

# **Police Policy Committee Minutes August 21, 2014**

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 21, 2014, 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 10:03 a.m.

## **Attendees:**

### **Committee Members:**

Kent Barker, Chair, Oregon Association Chiefs of Police  
Brian Wolfe, Oregon State Sheriff's Association  
John Bishop, Oregon State Sheriff's Association  
Michael Crebs, Portland Police Bureau, Asst. Chief (Designee for Chief Mike Reese)  
Richard Evans, Oregon State Police Superintendent  
Larry Blanton, Oregon State Sheriff's Association  
Craig Halupowski, Non-Management Law Enforcement  
Kristine Allison, Oregon Association of Chiefs of Police  
Joel Lujan, OSP Command Staff Representative  
Murray Rau, Non-Management Law Enforcement  
Jeffrey Staples, Non-Management Law Enforcement  
Mike Wells, Non-management Law Enforcement  
Mathew Workman, Oregon Association Chiefs of Police (by phone)

### **Committee Members Absent:**

Glen Scruggs, Non-Management Law Enforcement

### **DPSST Staff:**

Eriks Gabliks, Director  
Todd Anderson, Training Division Director  
Linsay Hale, Professional Standards Division Director  
Leon Colas, Professional Standards Coordinator/Investigator  
Kristen Hibberds, Professional Standards Coordinator/Investigator  
Sharon Huck, JTA Coordinator  
Theresa King, Training Compliance Coordinator  
Tia Turnipseed, Professional Standards Assistant  
Julie Johnson, Private Security Compliance Specialist

### **Guests:**

Charles Caruso, observer  
Erin Cossen, observer  
Scott Dillon, Eugene Police Department  
Rhonda Groshaw, Beaverton Police Department



**1. Minutes of May 15, 2014 Meeting**

Approve the minutes of the May 15, 2014 Police Policy Committee meeting.

*To see a complete record of the May 15, 2014 Police Policy Committee minutes, please go to:*

[http://www.oregon.gov/dpsst/BD/Policy\\_Committee\\_Minutes/PPC\\_Minutes/PPCminutes051514.pdf](http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PPC_Minutes/PPCminutes051514.pdf)

*John Bishop moved that the committee approve the minutes of the May 15, 2014 Police Policy Committee meeting. Craig Halupowski seconded the motion. The motion carried unanimously.*

**2. Law Enforcement Memorial Wall Nomination – Marshal Joseph H. Krechter**

Presented by Eriks Gabliks

This nomination comes via Sheriff Jason Myers of the Marion County Sheriff's Office. He was contacted by Lieutenant Stanley of Los Angeles County California Sheriff's Department. He is a historian working for the agency, researching the history of law enforcement in the West. During his research, he came across a story of a St. Paul Marshal Joseph Krechter who was gunned down in the early 1900s.

*Craig Halupowski moved to recommend approval to the Board for the addition of Marshal Joseph Krechter to the Fallen Officer Memorial. Joel Lujan seconded. The motion carried unanimously.*

**3. OAD 259-008-0010 and 259-008-0011 – Proposed Rule Change**

Academic Proficiency Standard Exception presented by Sharon Huck

This rule change exempts individuals who were previously certified in the discipline they are applying for training from the academic proficiency standards.

*Larry Blanton moved that the Police Policy Committee recommends to the Board filing the proposed language for OAD 259-008-0010 and 259-008-0011 with the Secretary of State as proposed rules and as permanent rules if no comments are received. John Bishop seconded the motion. The motion carried unanimously.*

*It is the consensus of the committee there is no fiscal impact on small businesses.*

**4. OAD 259-008-0069 – Proposed Rule Change**

Tribal Law Enforcement F-8 Requirements presented by Sharon Huck

A constituent expressed concern regarding the redundancy and double-standard of requiring tribal law enforcement officers to complete the F-8 form (Applicant Disclosure, Convictions in Tribal Jurisdiction). All DPSST applications require officers to swear that they have not been convicted of any crime in any jurisdiction, including tribal jurisdictions. Unlike the F-8,

these sworn statements do not have to be notarized. Staff agrees that having tribal law enforcement units complete an F-8 form in addition to the other required forms is redundant and recommends removing the requirement from rule.

