

Police Policy Committee

Minutes (Draft)

November 10, 2009

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 10, 2009 in the Governor Victor G. Atiyeh Boardroom of the Oregon Public Safety Academy. The meeting was called to order at 1:41 p.m. by Chair Andrew Bentz.

Attendees

Policy Committee Members:

Andrew Bentz, Chair, Oregon State Sheriffs' Association
Rich Evans, Oregon State Police
Michael Healy, Oregon Association Chiefs of Police
Brandon Kaopuiki, Non-Management Law Enforcement
Tim McLain, Superintendent, Oregon State Police
Larry O'Dea, Assistant Chief, Portland Police Bureau
Steven Piper, Non-Management Law Enforcement

Committee Members Absent

Arthur Balizan, Oregon Federal Bureau of Investigation
Kent Barker, Oregon Association Chiefs of Police
Robert Gordon, Oregon State Sheriffs' Association
Robert King, Non-Management Law Enforcement
Stuart Roberts, Vice-Chair, Oregon Association Chiefs of Police
Holly Russell, Oregon State Sheriffs' Association

DPSST Staff:

Eriks Gabliks, Deputy Director
Bonnie Narvaez, Certification Coordinator
Scott Willadsen, Professional Standards Coordinator
Carolyn Kendrick, Administrative Specialist



1. Minutes of August 11, 2009 Meeting

Approve minutes from the August 11, 2009 meeting.

See Appendix A for details

Tim McLain moved to approve the minutes from the August 11, 2009 meeting. Steven Piper seconded the motion. The motion carried unanimously.

2. OAR 259-001-0017 – Proposed Rule

Records Retention
Presented by Bonnie Narvaez

See Appendix B for details

Brandon Kaopuiki moved to recommend filing the proposed language for OAR 259-001-0017 with the Secretary of State as a proposed rule. Tim McLain seconded the motion. The motion carried unanimously.

Brandon Kaopuiki moved to recommend filing the proposed language for OAR 259-001-0017 with the Secretary of State as a permanent rule if no comments are received. Tim McLain seconded the motion. The motion carried unanimously.

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

3. **OAR 259-008-0025(1)(k)(c)**
(HB3466) Mental Illness Training/Medical Health Debate
Presented by Bonnie Narvaez

See Appendix C for details

Brandon Kaopuiki moved to recommend filing the proposed language for OAR 259-008-0025(1)(k)(c) with the Secretary of State as a temporary rule, proposed rule, and as a permanent rule if no comments are received. Larry O’Dea seconded the motion. The motion carried unanimously.

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

4. **OAR 259-008-0040 – Proposed Rule**
Period of Service
Presented by Bonnie Narvaez

See Appendix D for details

Tim McLain moved to recommend filing the proposed language for OAR 259-008-0040 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Larry O’Dea seconded the motion. The motion carried unanimously.

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

5. **OAR 259-008-0075(8) – Proposed Rule**
Sheriff eligibility for election or appointment to office
Presented by Bonnie Narvaez

See Appendix E for details

Tim McLain moved to recommend filing the proposed language for OAR 259-008-0075(8) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Brandon Kaopuiki seconded the motion. The motion carried unanimously.

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

6. **Chris Washburn – DPSST #27437**

Presented by Scott Willadsen

See Appendix F for details.

- *Tim McLain moved that the policy committee adopts the Staff report as the record upon which its recommendations are based. Brandon Kaopuiki seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a. Identify the conduct that is at issue.
 - b. The identified conduct did involve **Dishonesty**.
 - c. The identified conduct did involve a **Disregard for the Rights of Others**.
Having to do with the searches
 - d. The identified conduct did not involve **Misuse of Authority**.
 - e. The identified conduct did not involve **Gross Misconduct**.
 - f. The identified conduct did not involve **Misconduct**.
 - g. The identified conduct did involve **Insubordination**.
- By discussion and consensus, the policy committee must identify and consider any mitigating and aggravating circumstances. *The committee noted Washburn's and the Union's provision of mitigating circumstances including the positive employee evaluation. The committee was troubled by the filing of documents by the agency management justifying actions proposed and the convoluted manner with which the agency's investigation was put together. Perhaps if this was handled differently and in a clearer manner by the agency it would be easier for the committee to make a good decision. The committee agrees that there definitely seems to be some behavior at issue, but it is so clouded and seems so reactive, it is hard to tell clearly what happened.*
- *Brandon Kaopuiki moved that the Policy Committee finds WASHBURN's conduct does not rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that WASHBURN's certification(s) not be revoked. Steven Piper seconded the motion. The motion carried unanimously.*

6. **Additional Business**

Presented by Eriks Gabliks

- *The class training schedule for the next six months is now online. DPSST is trying to balance the remaining authorized basic police classes throughout the biennium.*
- *Budget update: There was a miscalculation on budget reduction in regards to furloughs to the amount of approximately \$500,000. If this cannot be resolved DPSST may have to eliminate one basic police class. DPSST has been requested to submit another 10 percent budget reduction which equates to roughly \$2.9 million.*

If this reduction becomes necessary it will happen in two 5 percent steps. As of now this is only an exercise.

