

# **Police Policy Committee Minutes May 10, 2006**

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 10, 2006 at the Hamersly Library on the campus of Western Oregon University in Monmouth, Oregon. Chair Bob Tardiff called the meeting to order at 1:35 p.m.

## **Attendees**

### Policy Committee Members:

Robert Tardiff, Oregon Association Chiefs of Police, Chair  
Andrew Bentz, Oregon State Sheriffs' Association (by teleconference)  
Dave Burrignt, Oregon State Sheriffs' Association  
Dan Durbin, Oregon State Police Command Officer  
Mike Healy, Oregon Association Chiefs of Police  
Steven Piper, Non-management Law Enforcement (by teleconference)  
Rob Gordon, Oregon State Sheriff's Association  
Ray Gruby, Oregon Council of Police Associations

### Policy Committee Members Absent:

Robert Jordan, Federal Bureau of Investigation – Oregon  
Ronald Ruecker, Superintendent, Oregon State Police  
Rosie Sizer, Oregon Association Chiefs of Police  
Robert King, Non-Mgmt Law Enforcement, Vice Chair  
Lane Roberts, Oregon Association Chiefs of Police

### DPSST Staff:

Eriks Gabliks, Deputy Director  
Cameron Campbell, Training Division Director  
Marilyn Lorange, Certification and Records Supervisor  
Bonnie Salle, Rules and Certification Coordinator  
Rick Gardner, JTA Coordinator  
Rosemary Neal, Executive Assistant  
Tammera Hinshaw, Executive Assistant

### Guests:

Nicole Braman, Hatfield School of Government, Portland State University  
Sharron Noone, Hatfield School of Government, Portland State University



1. **Minutes of February 28, 2006 meeting**

*Andrew Bentz moved to approve the minutes from the February 28, 2006 meeting. Dave Burrigh seconded the motion. The motion carried in a unanimous vote.*

2. **\*VALDEZ, Sean**

Marilyn Lorance reviewed the case before the Committee.

On August 1, 1997, Sean Valdez was employed as a police officer with the Josephine County Sheriff's Office and holds Basic and Intermediate Police certifications.

On March 25, 2005, Mr. Valdez assaulted his girlfriend and was later convicted of Menacing. On April 29, 2005, Mr. Valdez damaged his neighbor's house with his vehicle and was subsequently convicted of Furnishing Liquor to a Minor. Both convictions are Class A Misdemeanors.

On April 13, 2005, Sean Valdez resigned from the Josephine County Sheriff's Office while his case was being prepared to be presented to the Police Policy Committee.

OAR 259-008-0070(3) specifies discretionary disqualifying conduct. This rule provides for committee and Board consideration of aggravating and mitigating circumstances by stating, in part:

*(6) Moral Fitness (Moral Character). All law enforcement Officers must be of good moral fitness as determined by a thorough background investigation.*

*(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state and/or the nation.*

*(b) The following are indicators of a lack of good moral fitness:*

*(A) Illegal conduct involving moral turpitude;*

*(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;*

*(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, or other document for securing certification or eligibility for certification;*

*(D) Conduct that is prejudicial to the administration of justice;*

*(E) Conduct that adversely reflects on his or her fitness to perform as a law enforcement Officer. Examples include but are not limited to: Intoxication while on duty, untruthfulness, and unauthorized absences from duty not involving*

*extenuating circumstances, or a history of personal habits off the job which would affect the Officer's performance on the job which makes the Officer both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the Officer's ability to perform competently.*

Under OAR 259-008-0010(6):

1. Would VALDEZ's actions cause a reasonable person to have doubts about his honesty, respect for the rights of others, and respect for the laws of the state?
2. Did VALDEZ's conduct involve dishonesty, fraud, deceit, or misrepresentation?
3. Was VALDEZ's conduct prejudicial to the administration of justice?
4. Would VALDEZ's actions adversely reflect on his fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in his ability to perform competently?

*Dave Burrignt moved to recommend to the Board that the certification of Sean Valdez be revoked for violation of OAR 259-008-0010 Moral Fitness. Mike Healy seconded the motion. The motion carried in a unanimous vote.*

### **3. Proposed Rule Change OAR 259-008-0025(1) Physical Fitness Standards – ORPAT**

Bonnie Salle reviewed the issue before the Committee.

