

# **Police Policy Committee Minutes November 20, 2014**

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 20, 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 10:00 a.m.

## **Attendees:**

### **Committee Members:**

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)  
Larry Blanton, Oregon State Sheriff's Association (by phone)  
Kristine Allison, Oregon Association of Chiefs of Police  
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)  
Glen Scruggs, Non-Management Law Enforcement  
Scott Dillon, Eugene Police Department

### **Committee Members Absent:**

Kent Barker, Chair, Oregon Association Chiefs of Police  
Richard Evans, Oregon State Police Superintendent  
Joel Lujan, OSP Command Staff Representative  
Gary Bretzing, Federal Bureau of Investigation

### **DPSST Staff:**

Eriks Gabliks, Director  
Linsay Hale, Professional Standards Division Director  
Leon Colas, Professional Standards Coordinator/Investigator  
Kristen Hibberds, Professional Standards Coordinator/Investigator  
Sharon Huck, Rules Coordinator  
Theresa King, Training Compliance Coordinator  
Rebecca Hannon, Files Maintenance Specialist

## **Guests:**



### **1. Minutes of August 21, 2014 Meeting**

Approve the minutes of the August 21, 2014 Police Policy Committee meeting.

*To see a complete record of the August 21, 2014 Police Policy Committee minutes, please go to:*

*Brian Wolfe moved that the committee approve the minutes of the August 21, 2014 Police Policy Committee meeting. John Bishop seconded the motion. The motion carried unanimously.*

2. **\*Bylaws of the BPSST Police Policy Committee**

Presented by Linsay Hale

Linsay explained that each Board policy committee is required by rule to adopt bylaws specific to each group, describing the group's purpose, membership qualifications and voting requirements. The PPC bylaws have not been reviewed for a number of years and are being presented for ratification. The proposed language reflects current practice and has been updated to plain language standards.

*John Bishop moved to ratify the bylaws as presented. Michael Crebs seconded the motion. The motion carried unanimously.*

3. **\*OAR 259-008-0005, 259-008-0010, 259-008-0011, 259-008-0025, 259-008-0060 and 259-008-0078 – Proposed Rule Change**

Limited Duration, Administrative Positions

Presented by Sharon Huck

In January the Board requested that a workgroup look into DPSST's minimum training standards. The workgroup met on several occasions and reviewed the training standard history and ultimately decided our current minimum training standards as well as our enforcement of the standards is appropriate.

During the workgroup meetings, the concept of a limited duration administrative position was discussed. This would allow individuals to fill non-elected, certifiable public safety positions, where the primary duties relate to the administration of a public safety agency. Individuals employed in these positions would not have to meet additional physical or training requirements, as long as they meet the specific eligibility requirements.

The proposed rule change adds the eligibility requirements for a limited duration administrative position to rule and updates numerous other areas of rule that are affected by adding the position.

*Larry Blanton moved that the Police Policy Committee recommends to the Board filing the proposed language for OAR, 259-008-0005, 259-008-0010, 259-008-0011, 259-008-0025, 259-008-0060 and 259-008-0078 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.*

*By consensus the committee determined there is no fiscal impact on small businesses.*

4. **\*Raymond McNeely, Coquille Police Department – DPSST #46177**

Determine whether to recommend to the Board the revocation of McNeely's Basic, Intermediate and Advanced Police certifications based on discretionary disqualifying conduct.

Presented by Leon Colas

This case is being brought before the PPC for a second time. In 2013 the PPC heard the case and voted to recommend revocation of Mr. McNeely's certifications based on gross misconduct. The Board affirmed the Committee's recommendation and served Mr. McNeely with a Notice of Intent to Revoke Certifications (NOI). Upon receipt of the NOI, Mr. McNeely requested a hearing. Prior to the hearing DPSST submitted a Motion for Summary Determination (MSD), however, the Administrative Law Judge (ALJ) found there were material issues at fact and denied the motion. DPSST reviewed the case in consultation with legal counsel and found that the record in this case was weak. Rather than moving forward with the case as previously presented, it has been brought back before the PPC for another look. The PPC is asked to make a determination only on the matter of gross misconduct.

*Kristine Allison moved to adopt the staff report. Brian Wolfe seconded the motion. The motion carried unanimously.*

*By discussion and consensus the Committee found Raymond McNeely's conduct did not involve gross misconduct by a preponderance of the evidence.*

*Because the Committee could not identify gross misconduct by a preponderance of the evidence, DPSST will close the case administratively.*

5. **\* David Fuller, Columbia County Sheriff's Office – DPSST #16332**

Determine whether to recommend to the Board the revocation of McNeely's Basic, Intermediate and Advanced Police certifications based on discretionary disqualifying conduct.