- *DPSST is working with the Chiefs and Sheriffs, OSP, and DOC on Supervision and Middle Management courses. The Chiefs and Sheriffs have a committee actively working with DPSST on establishing training programs they can offer. We have also met with Portland State University which is interested in offering classes in that area as well. As previously stated this is a cost shift to local agencies. We have been able to give some grants to the Chiefs and Sheriffs so they can offer some of these classes around the state to at least pick up some of the void.*
- *DPSST is also in the process of updating the Police Job Task Analysis and look forward to finishing that by January or February 2010.*
- *Rich Evans is the new member of the Police Policy Committee representing the Oregon State Police. He takes the place of Ed Mouery. We are glad to have him on board.*
- *DPSST has been working with law enforcement agencies across the state in search of interested parties, because as stated in HB2790 this committee will receive two additional non-management positions. These positions will not be a part of the full Board, only the Police Policy Committee.*

7. The Next Police Policy Committee Meeting is Tuesday, February 18, 2010 at 1:30 p.m.

With no further business before the committee, Tim McLain moved to adjourn the meeting. Larry O'Dea seconded the motion. The motion carried unanimously and the meeting adjourned at 2:23 p.m.

Appendix A

Police Policy Committee Minutes (Draft) August 11, 2009

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 11, 2009 in the Governor Victor G. Atiyeh Boardroom of the Oregon Public Safety Academy. The meeting was called to order at 1:35 p.m. by Chair Andrew Bentz.

Attendees

Policy Committee Members:

Andrew Bentz, Chair, Oregon State Sheriffs' Association
Stuart Roberts, Vice-Chair, Oregon Association Chiefs of Police
Robert Gordon, Oregon State Sheriffs' Association
Larry O'Dea, Assistant Chief, Portland Police Bureau
Tim McLain, Superintendent, Oregon State Police
Kent Barker, Oregon Association Chiefs of Police
Michael Healy, Oregon Association Chiefs of Police
Steven Piper, Non-Management Law Enforcement
Holly Driver Russell, Oregon State Sheriffs' Association

Committee Members Absent

Robert King, Non-Management Law Enforcement
Brandon Kaopuiki, Non-Management Law Enforcement
Rich Evans, Oregon State Police

DPSST Staff:

Eriks Gabliks, Deputy Director
Marilyn Lorange, Standards and Certification Supervisor
Bonnie Narvaez, Certification Coordinator
Theresa King, Professional Standards Coordinator
Scott Willadsen, Professional Standards Coordinator
Roger Eaton, Training Captain-Survival Skills
Carolyn Kendrick, Administrative Specialist



7. Minutes of May 12, 2009 Meeting

Approve minutes from the May 12, 2009 meeting.

See Appendix A for details

Kent Barker moved to approve the minutes from the May 12, 2009 meeting. Tim McLain seconded the motion. The motion carried unanimously.

8. Minutes of June 4, 2009 Special Meeting

Approve minutes from the June 4, 2009 special meeting.

See Appendix B for details

Kent Barker moved to approve the minutes from the June 4, 2009 meeting. Larry O'Dea seconded the motion. The motion carried unanimously.

9. OAR 259-008-0060(18) – Proposed Rule

Multi-Discipline – Maintenance Training Report
Presented by Bonnie Narvaez

See Appendix C for details

Robert Gordon moved to recommend filing the proposed language for OAR 259-008-0060(18) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Tim McLain seconded the motion. The motion carried unanimously.