OAR 259-008-0025(1) requires completion of the Basic Course for all law enforcement officers. The Basic Course for police officers consists of physical agility components to measure an applicant's ability to perform critical and essential duties. Staff is recommending that the Department establish a standard for completion of the Oregon Physical Abilities Test (ORPAT) prior to attendance at the Basic Course for police officers with an effective implementation date of July 1, 2007.

**ACTION ITEM 1:** Determine whether to recommend filing the revised language for OAR 259-008-0025 with the Secretary of State as a proposed rule.

**ACTION ITEM 2:** Determine whether to recommend filing the revised language for OAR 259-008-0025 with the Secretary of State as a permanent rule if no comments are received and no hearing is held.

**ACTION ITEM 3:** Pursuant to HB 3238, determine whether there is a significant fiscal impact on small businesses. (see form attached)

*The committee agreed to review the information further with their associations and at the upcoming conferences and address the item at the August meeting .*

**4. \*OAR 259-008-0005 – Definitions of full-time, seasonal, and temporary employment**

Bonnie Salle reviewed the issue before the Committee.

The current definitions of full-time, casual, seasonal and temporary employment found in DPSST's Oregon Administrative Rule (OAR) can be difficult to interpret consistently, leaving some agencies unclear about when some of their employees may become subject to DPSST's employment, training, and certification requirements.

Individuals in casual, part-time, seasonal or temporary positions are not required to meet minimum standards, receive mandatory training, and become certified as law enforcement officers (a specific exception applies to certain part-time parole and probation officers). Because of this, OAR 259-008-0060(10)(a) provides that casual, seasonal and temporary employment does not qualify as experience towards certification. However, the current rule does not clarify whether or not service time in such positions may be considered full-time employment as a public safety professional for other purposes, if such employment otherwise meets the definition of full-time employment.

**ACTION ITEM 1:** Determine whether to recommend filing the revised language for OAR 259-008-0005 with the Secretary of State as a proposed rule.

**ACTION ITEM 2:** Determine whether to recommend filing the revised language for OAR 259-008-0005 with the Secretary of State as a permanent rule if no comments are received and no hearing is held.

**ACTION ITEM 3:** Pursuant to HB 3238, determine whether there is a significant fiscal impact on small businesses. (see form attached)

*Mike Healy moved to recommend to the Committee to file proposed language for OAR-259-008-0005 with the Secretary of State as a proposed permanent rule, if there are no comments received and no hearing is held, with no significant impact on small business. Dave Burrigh seconded the motion. The motion carried in a unanimous vote.*

**5. \*OAR 259-008-0065 – Police maintenance training requirements for officers returning from leave or without current certification**

Bonnie Salle reviewed the issue before the Committee.

Police maintenance training requirements for officers returning from leave or whose certification has lapsed.

**Issue 1:** Upon return to duty, how should a police officer who has been on a leave of absence be required to complete mandatory police maintenance requirements?

**Staff Recommendation:** Amend the current maintenance training rule to address the issue of maintenance training for officers on leave and returning from leave, consistent with the

intent of the maintenance training requirements. Specific recommendations include the following:

1. “Stop the clock” on the three-year maintenance training cycle during the period that an officer is on leave.
2. If an officer has been on leave for six months or more (as in Scenarios B & C above), adjust the maintenance training due date as required when the return-to-work date is known.
3. Since annual firearms/use of force training is mandated, require officers who have been on leave for a period of time between one and 2-1/2 years to complete firearms qualification and use-of-force refresher training within 30 days of the officer’s return to work.

**Issue 2:** Current rules provide that a formerly certified police officer may become re-employed at any time up to 2-1/2 years after leaving their former position without being required to complete any firearms or use-of-force training. The same rules provide that a formerly certified police officer who becomes re-employed between 2-1/2 years and 5 years after leaving their former position is required to complete the Career Officer Development Course, which does not include firearms or use-of-force training. These rules were effective prior to the adoption of the current police maintenance training requirements, and do not appear to be consistent with the intent of those requirements.

**Staff recommendation:** Amend current rules to address the intent of the maintenance training requirement to require that firearms and use-of-force training occur on at least an annual basis.