Presented by Leon Colas

*John Bishop moved to adopt the staff report. Brian Wolfe seconded the motion. The motion carried unanimously.*

By discussion and consensus, the committee identified David Fuller's dishonesty during an internal investigation as the behavior being considered in this case.

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

By discussion and consensus, the committee identified David Fuller's behavior **did not** involve Misconduct as defined in Administrative Rule.

By discussion and consensus, the committee determined that David Fuller's behavior **did not** involve Gross Misconduct.

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

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

By discussion and consensus, the committee identified David Fuller's behavior **did** involve Dishonesty as defined in Administrative Rule when he was uncooperative during his interviews.

***John Bishop moved that the Police Policy Committee find that David Fuller's Dishonesty does rise to the level to warrant revocation when considered alone. Michael Crebs seconded the motion. The motion carried unanimously.***

By discussion and consensus, the committee identified no Aggravating Circumstances:

By discussion and consensus, the committee identified no Mitigating Circumstances:

***After considering the totality of the circumstances, Michael Crebs moved that the Committee recommends to the Board that David Fuller's certifications be revoked. John Bishop seconded the motion. The motion carried unanimously.***

***Michael Crebs moved that the Committee recommends to the Board that David Fuller's Dishonesty warrants an ineligibility period to reapply for certification of lifetime. John Bishop seconded the motion. The motion carried unanimously.***

**6. Charles Caruso, Eugene Police Department – DPSST #51161**

Administrative Closure – Staff Update (Information Only)

Presented by Linsay Hale

This case involved a use of force incident involving Charles Caruso. When the case was previously brought before the Committee for consideration the Committee expressed concerns over the case and asked for the matter to be tabled while a further review was done by DPSST staff. Upon completion of the staff review, DPSST, in consultation with Chair

Barker and Director Gabliks, decided to close the case administratively without further action being taken.

## **7. Staff Updates**

Theresa King reported to the Committee that the 2015 police job task analysis is on track and the selected panel members are doing a very good job going through the process. They expect to present their results to the Committee at the February policy committee meeting and then to the Board in April.

Lindsay Hale reported that DPSST has reconciled the F-21 & F-22 Supervisory and Mid-Management outside training curriculum to match what the Center for Policing Excellence (CPE) has developed for training occurring here at the Oregon Public Safety Academy. The forms have been updated with the new learning objectives. Anyone currently in process using the old forms will be allowed to continue but anyone starting new will need to use the new form with the new learning objectives.

Eriks Gabliks reported that there is a persistent rumor going around that the Basic Police program is increasing from 16 to 20 weeks. Eriks said that the program is not expanding to 20 weeks because the PPC has not requested it and because there is no budget in place to support an extended program.

DPSST is adding one Basic Corrections class in the spring due to an uptick in Corrections hiring.

Oregon State Police is expected to hire 40 Troopers in the next few months and want to get them trained as quickly as possible. While most Basic Police classes integrate students from municipal, county and state agencies, DPSST has made the decision to offer one full Basic Police class to OSP. This class is one held in reserve from last year when there were not enough students to fill it. The class will be fit in among the existing schedule and will not interfere with the needs of other agencies.

There have been two budget presentations with the Governor's staff and our budget analyst to demonstrate the need for additional positions. DPSST asked for two positions on mental health, one position for active shooter training, one position for a research analyst and one for child abuse training. We have also requested additional funding to cover the increase costs in Professional Standards cases.

Eriks stated there have been numerous calls regarding the recent passage of the bill legalizing the recreational use of marijuana and DPSST's stance on the matter. DPSST is not an employer and cannot set employment policies. It is expected that the Oregon Liquor Control Commission (OLCC) will be the enforcement arm on the marijuana issue and may seek peace officer status from the legislature for members of that unit.

DPSST has had discussions with Portland State University (PSU). They have expressed interest in forming a police department at PSU. No official move has yet been made but PSU is expected to move forward in the coming year.

DPSST continues to work with OSP on a school preparedness initiative to encourage schools to be more prepared for active shooter and other emergencies. The discussion includes having a statewide database of school blueprints and developing universal terminology so all schools and emergency responders will be able to effectively communicate during an incident response. While DPSST cannot dictate policy to schools or other agencies, we can make 'best practice' recommendations to help improve communication during an event.

DPSST has been contacted by the U.S. Department of Justice and the U.S. State Department to partner with them to provide training at the Bangladesh National Police Academy. Bangladesh has approximately 150,000 officers. Representative of several local law enforcement agencies have already sent representatives over there to help train them and establish community policing practices. DPSST is hoping to develop ways for smaller agencies, with limited budgets, to also be involved. While a smaller agency may not be able to send officers over three times a year, we may be able to provide opportunities for an officer to go over for a month long special assignment.

**8. Next Police Policy Committee Meeting – February 19, 2015 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](mailto:dpsst.records@state.or.us).*