*Craig Halupowski moved that the Police Policy Committee recommends to the Board filing the proposed language for OAR 259-008-0069 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Michael Crebs seconded the motion. The motion carried unanimously.*

*It is the consensus of the committee there is no fiscal impact on small businesses.*

**5. OAR 259-008-0005 and 259-008-0060 – Proposed Rule Changes**

CPR/First Aid Requirements, Leave Clarification, and Housekeeping presented by Sharon Huck

A concern was raised by a constituent regarding the lack of maintenance requirements for CPR/First Aid certification for Corrections and Parole & Probation officers. In February 2014, the Corrections Policy Committee reviewed the concern and request that a workgroup address the issue. In April 2014, the workgroup met and made a recommendation that, rather than adding a maintenance requirement, a current CPR/First Aid certification will be required at the time of application for any level of certification. This rule change also updates the language related to military leave and incorporated housekeeping changes for clarity and consistency.

*Larry Blanton moved that the Police Policy Committee recommends to the Board filing the proposed language for OAR 259-008-0005 and 259-008-0060 with the Secretary of State as proposed rules and as permanent rules if no comments are received. Jeffrey Staples seconded the motion. The motion carried unanimously.*

*It is the consensus of the committee there is no fiscal impact on small businesses.*

**6. OAR 259-008-0015 – Proposed Rule Changes**

Background Investigations presented by Sharon Huck

During the February 2014 Police Policy Committee meeting, a committee member expressed concern regarding the lack of consistency between agencies when conducting pre-employment background investigations. In April 2014, DPSST staff presented historical information regarding the background standard to the Board. The Board recommended that a workgroup review the standard.

In July and August 2014, the workgroup met and reviewed the current ruling. The group developed additional background investigation requirements to update the standard and recommended the draft language be forward to the policy committee meetings.

*John Bishop moved that the Police Policy Committee recommends to the Board filing the proposed language for OAR 259-008-0015 with the Secretary of State as a proposed rule*

*and as a permanent rule if no comments are received. Richard Evans seconded the motion. The motion carried unanimously.*

*It is the consensus of the committee there is no significant fiscal impact on small businesses.*

7. **Christopher Carney – DPSST# 22541**

Presented by Kristen Hibberds

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

By discussion and consensus, the committee identified the following behaviors by CARNEY being considered in this case as:

- Sexual relationship with subordinates on duty;
- Insubordination;
- Untruthfulness.

By discussion and consensus, the committee determined that CARNEY's behavior did involve Insubordination as defined in Administrative Rule when he disregarded verbal and written direction to not to talk to subordinates or the women involved regarding the investigation. He was untruthful about his behavior and the order he disobeyed was egregious.

*Richard Evans moved that the Police Policy Committee finds that CARNEY's Insubordination does rise to the level to warrant revocation when considered alone. Brian Wolfe seconded the motion. The motion carried 10-3 with Barker, Blanton, Wolfe, Bishop, Crebs, Evans, Allison, Lujan, Wells and Workman voting aye; Halupowski, Staples and Rau voting nay.*

By discussion and consensus, the committee determined that CARNEY's behavior did involve Misconduct as defined in Administrative Rule when he had sex on duty with subordinates; he contacted subordinate employees requiring that another manager intervene; the fact that his conduct was affecting work; and because he was reprimanded for previous sexual activity while on duty and he continued the behavior.

*Larry Blanton moved that the Police Policy Committee finds that CARNEY's Misconduct does rise to the level to warrant revocation when considered alone. Craig Halupowski seconded the motion. The motion carried unanimously.*

By discussion and consensus, the committee determined that CARNEY's behavior did involve Gross Misconduct as defined in Administrative Rule due to fact that the conduct started in 1995 where he was disciplined and has continued for fifteen years; having sex on

duty; he was a high ranking official in his department; he was having sex in public areas; and his co-workers knew of his conduct and emulated him.