**ACTION ITEM 1:** Determine whether to recommend filing the revised language for OAR 259-008-0065 with the Secretary of State as a proposed rule.

**ACTION ITEM 2:** Determine whether to recommend filing the revised language for OAR 259-008-0065 with the Secretary of State as a permanent rule if no comments are received and no hearing is held.

**ACTION ITEM 3:** Pursuant to HB 3238, determine whether there is a significant fiscal impact on small businesses.

*Rob Gordon moved to recommend to the Committee to file proposed language for OAR-259-008-0065 with the Secretary of State as a proposed permanent rule, if no comments are received and no hearing is held, with no significant fiscal impact on small businesses. Steven Piper seconded the motion. The motion carried in a unanimous vote.*

## **6. Police Certification/Maintenance Update**

The committee was presented with an update from the Oregon Police Chiefs’ conference. The reporting requirements are available on the DPSST webpage. Initial reports will be

available to agencies in early September. Chair Tardiff asked that a special mailing be sent to all administrators reminding them of certification deficiencies before September. The year-end report will be available in February or March.

## **7. Dr Clark , Alberta, Canada – Report Evaluation**

Eriks Gabliks shared the report on the evaluation conducted by Dr. Clark of Alberta, Canada. In February of 2006, DPSST was contacted by Dr. Curtis Clarke, on loan to the Solicitor General's Office for the Province of Alberta, Canada. Dr. Clarke, a college professor, has been tasked by the Alberta Solicitor General with conducting research into the best police training practices worldwide and to help develop 16-weeks of basic police curriculum for delivery in a proposed all-in-one training facility to be located somewhere in Alberta. Dr. Clarke has conducted significant research into adult learning methodology and best police training practices. Dr. Clarke contacted DPSST as a result of his research and asked to come to Oregon to see our program. Following Dr. Clarke's visit, we asked him to prepare an assessment of our proposed 16-week program from the perspective of his research. Dr. Clarke assessed our program as "...the advanced stages of the DPSST's academy construction, curriculum, and strategic orientation presented clear examples of process, best practices and future hurdles." Dr. Clarke went on to write "The DPSST curriculum development process is consistent with current educational theory, more importantly it parallels innovative practices unfolding in various international jurisdictions (e.g. Canada, United Kingdom, and Northern Ireland). The 16 week recruit training is a synthesis of innovative teaching models (Scenario based) and practices of andragogy (Teaching of Adults). This model, which was pioneered by the medical profession, has shown to be an effective means of integrating knowledge, skills development and long term retention. What makes the DPSST example unique is that it is one of a few examples where this model has been applied in a wholesale manner to a policing environment." Dr. Clarke sums up his assessment this way, "Police institutions traditionally respond to change in a slow and incremental fashion, the DPSST on the other hand shows us what can be achieved when this mold is cast aside. The DPSST offers impressive examples of wholesale change, as well as, an innovative response to a shifting, educational, legal and social reality of policing. Furthermore, it outlines an effective process of incorporating educational theory, operational standards and stakeholder needs." A copy of Dr. Clarke's report was shared with the members of the Police Policy Committee.

## **8. Certification of Law Enforcement Agencies**

Eriks Gabliks reported on the steps taken so far in regards to the accreditation of law enforcement agencies. DPSST has contacted City/County Insurance Services and Oregon Accreditation Analysis. They are both very interested in assisting in this process. Eriks handed out a document that City/County uses as a best practices document for its law enforcement clients. The next step is to have a meeting with the two agencies and representatives of the chiefs and sheriffs where we'll start to develop this into something we can pursue. DPSST is also researching if it has statutory authority to accredit agencies.

## **9. Strategic Plan Session**

Representatives of the Hatfield School of Government at Portland State University provided an overview of the items the Board came up with from the data submitted by the committees. Each committee was tasked to work with their groups to expand the topics in terms of what they really want to see happen. That will be compiled and submitted to the Board on July 20<sup>th</sup> when the Board will pull all the items together. There were no consistent issues except the need for more training. The committee agreed to have a special meeting to focus on strategic planning. The meeting will be held after the Board meeting on July 18, 2006 at 1:00 p.m. at the new academy.

There being no further business before the Committee the meeting adjourned at 3:28 p.m.