

Police Policy Committee Minutes August 31, 2006

The Police Policy Committee of the Board on Public Safety Standards and Training held a teleconference meeting on August 31, 2006 at Oregon Public Safety Academy in Salem, Oregon. Chair Robert Tardiff called the meeting to order at 2:40 p.m.

Attendees

Policy Committee Members:

Robert Tardiff, Oregon Association Chiefs of Police, Chair
Dave Burrigh, Oregon State Sheriffs' Association
Dan Durbin, Oregon State Police Command Officer
Andrew Bentz, Oregon State Sheriffs' Association
Lt. Dave Famous representing Rosie Sizer, Portland Police Bureau
Steven Piper, Non-management Law Enforcement
Lane Roberts, Oregon Association Chiefs of Police

Policy Committee Members Absent:

Robert King, Non-Mgmt Law Enforcement, Vice Chair
Robert Jordan, Federal Bureau of Investigation – Oregon
Ronald Ruecker, Superintendent, Oregon State Police
Rob Gordon, Oregon State Sheriffs' Association
Mike Healy, Oregon Association Chiefs of Police
Ray Gruby, Oregon Council of Police Associations

DPSST Staff:

Eriks Gabliks, Deputy Director



1. Proposed Rule - OAR 259-012

Administrative Rules Relating to Student Conduct

This item was held over from the August 9, 2006 meeting. The Committee had requested that some of the rules be combined and to meet again later to vote on the item in a short teleconference meeting.

Issue: The Department has revised the standards relating to Student Conduct. In order to enforce the new rules and regulations with an effective implementation date of July 1, 2006, when the Department moved to the new Academy, the Department worked with the Executive Committee of the Board to file temporary rules relating to student conduct while the permanent rulemaking process took place. Additional formatting revisions were also made for clarity and readability.

A temporary rule is in effect for a period of six (6) months from the date of filing. Approval to file a temporary rule was made by the Executive Committee on June 8, 2006 to allow the respective Policy Committees time to present a proposed permanent rule to the Board. If the Board approves the proposed permanent rule, the proposed rule will be filed with the Secretary of State and open for comment. If no comments are received, or if no hearing is held, the Department will file the rule as permanent.

The following proposed language contains recommended deletions (~~striketrough text~~) and additions (**bold and underlined text**).

Proposed Rule Amendments to Oregon Administrative Rule 259-012-005 through 259-012-0035.

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

DIVISION 12

OREGON PUBLIC SAFETY ACADEMY

259-012-0005

Attendance

(1) The Oregon Public Safety Academy is open to all eligible personnel upon application from their employing agencies. All persons attending the courses may live in the dormitories provided, or, with the permission of their department, they may commute to classes. Reasonable fees may be charged to cover operating costs of the Academy for those attending courses that are not mandatory, and for persons not defined as corrections, parole and probation, **emergency medical dispatchers, telecommunicators** or police officers under [ORS 181.610](#). Additionally, fees may be charged **to** an agency under the Act if they do not adhere to minimum standards as defined in OAR 259-008-0010. Application for Training (**BPSST Form F-5**) ~~shall~~ **must** be used to apply for Mandated courses. Other courses presented at the Oregon Public Safety Academy may be announced through mailed course announcements with response required prior to established deadlines.

(2) Students ~~shall~~ **must** obtain permission from their employing agency before attending any optional classes offered at the Academy.

(3) Admission to the Oregon Public Safety Academy may be denied to ~~those~~ **any** persons who ~~does~~ not meet the minimum employment standards as established by OAR 259-008-0010.

(4) Selection criteria for Academy training courses sponsored by the Department will be as follows:

(a) Mandated Basic Training:

(A) For mandated basic training, first priority for acceptance will be granted to ~~persons from agencies which come~~ **public safety personnel identified** under the mandatory provisions of [ORS 181.610](#), [181.640](#), [181.644](#), [181.652](#), [181.653](#), and [181.665](#).

(B) Second priority will be granted to persons from public or private safety agencies ~~which do not come~~ **who are not identified** under the mandatory provisions of [ORS 181.610](#), 181.640, 181.644, 181.652, 181.653, and 181.665.

