

Police Policy Committee

Minutes

August 18, 2016

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting at 10:00 a.m. on August 18, 2016 in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located at 4190 Aumsville Hwy SE, Salem, Oregon. For further information, please contact Kristina Follis Mwepu at (503) 378-2431.

Attendees:

Policy Committee Members:

Mathew Workman, Chair, Oregon Association Chiefs of Police (phone)
John Teague, Vice Chair, Oregon Association Chiefs of Police
Kristine Allison, Oregon Association of Chiefs of Police (phone)
Mike Araiza, Non-management Law Enforcement
John Bishop, Oregon State Sheriff's Association
Scott Dillon, Non-Management Law Enforcement
Pat Garrett, Oregon Sheriff's Association (By phone)
Travis Hampton, OSP Command Staff Representative
Jeff Hering, Non-Management Law Enforcement
Jeffrey Staples, Non-Management Law Enforcement
Brian Wolfe, Oregon State Sheriff's Association

Committee Members Absent:

Greg Bretzing, Federal Bureau of Investigation
Murray Rau, Non-Management Law Enforcement

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Kristen Hibberds, Professional Standards Investigator & Coordinator
Jennifer Howald, Administrative Rules Coordinator

Guests:

Carli Brousseau, The Oregonian
Rebecca Woolington, The Oregonian
Rob Piontek, Oregon Judicial Department
James Duncan, Oregon State Police
Aubrey Olson-Duncan, Citizen
Paul DeMuniz, Citizen
Darren Phillips, OSPOA
Daryl Garrettson, OSPOA
Derek Budzik, OSPOA
Mark Banks, OSPOA
Danielle Llamas, Malheur Co. Sheriff's Office (phone)
Jason Wade, OHSU Police (phone)



1. *Elect a Chair

* Agenda item requires a vote by the committee.

John Bishop moved to nominate Matt Workman as Chair of the Police Policy Committee, and John Teague as Vice Chair. Brian Wolfe seconded the motion. The motion carried unanimously.

2. Approve Minutes – May 19, 2016

Approve the minutes of the May 19, 2016 Police Policy Committee meeting.

Brian Wolfe moved that the committee approve the minutes of the May 19, 2016 Police Policy Committee meeting. Jeff Staples seconded the motion. The motion carried unanimously. (It should be noted that Travis Hampton, John Teague and Mike Araiza acknowledged that they were not present for the May 19, 2016 Police Policy Committee meeting, however all voted to approve the minutes after conferring with Committee members who were in attendance.)

3. *OAR 259-008-0045 and 259-008-0060 – Proposed Rule Change

Military Education Credits – Presented by Jennifer Howald

This proposed rule comes before the committee at the request of the Certification Workgroup. This proposed language would add the American Council on Education’s Joint Services Transcript (JST) to the description of accepted educational credits, allowing the JST to become a recognized source for the addition of education credits to a public safety officer’s DPSST record.

J) John Bishop moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. John Teague seconded the motion. The motion carried unanimously.

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

4. *OAR 259-008-0060 – Proposed Rule Change

Upper Levels of Certification – Presented by Jennifer Howald

This proposed rule comes before the committee at the request of the Certification Workgroup. The rule updates the requirements for supervisory certification by removing the education requirement, extending the experience requirement to two years aggregate, and removing the requirement that officers achieve advanced certification prior to being eligible for supervisory certification. The proposed language also removed reference to the “old” intermediate and advanced certification charts, which expired on October 31, 2015. Minor housekeeping changes also made for clarity.

J) Pat Garrett moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Brian Wolfe seconded the motion. The motion carried unanimously.

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

5. *OAR 259-008-0010, 259-008-0011, 259-008-0075 and 259-008-0080 – Proposed Rule Change

Reporting of Arrests to DPSST – Presented by Jennifer Howald

This proposed rule language comes before the committee at the request of the Criminal Justice Denial/Revocation Workgroup. This rule removes the requirement that officers report convictions to their employing agency and implements the requirement that officers report all arrests to DPSST within five business days.

J *John Bishop moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Mike Araiza seconded the motion. The motion carried unanimously.*

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

6. *OAR 259-008-0020 – Proposed Rule Change

Signatures on Personnel Action Reports – Presented by Jennifer Howald

This proposed rule comes before the committee at the request of the Criminal Justice Denial/Revocation Workgroup. This rule would require that the Form F-4 Personnel Action Report be signed by the department head or a currently DPSST-certified public safety professional authorized by the department head.