***Craig Halupowski moved that the Police Policy Committee finds that CARNEY's Gross Misconduct does rise to the level to warrant revocation when considered alone. Richard Evans seconded the motion. The motion carried unanimously.***

By discussion and consensus, the committee determined that CARNEY's behavior did not involve Misuse of Authority.

By discussion and consensus, the committee determined that CARNEY's behavior did not involve Disregard for the Rights of Others.

By discussion and consensus, the committee determined that CARNEY's behavior did involve Dishonesty as defined in Administrative Rule when at the start of the investigation he was told not to contact the women involved, but did and lied about it later in the investigation; in the letter he wrote to the committee he said he hadn't read the notice not to talk to the women, however, being a lieutenant he had to know how the investigations work and would have known that contacting the victims or others involved would not be allowed; he had sex with four different women and each time he had to be re-interviewed once the facts were obtained and he was vague and nonresponsive in his answers, it wasn't until the facts were clarified that he would admit to it, therefore leaving things out by omission; he contacted and coached women on what to say during the investigation when they were contacted; he tried to create deception.

***Craig Halupowski moved that the Police Policy Committee finds that CARNEY's Dishonesty does rise to the level to warrant revocation when considered alone. Kristine Allison seconded the motion. The motion carried unanimously.***

By discussion and consensus, the committee identified the following Aggravating Circumstances:

- His rank;
- Being a public official;
- Ongoing pattern of misconduct with numerous partners throughout the span of time he was a supervisor;
- His letter to the policy committee members;
- Not taking responsibility
- His written reprimand for similar behavior and it continued;
- His failure to recognize as a lieutenant that even though you don't directly supervise someone, they are subordinate employees;
- Having sex on break;
- Threw others under the bus;
- He stated in his letter that sex in that agency is normal and has been going on for years, but he was the lieutenant and had the ability to change that culture to make it a better place and that the behavior is not acceptable.

By discussion and consensus, the committee did not identify any Mitigating Circumstances.

*After considering the totality of the circumstances, Craig Halupowski moved that the Committee recommend to the Board that CARNEY's certifications be revoked. John Bishop seconded the motion. The motion carried unanimously.*

*Richard Evans moved that the Committee recommend to the Board that CARNEY's Insubordination warrants an ineligibility period to reapply for certification of seven years. Craig Halupowski seconded the motion. The motion carried unanimously.*

*Craig Halupowski moved that the Committee recommend to the Board that CARNEY's Misconduct warrants an ineligibility period to reapply for certification of seven years. Joel Lujan seconded the motion. The motion carried unanimously.*

*John Bishop moved that the Committee recommend to the Board that CARNEY's Gross Misconduct warrants an ineligibility period to reapply for certification of ten years. Craig Halupowski seconded the motion. The motion carried unanimously.*

*Craig Halupowski moved that the Committee recommend to the Board that CARNEY's Dishonesty warrants an ineligibility period to reapply for certification of lifetime. Jeffrey Staples seconded the motion. The motion carried unanimously.*

**8. Charles Caruso – DPSST# 51161**

Presented by Leon Colas

*After discussion, Brian Wolfe recommended the staff report be amended to remove any language referencing training due to the potential future implications. Once amended the report should be brought back to the committee for review. Craig Halupowski seconded the motion. The motion carried unanimously.*

**9. William Ulch – DPSST# 46132**

Presented by Leon Colas

*Craig Halupowski moved that the Police Policy Committee adopts the staff report as the record upon which its recommendations are based. Kristine Allison seconded the motion. The motion carried 11-2 with Barker, Blanton, Wolfe, Bishop, Crebs, Halupowski, Allison, Rau, Staples, Wells and Workman voting aye; Evans and Lujan abstaining.*

The committee went into executive session to consider confidential medical information.

By discussion and consensus, the committee identified the following behaviors by ULCH being considered in this case as:

- Suspected misconduct in handling drug investigation;
- Possible criminal conduct;
- Failing to arrest the subject on possession of methamphetamine;

- Failing to log evidence in drug confiscation;
- Failing to write a report about the incident;
- Lying about the incident;
- His aggressive behavior when contacted by police while on administrative leave.