(C) Third priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing course content, candidates' job assignments, and following established Department policy.

(b) Supervisory and Middle Management Training:

(A) First priority for acceptance into the mandated supervisory and middle management courses will be granted to ~~persons from agencies which come~~ **public safety personnel identified** under the mandatory provisions of [ORS 181.610](#), 181.640, 181.644, 181.652, 181.653, and 181.665. These persons must be designated as supervisors or middle managers by the assigning officials.

(B) Second priority will be granted to designated supervisors or middle managers from other public or private safety agencies.

(C) Third priority will be granted to persons from agencies which come under the mandatory provisions of [ORS 181.610](#), 181.640, 181.644, 181.652, 181.653, and 181.665 and are not designated as supervisors or middle managers.

(D) Fourth priority will be granted to persons from other public or private safety agencies who are not designated as supervisors or middle managers.

(E) Fifth priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing candidates' job assignments and following established Department policy.

(c) Executive Level Training:

(A) First priority for acceptance into executive level courses will be granted to command officers ~~from agencies which come~~ **identified** under the mandatory provisions of [ORS 181.610](#), 181.640, 181.644, 181.652, 181.653, and 181.665.

(B) Second priority will be granted to command officers from other public or private safety agencies.

(C) Third priority will be granted to persons ~~from agencies which come~~ **identified** under the mandatory provisions of [ORS 181.610](#), 181.640, 181.644, 181.652, 181.653, and 181.665 and are not command officers.

(D) Fourth priority will be granted to persons from other public or private safety agencies who are not command officers.

(E) Fifth priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing candidates' job assignments and following established Department policy.

(d) Advanced and Specialized Training:

(A) First priority for acceptance into advanced and specialized courses will be granted to persons from agencies which come **public safety personnel identified** under the mandatory provisions of [ORS 181.610](#), [181.640](#), [181.644](#), [181.652](#), [181.653](#), and [181.665](#), except as noted in paragraph (D) of this subsection.

(B) Second priority will be granted to persons from other public or private safety agencies.

(C) Third priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing candidates' job assignments and following established Department policy.

(D) Acceptance criteria for certain specialized courses will vary from these listed priorities due to the specific nature of the courses, ~~and/or~~ **or** special entrance criteria established by the Department or a co-sponsoring organization or agency.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

259-012-0010

Standards of Conduct

(1) All students shall **must** report to the Academy at the time designated in the course announcement or the Department's letter accepting their attendance to ~~the~~ **a** specific course, unless prior arrangements have been made with Academy staff.

(2) All students must adhere to the Department's rules and regulations governing student conduct. The student rules and regulations will be made available to:

(a) All students during initial orientation; and

(b) The public through electronic transmission or internet access.

~~(2) Students shall attend all classes as scheduled and shall not leave the Academy facility during class training sessions without first obtaining permission to be absent, from the Academy staff. Students shall fill out an absence slip and turn it in to the class coordinator prior to the absence. This slip shall include a notation of where they may be reached in the event of an emergency. Students will check in with the class coordinator and/or administrator upon their return to the Academy.~~

~~(3) Motor vehicles shall be parked within indicated parking areas only. Motor vehicles of any type parked in driveways, walkways, or other such areas will be towed away at the owner's expense.~~

~~(4) Clothing worn by students will be neat, clean, and serviceable. Students in basic police and corrections courses shall wear uniforms issued by the employing agency. The Academy may issue clothing for skills training. Casual clothing is acceptable unless otherwise advised by Academy staff. Cut offs, shorts of any kind, tank tops, thongs, 'tee' shirts without collars, and hats are not permitted to be worn in the classroom. Imprinted shirts or tops, or other items of apparel that may be considered extreme or in poor taste, are not permitted. Athletic or running style shoes are acceptable if they are neat, clean and in good repair. Sweat suits are allowed if it is necessary for health and fitness activities or defensive tactics training.~~

