO officers prior to contacting another agency for help with a 911 call. ○ Girard’s recollection of the events does not align with the information provided. ○ It is unrealistic that she made multiple phone calls in seven (7) seconds. 			
Chelsea LaBar 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 Girard’s certifications.	Ray Rau	9 ayes; 0 nays.	Motion Passed Unanimously

5. Foster, Jennifer (50183) Certification Review: Telecommunications/Emergency Medical Dispatch

Presented by Melissa Lang-Bacho

On April 13, 2021, Jennifer Foster was terminated from her position with the Harney County Sheriff’s Office (HCSO), after an internal investigation determined that she was sending inappropriate text messages after hours while acting as a supervisor.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Rebecca Carney-Interiano moved that the Telecommunications Policy Committee adopt the staff report with the addition of Misuse of Authority.	Andre Lindauer	9 ayes; 0 nays.	Motion Passed Unanimously
<p>The policy committee found Foster violated the Board’s moral fitness standard, specifically:</p> <ul style="list-style-type: none"> • Dishonesty: The committee did not identify elements of dishonesty. • Misuse of Authority: Foster used her position as a public safety professional to harm others when she threatened the employment of persons. • Misconduct: Foster attempted to harm others by threatening the employment of persons whom she lacks authority to terminate; the inappropriate text messages that Foster sent to staff and other agencies, threatened the efficient operation of HCSO and additional agencies. 			

<p>The committee further identified the following aggravating and mitigating factors that influenced their decision on the severity of action to be taken.</p> <ul style="list-style-type: none"> • Mitigating <ul style="list-style-type: none"> ○ There were recent hardships in Foster’s family. • Aggravating <ul style="list-style-type: none"> ○ The recentness of Foster’s separation and her conduct while employed. ○ Foster sent the inappropriate text messages to subordinate staff. ○ Foster should have known her actions were inappropriate. ○ Foster had a prior arrest for <i>Driving Under the Influence of Intoxicants</i> and may still have a problem with alcohol. ○ The totality of Foster’s behavior. ○ Foster has a history of inappropriate conduct at work. 			
<p>Matt Dale 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 Foster’s certifications.</p>	<p>Ray Rau</p>	<p>9 ayes; 0 nays.</p>	<p>Motion Passed Unanimously</p>
<p>Matt Dale moved, after considering the totality of the case, that Foster be ineligible to hold public safety certification for 8 years.</p>	<p>Andre Lindauer</p>	<p>8 ayes; 0 nays; 1 member did not vote due to technological issues (Thurber).</p>	<p>Motion Passed</p>

6. Program Manager Update

Presented by Marsha Morin, Standards and Certification Manager:

- Current Cases
 - 7 total Telecommunications/Emergency Medical Dispatch Cases.
 - 2 are ready to begin the review process or are in some stage of the review process.
 - 5 are pending criminal/employment matters or waiting on records to be provided to DPSST.
 - 6 new cases have been added since the last policy committee meeting.
- Effective January 1, 2022, DPSST announced they were no longer going to accept paper rosters, instead moving to the electronic eRoster form. Since then, there has been an almost 100% compliance rate with the move to the eRoster which has allowed staff to keep officer training records current and focus on resolving issues and assisting agencies.

- DPSST has delayed the start Moral Fitness Workgroup until after the 2022 legislative session concludes and any new changes are written into law.
- The Background Workgroup met and reviewed the policy committees' comments related to the Background Checklist and Personal History Questionnaire. Both forms have been finalized by the workgroup and will be going to the Department of Justice for a legal sufficiency review prior to being presented to the policy committee's for review.

7. **Director's Comments**

Presented by Jerry Granderson, Director:

- Thank you to Andre Lindauer for your efforts and time on the committee.
- The equity assessment for the Basic Police Program will be presented to Legislature as well as an Instructor Development Plan.
- Two Basic Police classes were delayed due to COVID, but those classes have since returned to the academy. DPSST has implemented the following protocols for students who are not in compliance with the mask mandate:
 - First violation, the student will receive a verbal warning.
 - Second violation, the student will receive a written warning.
 - Third violation, the student may be dismissed from the academy.
- The Commission on Law Enforcement Standards and Conduct is in the process of being formed and the Director will serve as Co-Chair.
- The recent Secretary of State Audit of DPSST indicated the agency needed to improve its technology footprint to further enhance training. DPSST is committed to ensuring these audit recommendations are followed through with to ensure proper training is conducted.

8. **Next Telecommunications Policy Committee Meeting: May 4, 2022 at 9:00am.**

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@dpsst.oregon.gov.