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

10. The Committee DID NOT Convene in Executive Session and Took Action on the Following Three Cases:

Brian D. Hubbard – DPSST #32024

Presented by Theresa King

See Appendix D for details

- *Tim McLain moved that the policy committee adopts the Staff report as the record upon which its recommendations are based. Kent Barker seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - h. Identify the conduct that is at issue. *Off-duty crash and arrest for DUII*
 - i. The identified conduct *did not* involve **Dishonesty**.
 - j. The identified conduct *did* involve a **Disregard for the Rights of Others**.
 - k. The identified conduct *did not* involve **Misuse of Authority**.
 - l. The identified conduct *did* involve **Gross Misconduct**.
 - m. The identified conduct *did* involve **Misconduct**.
 - n. The identified conduct *did not* involve **Insubordination**.
- By discussion and consensus, the policy committee must identify and consider any mitigating and aggravating circumstances. *As mitigating circumstances the committee identified the letter and support by his current Chief, HUBBARD's great record, and his apologetic attitude.*
- *Robert Gordon moved that the policy committee finds HUBBARD's conduct does not rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that his certification(s) not be revoked. Larry O'Dea seconded the motion. The motion carried unanimously.*

John L. Lovik– DPSST #21892

Presented by Theresa King

See Appendix E for details

- *Robert Gordon moved that the policy committee adopts the Staff report as the record upon which its recommendations are based. Larry O'Dea seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a. Identify the conduct that is at issue.
 - b. The identified conduct *did not* involve **Dishonesty**.
 - c. The identified conduct *did* involve a **Disregard for the Rights of Others**.
 - d. The identified conduct *did not* involve **Misuse of Authority**.
 - e. The identified conduct *did* involve **Gross Misconduct**.
 - f. The identified conduct *did* involve **Misconduct**.
 - g. The identified conduct *did not* involve **Insubordination**.
- By discussion and consensus, the policy committee must identify and consider any mitigating and aggravating circumstances. *The committee agreed that the matter was handled by the Sheriff.*
- *Tim McLain moved that the policy committee finds LOVIK's conduct does not rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that LOVIK's certifications not be revoked. Larry O'Dea seconded the motion. The motion carried unanimously.*

Travis Patterson – DPSST #45201

Presented by Theresa King

See Appendix F for details

- *Kent Barker moved that the policy committee adopts the Staff report as the record upon which its recommendations are based. Robert Gordon seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a. Identify the conduct that is at issue.
 - b. The identified conduct *did* involve **Dishonesty**.
 - c. The identified conduct *did not* involve a **Disregard for the Rights of Others**.
 - d. The identified conduct *did* involve **Misuse of Authority**. *Canine officer given authority to write policy, officer would not then share the policy he wrote with another officer; Incorrect timesheets; Misuse of public trust; Receipt of benefit through fraud.*
 - e. The identified conduct *did* involve **Gross Misconduct**.
 - f. The identified conduct *did* involve **Misconduct**.
 - g. The identified conduct *did not* involve **Insubordination**.
- By discussion and consensus, the policy committee must identify and consider any mitigating and aggravating circumstances. *Aggravating circumstances include theft, and no responsibility or justification provided by PATTERSON. The committee concurred there were no mitigating circumstances.*

- *Kent Barker moved that the policy committee finds PATTERSON's conduct does rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that his certification(s) be revoked. Robert Gordon seconded the motion. The motion carried unanimously.*
- *Tim McLain moved that the committee recommends to the Board that PATTERSON's misconduct was a lifetime disqualifier; he may never reapply to the Police Policy Committee seeking certification. Kent Barker seconded the motion. The motion carried unanimously.*

11. Nicholas E. Bielenberg – DPSST #42412

Presented by Theresa King

See Appendix G for details.

- *Tim McLain moved that the committee adopts the staff report as the record upon which its recommendations are based. Rob Gordon seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a.) Identify the conduct that is at issue.
 - b.) The identified conduct did involve **Dishonesty. Falsification of reports, lied to supervisor, dishonesty regarding evidence.**
 - c.) The identified conduct did not involve a **Disregard for the Rights of Others.**
 - d.) The identified conduct did not involve **Misuse of Authority.**
 - e.) The identified conduct did involve **Gross Misconduct.**
 - f.) The identified conduct did involve **Misconduct.**
 - g.) The identified conduct did not involve **Insubordination.**
- By discussion and consensus, the committee must identify and consider any mitigating and aggravating circumstances. *The committee agreed there were no mitigating circumstances.*
- *Holly Driver Russell moved that the committee finds that BIELENBERG's conduct does rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that BIELENBERG's certification(s) be revoked. Robert Gordon seconded the motion. The motion carried unanimously.*
- *Tim McLain moved that the committee recommends to the Board that BIELENBERG's misconduct was a lifetime disqualifier; he may never reapply to the Police Policy Committee seeking certification. Kent Barker seconded the motion. The motion carried unanimously.*

12. Kevin D. Carter – DPSST #43794

Presented by Theresa King

See Appendix H for details.