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

By discussion and consensus, the committee determined that ULCH's behavior did involve Misconduct as defined in Administrative Rule due to the mishandling of the methamphetamine and his denial when asked about it; his failure to write a report and handle evidence properly.

***John Bishop moved that the Police Policy Committee finds that ULCH's Misconduct does rise to the level to warrant revocation when considered alone. Craig Halupowski seconded the motion. The motion carried 11-1-2 with Barker, Blanton, Wolfe, Bishop, Crebs, Halupowski, Allison, Staples, Wells and Workman voting aye; Rau voting nay; Evans and Lujan abstaining.***

By discussion and consensus, the committee determined that ULCH's behavior did involve Gross Misconduct as defined in Administrative Rule due to his conduct toward Portland Police Bureau officers who had contact with him while he was on administrative leave; being combative and making verbal threats to the officer; and the fact that he did not follow the agencies procedures or policies.

***Craig Halupowski moved that the Police Policy Committee finds that ULCH's Gross Misconduct does rise to the level to warrant revocation when considered alone. John Bishop seconded the motion. The motion carried unanimously with Evans and Lujan abstaining.***

By discussion and consensus, the committee determined that ULCH's behavior did not involve Misuse of Authority.

By discussion and consensus, the committee determined that ULCH's behavior did not involve Disregard for the Rights of Others.

By discussion and consensus, the committee determined that ULCH's behavior did involve Dishonesty as defined in Administrative Rule based on failure to claim the methamphetamine when asked and his attempt to conceal his failure to make an arrest.

***John Bishop moved that the Police Policy Committee finds that ULCH's Dishonesty does rise to the level to warrant revocation when considered alone. Craig Halupowski seconded the motion. The motion carried unanimously with Evans and Lujan abstaining.***

By discussion and consensus, the committee identified the following Aggravating Circumstances:

- He lied about the situation and shifted the blame to make it look like someone else's problem;
- In his letter he called out another officer rather than taking responsibility;
- His aggressive and resistant conduct with the Portland Police Bureau when he was later contacted while on administrative leave.

By discussion and consensus, the committee identified the following Mitigating Circumstances:

- The stressors that lead him to the incident with the Portland Police Bureau;
- His not being interviewed as part of the internal affairs investigation.

By discussion and consensus, the committee determined the Mitigating Circumstances do not outweigh the Aggravating Circumstances.

*After considering the totality of the circumstances, Craig Halupowski moved that the Committee recommend to the Board that ULCH's certifications be revoked. Michael Crebs seconded the motion. The motion carried unanimously with Evans and Lujan abstaining.*

*Jeffrey Staples moved that the Committee recommend to the Board that ULCH's Misconduct warrants an ineligibility period to reapply for certification of seven years. Craig Halupowski seconded the motion. The motion carried unanimously with Evans and Lujan abstaining.*

*Craig Halupowski moved that the Committee recommend to the Board that ULCH's Gross Misconduct warrants an ineligibility period to reapply for certification of ten years. Michael Crebs seconded the motion. The motion carried unanimously with Evans and Lujan abstaining.*

*John Bishop moved that the Committee recommend to the Board that ULCH's Dishonesty warrants an ineligibility period to reapply for certification of lifetime. Kristine Allison seconded the motion. The motion carried unanimously with Evans and Lujan abstaining.*

## **10. Staff Updates**

Theresa King reported –

DPPST routinely updates the Job Task Analysis (JTA) and this fall is the time to update the Police JTA. DPSST has reached out to Oregon State Sheriff's Association, the Oregon Chiefs of Police Association, the Oregon Council of Police Associations (OPOA) with Steve Beck as representative and the State Police.

DPSST is looking one member to represent the Police Policy Committee on the workgroup. Michael Crebs volunteered to represent the Police Policy Committee.

Theresa explained that the Department will report back at the next policy committee meeting with an update on progress and bring a product for review.

Linsay Hale reported –

Linsay expressed her appreciation for the committee's patience and flexibility as the Department continues to hone the denial/revocation process. She explained the after effects of the hearings and rulings are constantly changing how DPSST handles Professional Standards cases. The denial/revocation process that DPSST adheres to, including all of the processes and all of the definitions, are in rule. As with any rule, it can be reviewed and updated any time within the confines of the statute.