- ~~(5) Students shall be held responsible for any Academy and/or college property entrusted to them. A replacement fee will be assessed for any such property lost, damaged, or not returned. Non-payment of these replacement fees may be cause for the Department to withhold completion certificates or course credit.~~
- ~~(6) Smoking will not be permitted any place inside the Academy buildings or dormitory, in the Food Service Building, or in any other location so posted. Smoking is restricted to certain designated areas on the Academy grounds.~~
- ~~(7) Alcoholic beverages shall not be possessed or consumed in the dormitory or any part of the Academy, or on the Western Oregon University campus at any time. Students will refrain from consuming alcoholic beverages or using any medication at any time to the extent that it results in impairment or renders the students unfit to perform required duties, including classroom attendance and participation, while at the Academy.~~
- ~~(8) Students shall maintain in their possession at all times any prescription label for a controlled substance and/or any other medication prescribed by competent medical authority, and notify the appropriate Academy staff of said prescription prior to reporting to Academy training functions.~~
- ~~(9) Personal telephone calls by student residents are not permitted on Academy telephone lines unless of an emergency or official business nature, and the caller has prior approval from Academy staff. Students should inquire at the reception center for access to a telephone.~~
- ~~(10) Roofs and roof areas of all buildings are off limits to students. Safety regulations and damage to roofing materials necessitates strict adherence. Any articles or sports equipment lost on a roof will be retrieved by the maintenance staff.~~
- ~~(11) Students shall not bring visitors into the classroom at any time without the prior approval of Academy staff.~~
- ~~(12) After classroom hours, visitors are permitted in the dormitory lounge area only. All visitors must be personally supervised by the student inviting them into the dormitory building. All visitors must leave the building by 10:00 p.m. For security reasons, no persons are allowed in the sleeping areas except those persons currently enrolled in the Academy.~~
- ~~(13) Students shall not divulge the combination to the night lock to any person not a student at the Academy.~~
- ~~(14) For safety and security reasons, no outside access door leading into the Academy or any dormitory will be blocked open in any manner unless done by an Academy staff member.~~
- ~~(15) Students are not permitted to move into or sleep in any dormitory room other than the one assigned without prior Academy staff approval. Male students and/or residents will not be allowed in the female quarters, and the female students and/or residents will not be allowed in male quarters unless on a specific training assignment and/or with prior approval of Academy staff.~~
- ~~(16) Students will be responsible for cleanliness of their dormitory rooms, which are subject to inspection by Academy staff. All students shall assist in keeping the dormitory lounges, coffee room, classrooms and outside areas clean. Student clean up and other necessary details will be assigned by the Academy staff.~~

~~(17) No tape, tacks, pins, or adhesive items of any type will be placed on walls, ceilings, doors, or woodwork. Placing items such as posters or aerials on outside of buildings is not allowed. No items shall be placed on windows, window sills or the building that are within public view.~~

~~(18) The use of flammable items such as plastic or cardboard is prohibited for use as trash containers.~~

~~(19) The use of appliances for cooking or heating is prohibited in dormitory rooms. Electric blankets are also not allowed.~~

~~(20) All damage to dormitory rooms or any Academy property will be replaced or repaired by the maintenance department and the student(s) who damaged the property will be charged the full cost. No paint is to be applied to any areas by students, nor are areas to be covered with any adhesive material. The use of contact paper is also prohibited.~~

~~(21) Fire drills may be held periodically and student participation in immediate building evacuation is mandatory.~~

~~(22) The Department assigned staff member(s) shall have authority to determine who attends any course presented at the Academy and is delegated authority to immediately terminate the attendance of any student from any such class if that student engages in disruptive behavior or prohibited activity as defined in these rules.~~

~~(23) Persons attending classes at the Academy shall abide by the rules and regulations of the student's own employing agency that are not in conflict with these Oregon Public Safety Academy Rules.~~

~~(24) Students shall not engage in any activity that would be in violation of any law of the State of Oregon or the United States.~~

~~(25) Students shall not participate in loud, boisterous, or unruly activity in or adjacent to the Academy facilities that disturbs, annoys, or causes inconvenience to any other person. "Quiet hours" will be observed in the dormitory building between 10:00 p.m. and 7:00 a.m.~~