J *John Bishop moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Brian Wolfe seconded the motion. The motion carried unanimously.*

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

7. *OAR 259-008-0025, 259-008-0064, 259-008-0065 and 259-008-0066 – Proposed Rule Change

Annual Ethics Maintenance Training – Presented by Jennifer Howald

This proposed rule comes before the committee at the request of the Criminal Justice Denial/Revocation Workgroup. This proposed language implements the requirement that all certified public safety officers annually complete one hour of maintenance training focused on ethics. The requirement, if approved, would be phased in as a recommendation for the first three years, becoming a requirement for the maintenance of basic certification after the third year.

J *Kris Allison moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. John Bishop seconded the motion. The motion carried unanimously.*

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

8. *James Duncan DPSST #35361 – Oregon State Police

Presented by Kristen Hibberds

The case presented to the Policy Committee is whether James Duncan's conviction of Fourth Degree Assault, ORS 163.160, a discretionary disqualifying crime under OAR 259-008-0070(4)(c) should result in the revocation of his police certification.

Pat Garrett moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Jeff Hering seconded the motion. The motion carried unanimously; Travis Hampton abstaining.

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

By discussion and consensus, the committee identified James Duncan's behavior did involve **Misconduct** as defined in the Administrative Rule based on the conviction and the physical injury caused to Duncan's son.

Jeff Staples moved that the Police Policy Committee find that James Duncan's Misconduct did not rise to the level to warrant revocation when considered alone. Jeff Hering seconded the motion. The motion carried unanimously; Travis Hampton abstaining.

By discussion and non-unanimous consensus, the committee identified that James Duncan's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the physical injury caused by Duncan's actions.

Matt Workman moved that the Police Policy Committee find that James Duncan's Gross Misconduct did not rise to the level to warrant revocation when considered alone. Jeff Staples seconded the motion. The motion carried unanimously; Travis Hampton abstaining.

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

By discussion and consensus, the committee identified that James Duncan's behavior did involve **Disregard for the Rights of Others** as defined in the Administrative Rule based on the elements of the crime of Fourth Degree Assault.

John Bishop moved that the Police Policy Committee find that James Duncan's Disregard for the Rights of Others did not rise to the level to warrant revocation when considered alone. Scott Dillon seconded the motion. The motion carried nine to one with Brian Wolfe voting nay; Travis Hampton abstaining.

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

By discussion and consensus, the committee determined that James Duncan's behavior did involve **Aggravating Circumstances** which include the Duncan's striking of his son on multiple occasions and Duncan encouraging his children to not be truthful in the investigation.

By discussion and consensus, the committee determined James Duncan's behavior did involve **Mitigating Circumstances** which include his meeting of all of his court obligations, including anger management classes; the multiple letters of support and the e-mail from Duncan's probation officer indicated that Duncan has complied with his supervision to date.

After considering the totality of the circumstances, Jeff Staples moved that the committee recommends to the Board that James Duncan's certification **not be revoked**. Mike Araiza seconded the motion. The motion carried 8-2 with Pat Garrett and Brian Wolfe voting nay; Travis Hampton abstaining.

9. ***Danielle Llamas, DPSST# 56358- Application for Training and Subsequent Certification**
Presented by Kristen Hibberds

The case brought before the Policy Committee involves Danielle Llamas' conduct on or about January 25, 2009, that led to the arrest and subsequent conviction of Providing Liquor to a Person under 21 or Intoxicated ORS 471.410, a discretionary disqualifying crime under OAR 259-008-0070(4)(c) should result in the revocation of her corrections certifications.

* Agenda item requires a vote by the committee.

John Teague moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Pat Garrett seconded the motion. The motion carried unanimously, Brian Wolfe abstained.

By discussion and consensus, the committee determined that Danielle Llamas' behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Danielle Llamas' behavior did involve **Misconduct** as defined in the Administrative Rule based on her criminal conviction.

Jeff Staples moved that the Police Policy Committee find that Danielle Llamas' Misconduct **did not** rise to the level to warrant denial when considered alone. Scott Dillon seconded the motion. The motion carried unanimously; Brian Wolfe abstained.

By discussion and consensus, the committee identified that Danielle Llamas' behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the elements of the crime in which she was convicted.

Pat Garrett moved that the Police Policy Committee find that Danielle Llamas' Gross Misconduct **did not** rise to the level to warrant revocation when considered alone. Jeff Staples seconded the motion. The motion carried unanimously; Brian Wolfe abstained.

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

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

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

By discussion and consensus, the committee determined that Danielle Llamas' behavior did involve **Aggravating Circumstances** by her failing to open the door to Law Enforcement causing further action to be taken.