Linsay offered to put together a presentation for the next Police Policy Committee meeting relating to the current definitions of misconduct found in rule.

Linsay gave a legislative concept update. The reserve officer concept that DPSST filed has moved forward and is drafted. It would give the Board authority to set standards over reserve officers, specifically to require that they receive the same background check as all other officers. The PERS sunset concept has been drafted and is moving forward. It would allow PERS retirees to work at the academy in the training division full-time. The concept that would give the director the ability to compel records be supplied from agencies dealing with personnel issues that may have an effect on moral fitness has also been drafted and is moving forward.

In July 2014, DPSST hosted a discussion on the law enforcement intermediate and advanced certification chart. The group agreed with the intent to have competency proven before an intermediate or advanced certification is granted, however, there are still issues with the application process, specifically what, how and when training is being accepted by the academy. DPSST is requesting participants for a workgroup from the Corrections Policy Committee and Police Policy Committees. Linsay will be sending an email for membership.

A workgroup was formed to look at the minimum training standards, specifically the timelines resulting from someone leaving a certified position and returning. The group unanimously determined that the timelines are appropriate and are still applicable. The group delved into the idea of a limited duration administrative position. Staff is working on developing what that rule language and process would look like. Once developed, it would come before policy committees as a proposed rule.

The workgroup also asked that staff look at the legislative history and the intent behind the language that causes certifications to lapse after ninety days.

Eriks Gabliks reported –

The Board approved the Agency Request Budget for 2015-2017 which goes to the Governor's office for consideration. DPSST has asked for two positions dedicated to mental health training for public safety, a position to assist with active shooter training, two positions for the Center for Policing Excellence, one would be a research position, the other would be a project coordinator which would also embrace the iPad technology and moving away from printed manuals. The iPad would be used by students for cloud-based research

and give the ability to access network resources. DPSST also asked for an additional part-time FTE for the regional training program.

DPSST has seen an uptick in enrollment in Basic Corrections to the point that a class has been added for spring. The police numbers are staying steady and DPSST is not concerned with capacity at this point. The basic police class that was postponed was moved to spring to meet expectations.

DPSST has been working with the tribal law enforcement leadership. Senate Bill 412 expires in 2015 in the legislative session with a sunset, so the tribal law enforcement group has introduced a bill to take that sunset off.

In September 2014, DPSST is hosting the joint Chiefs and Sheriff's meeting. There will be a number of presentations including a three-hour presentation from the Police Foundation on the Dorner case out of Los Angeles Police Department. Also, there will be a presenter on the Sandy Hook shooting and discussions about technology and how it will tie into law enforcement going into the next legislative session. On the second day of the conference, the Chiefs and Sheriffs are being asked to invite their local legislator to DPSST. They will receive a tour, join the Chiefs and Sheriffs for lunch, and participate in the presentations in the afternoon about technology impacts and legislative concerns.

Eriks confirmed with the committee that they prefer to keep their meeting times at 10:00 a.m. going forward. Eriks explained that there will be one more meeting in 2014 and in 2015 the Police Policy Committee will meet on February 19, May 21, August 20 and November 19 at 10:00 a.m.

Eriks explained that DPSST received a call from the Police K-9 Association on August 20, 2014. They are interested in raising funds to build a memorial that honors police service animals killed in the line of duty. They wanted to know if DPSST will host the memorial at the academy. Eriks will ensure there is a separation between the men and women law enforcement officers that are honored and the service animals.

The committee members agreed, but wanted to make sure that the two memorials are separate at the academy and have separate events honoring each.

Kent Barker inquired about the next Basic Police classes. Todd Anderson stated the next class is on September 15, 2014 which is full, October 20, 2014, or October 21, 2014 with about 25 registered, and after that is in January.

**11. Next Regularly Scheduled Meeting – November 20, 2014 at 10:00 a.m.**

Meeting adjourned at 3:32 p.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](mailto:dpsst.records@state.or.us).*