~~(26) Students shall be courteous and respectful in all dealings with DPSST staff, instructors, fellow officers, the public, college officials and students.~~

~~(27) No student or resident shall represent themselves as an Oregon Public Safety student in order to gain special favors or consideration in the neighboring communities or at Western Oregon University (WOU).~~

~~(28) Students attending Academy classes shall, upon request, truthfully, completely, and impartially report, testify, and/or present information on all Academy related matters under inquiry by DPSST staff.~~

~~(29) (3) In addition to these rules, all persons attending classes at the Academy shall be held accountable to the provisions of the Criminal Justice Code of Ethics or equivalent discipline specific Code of Ethics and the current Student Conduct Expectations- **Rules and Regulations**.~~

259-012-0015

Weapons

(1) Immediately upon arrival at the Academy, all basic students will secure all weapons in their assigned gun lockers. This shall include firearms, ammunition and chemical agents such as oleocapsicum sprays. Possession of any weapon by a basic student ~~in the dormitory building, classroom, a vehicle, or on the person~~ is prohibited except when authorized for training purposes or by Academy training staff.

(2) Any person residing at the Academy ~~and/or~~ **or** attending specialized or advanced courses is also prohibited from possessing weapons, including firearms and chemical agents, in the dormitory sleeping areas ~~except when authorized by Academy training staff.~~

259-012-0020

Injury or Illness

All injuries incurred at the Academy must be reported to an Academy staff member immediately. Any illness that may restrict the student's participation in training activities must also be reported.

259-012-0025

Inspections

Inspection of quarters will be made, as deemed necessary, by Academy staff. Personal belongings will only be inspected when the student is present.

259-012-0030

Regulations

The Department will compile regulations which in conjunction with these rules will describe training activities and student procedures for those persons attending classes at the Academy.

259-012-0035

Penalties

(1) A person attending any course as a student or other participant, or a person residing at the Academy for any purpose, is subject to the rules which have been promulgated by the Department. The rules will be posted in a prominent location at the Academy. All persons attending the Academy will be expected to be knowledgeable of and to conform their conduct to the standards set forth in the rules.

(2) Failure to comply with the rules may result in the person being dismissed from the Academy, suspended from participating in Academy activities, or any other disciplinary action deemed appropriate. A student dismissed from the Academy or suspended from Academy participation for conduct or behavior in violation of the rules may not be given training credit or credit for completion of the course in which that student was enrolled. Any decision to withhold credit will be subject to Department approval.

(3) Any alleged violation of these rules, wherein a formal written report is made, shall be communicated to the student's department administrator by the DPSST staff. All disciplinary

actions shall be made in accordance with the Oregon Public Safety Academy Student ~~Conduct~~ **Guide Rules and Regulations**.

(4) Dismissal, suspension, or other disciplinary action may be ordered by the Director, or any DPSST staff delegated that authority.

(a) In addition to the procedures for due process outlined in the Student ~~Conduct Guide~~ **Rules and Regulations**, if a student is to be dismissed the student may request a meeting with the Director and present written evidence.

(A) If the Director, or designee, agrees with the dismissal, the student's agency may appeal within 30 days of the dismissal to the Board. The appeal must be in writing and state the agency's case against the dismissal.

(5) Any person subject to sanctions for violation of these rules can request a hearing in accordance with OAR 259-005-0015.

ACTION ITEM 1: Determine whether to recommend filing the proposed language amendments to OAR 259-012-0005 through 259-012-0035 with the Secretary of State as a proposed rule. *Dave Burrignt moved to recommend filing the proposed language amendments with the Secretary of State as a proposed rule. Lane Roberts seconded the motion. The motion carried in a unanimous vote.*

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-012-0005 through 259-012-0035 with the Secretary of State as a permanent rule if no comments are received.

Dave Burrignt moved to recommend filing the proposed language with the Secretary of State as a permanent rule if no comments are received. Lane Roberts seconded the motion. The motion carried in a unanimous vote.

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

The Committee did not identify any significant fiscal impact on small businesses.

There being no further business before the Committee the meeting adjourned at 2:50 p.m.