By discussion and consensus, the committee determined Danielle Llamas' behavior did involve **Mitigating Circumstances** which the length of time that has passed since this incident; the fact that Ms. Llamas disclosed the conviction; no similar behavior since; taking responsibility for her actions; and that she was hired as a law enforcement officer even after the agency learned of her prior conviction.

After considering the totality of the circumstances, John Teague moved that the committee recommends to the Board that Danielle Llamas' application for certification **not be denied**. Travis Hampton seconded the motion. The motion carried unanimously; Brian Wolfe abstaining.

10. Staff Updates

Linsay Hale reported:

Jennifer Howald was selected as DPSST's new Administrative Rules Coordinator. Jennifer was serving in this role as a professional development opportunity and was recently selected for the position on a permanent basis.

Marsha Morin has assumed the role of the Criminal Justice Certification Supervisor. Marsha is working to help improve the processes and procedures involved in training and certifying public safety officers.

DPSST has streamlined the submission of F-6 training rosters and entry onto an officer's training record. This has allowed DPSST to be completely caught up. F-6 rosters are currently being entered into the system the day they are received by DPSST. DPSST is continuing to review other processes related to certification to identify efficiencies and prevent excessive backlogs and delays.

The criminal justice denial workgroup revocation continues to meet. Their recommendations, which include implementing a certification suspension option, a more proactive approach to handling complaints and allowing verbal testimony at policy committee meetings, is currently being reviewed by the Department of Justice for legal defensibility. Once finalized, all recommendations will be presented to the policy committee for review and recommendation to the Board

The concepts for the 2017 Legislative Session have been submitted. 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.

The bi-annual customer service survey has been opened. DPSST is legislatively required to collect this information every two years, but it also allows DPSST to identify areas of needed improvement.

The Certification Workgroup has concluded their work with their recent recommendations regarding the Supervisory certification that was voted on earlier. DPSST will be working to form a workgroup consisting of agency heads to review the management and executive levels of certifications.

The Workgroup formed at the request of the Corrections Policy Committee to review the possible implementation of a maintenance training standard for corrections and parole & probation certification has concluded their work. Their recommendation is that the CPC vote to implement a standard that mirrors the current standard in place for police maintenance training (84 hours/3 years with 8 hours annually in use of force topics). This recommendation will be coming before the committee at their meeting in November. DPSST is also working with OLCC to determine if they too should adopt the same maintenance standard.

Eriks Gabliks reported:

Eriks welcomed John Teague, Travis Hampton, and Mike Araiza to the Police Policy Committee. He also shared that the new Portland Chief of Police, Mike Marshman, was going through the Governor's selection process to be added to the Board. Chief Marshman has indicated that Assistant Chief of Police Mike Leloff will represent him on the PPC. Acting Oregon State Police Superintendent Travis Hampton, once confirmed by the Legislature in September, will appoint a member of his agency to take serve alongside him on the PPC as a representative of command staff.

DPSST Selected to Participate in Force Science Institute Research Project - After over a year of planning, DPSST and the Force Science Institute are ready to begin a long-term nationwide research

* Agenda item requires a vote by the committee.

project that will involve police academies from all around the country. Members of the Force Science Institute will fly out to Oregon to help begin studying Defensive Tactics skills. The specifics of this study must remain confidential in order to ensure the volunteer participants are not unduly influenced prior to their involvement in the program. During this study, members of the DPSST Defensive Tactics staff will be testing basic students that have volunteered to participate. The information gathered during these tests will be evaluated by the DPSST staff and then sent back to the Force Science Institute for additional evaluation. We anticipate this project will take several months to test participants and up to one or two years before results can be finalized and published for scientific review. The information that will be obtained from studies like this will assist not only DPSST, but all of law enforcement in the development of training. It will also shed light in the courtroom about the realities of the complex and difficult job law enforcement officers are asked to do every day.

DPSST/CPE Announces Micro-Grant Program within Supervisory Leadership Academy - In partnership with the Criminal Justice Commission, DPSST's Center for Policing Excellence will provide micro-grants of up to \$15,000 to Oregon public safety constituents for the purpose of improving the legitimacy and functionality of local criminal justice systems through the use of data, research and evaluation. These micro-grants will serve to assist local agencies in implementing evidence-based practices focused on crime prevention or community livability. Micro-grants will be awarded to fund projects developed by students completing DPSST's Supervisory Leadership Academy (SLA). Funded projects may include, but are not limited to: programs, training, equipment purchases and/or technology under the following categories: Law Enforcement: Focused Deterrence Strategies, Problem-Oriented Policing Strategies, Diversion; Crime Prevention and Education: Environmental Design (CPTED), Mentoring, Anti-Bullying Programs; Correctional Facilities: Cognitive-Behavioral Interventions, Risk Assessment; Community Corrections: Cognitive-Behavioral Interventions, Effective PO/Offender Interactions; Crime Victim Services: Domestic Violence Advocacy, Trauma-Focused Services.

Media Interest - With recent events in Dallas, Texas & Baton Rouge, Louisiana, DPSST has received lots of media inquiries into a number of stories. The Wall Street Journal and USA Today are working on stories regarding professional standards for law enforcement officers. State and local media outlets have focused on the stresses new officer might face, cultural diversity training, and vehicle stops safety concerns. Eriks said the agency takes every media call as an opportunity to inform reporters on the important work done by DPSST and the Academy and welcomes media on campus at all times. In one scenario, the reporter interested in vehicle stops was placed in a patrol car on campus in the role of the law enforcement officer stopping a vehicle with three role players inside.

Reimbursements for Law Enforcement Officer Hiring – DPSST was asked to participate on a workgroup that include city and county law enforcement leaders that were interested in defining reimbursement criteria for later hires with less than three years of service as allowed under ORS. This group has completed its work and OACP will be requesting the legislature codify the discussions through legislative action during the 2017 session.

DPSST is actively working on Mental Health/Crisis Intervention Training (CIT). DPSST staff have updated basic training curriculum, are providing regional training classes, hosting the first-ever Oregon CIT networking conference in the Fall, co-sponsoring NW CIT Conference in Tacoma, WA (offering 20 scholarships of \$500 each) are working on CIT development in Yamhill, Klamath, Baker, Linn, Benton, Clatsop, and Polk Counties. DPSST is also working with public and non-profit mental health agencies as a source for evaluators and role players in mental health scenarios. DPSST also continues to facilitate a mental health work group that includes law enforcement representatives

and mental health partners which are reviewing basic training, advanced training needs, and identifying the essential elements of CIT training classes.

At its meeting last month, the Board on Public Safety Standards and Training approved DPSST's 2017-2019 Agency Request Budget which has been sent downtown for review. The budget includes the four additional Basic Police classes, and two additional Basic Corrections classes, that were approved by the Legislative Emergency Board earlier this year and are part of DPSST's current service level (CSL) budget. The Board also approved a number of Policy Option Packages which are requests for additional budget. One of these would convert the two positions within the Center for Policing Excellence funded by a Criminal Justice Commission grant to be funded by Criminal Fines and Assessment Account. The other would add a dedicated position at DPSST for Active Shooter training. Eriks shared that DPSST did not move forward a request for additional funds and staff for mental health crisis response as the Oregon Health Authority (OHA) has indicated they would like to continue the current relationship through which DPSST receives funds from OHA for the delivery of training to public safety agencies in this important area. The Governor will review the requests for all state agencies and make her recommendations that will be included in the 2017-2019 Governors Recommended Budget that is used by the legislature as the starting point for their work. If a new Governor is elected additional time is given for this review. DPSST will not know its agency budget until mid-June 2017 when the legislature concludes its work.

Eriks shared that that DPSST continues to work on diversifying its full-time and part-time workforce. While the agency has struggled in the employment arena, a recent partnership with the Criminal Justice Program at Chemeketa Community College is bring college students of all ages, races and genders to the Academy as role players. Chemeketa students can receive work experience credit for serving as a role player for 30 hours. This has been well received by all and similar discussions will be taking place with other colleges in the Fall. Eriks also shared that a number of DPSST staff attended a community forum two weeks ago, between local law enforcement and community leaders, at the Keizer Community Center. DPSST is hosting a tour for the community partners at the Academy in September and hoping to engage their assistance in both curriculum revisions as well as in recruiting role players.

DPSST continues to monitor enrollment numbers in Basic Police classes. A newly hired officer today will be scheduled for the November class. The next class after that is January, 2017. DPSST continues to work with city, county, university, state and tribal law enforcement agencies who are hiring new employees on a daily basis to ensure needs are being met in a timely manner.

DPSST has opened the Training Division Director position after Todd Anderson retired from the agency on July 15, 2016. A state and national recruiting effort is under way. Eriks asked any and all interest to apply and also to help get the word out on this great employment opportunity.

11. Next Police Policy Committee Meeting – November 17, 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.*

*** Agenda item requires a vote by the committee.**