- *Larry O'Dea moved that the committee adopts the staff report as the record upon which its recommendations are based. Kent Barker seconded the motion. The motion carried unanimously.*

- By discussion and consensus:
 - a. Identify the conduct that is at issue.
 - b. The identified conduct did involve **Dishonesty. Dishonest by omission regarding the affair and knowledge of location of officer.**
 - c. The identified conduct did involve a **Disregard for the Rights of Others. Missed calls as a result of affair.**
 - d. The identified conduct did involve **Misuse of Authority. His affair with a reserve officer.**
 - e. The identified conduct did not involve **Gross Misconduct.**
 - f. The identified conduct did involve **Misconduct.**
 - g. The identified conduct did not involve **Insubordination.**
- By discussion and consensus, the committee must identify and consider any mitigating and aggravating circumstances. *The committee did not identify any mitigating or aggravating circumstances.*
- *Tim McLain moved that the committee finds CARTER's conduct does rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that CARTER's certification(s) be revoked. Larry O'Dea seconded the motion. The motion carried unanimously.*
- *Robert Gordon moved that the committee recommends to the Board that CARTER's misconduct was a lifetime disqualifier; he may never reapply to the Police Policy Committee seeking certification. Larry O'Dea seconded the motion. The motion carried unanimously.*

7. James Leffmann – DPSST #04520

Presented by Theresa King

See Appendix I for details.

- *Kent Barker moved that the committee adopts the staff report as the record upon which its recommendations are based. Tim McLain seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a. Identify the conduct that is at issue.
 - b. The identified conduct did not involve **Dishonesty.**
 - c. The identified conduct did not involve a **Disregard for the Rights of Others.**
 - d. The identified conduct did not involve **Misuse of Authority.**
 - e. The identified conduct did involve **Gross Misconduct.**
 - f. The identified conduct did involve **Misconduct.**
 - g. The identified conduct did not involve **Insubordination.**
- By discussion and consensus, the committee must identify and consider any mitigating and aggravating circumstances. *The committee noted LEFFMANN's multiple offenses as aggravating.*
- *Tim McLain moved that the committee finds LEFFMANN's conduct does rise to the level to warrant the revocation of his certification(s), and therefore recommends*

to the Board that LEFFMANN's certification(s) be revoked. Kent Barker seconded the motion. The motion carried unanimously.

- *Tim McLain moved that the committee recommends to the Board that the minimum period of ineligibility to reapply for certification(s) will be ten years from the date of revocation. Larry O'Dea seconded the motion. The motion carried unanimously.*

8. Shawn L. Parsons – DPSST #44959

Presented by Theresa King

See Appendix J for details.

- *Kent Barker moved that the committee adopts the Staff report as the record upon which its recommendations are based. Michael Healy seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a. Identify the conduct that is at issue.
 - b. The identified conduct did involve **Dishonesty**. *Lied about not remembering the event yet remembered taking a taxi home.*
 - c. The identified conduct did involve a **Disregard for the Rights of Others**.
 - d. The identified conduct did involve **Misuse of Authority**.
 - e. The identified conduct did not involve **Gross Misconduct**.
 - f. The identified conduct did involve **Misconduct**.
 - g. The identified conduct did not involve **Insubordination**.
- By discussion and consensus, the committee must identify and consider any mitigating and aggravating circumstances. *The committee did not state any mitigating or aggravating circumstances.*
- *Michael Healy moved that the committee finds PARSON's conduct does rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that PARSON's certification(s) be revoked. Tim McLain seconded the motion. The motion carried unanimously.*
- *Tim McLain moved that the committee recommends to the Board that PARSON's misconduct was a lifetime disqualifier; he may never reapply to the Police Policy Committee seeking certification. Kent Barker seconded the motion. The motion carried unanimously.*

9. Matthew T. Sherwood – DPSST #42235

Presented by Theresa King

See Appendix K for details

- *Kent Barker moved that the policy committee adopts the Staff report as the record upon which its recommendations are based. Robert Gordon seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a. Identify the conduct that is at issue.
 - b. The identified conduct did not involve **Dishonesty**.

- c. The identified conduct *did not* involve a **Disregard for the Rights of Others**.
 - d. The identified conduct *did not* involve **Misuse of Authority**.
 - e. The identified conduct *did not* involve **Gross Misconduct**.
 - f. The identified conduct *did not* involve **Misconduct**.
 - g. The identified conduct *did not* involve **Insubordination**.
- By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances. *The committee did not identify any mitigating or aggravating circumstances.*
 - *Kent Barker moved that the policy committee finds SHERWOOD's eligibility to apply for public safety certification be restored and recommends such to the Board. Tim McLain seconded the motion. The motion carried unanimously.*

10. Anthony F. Smith – DPSST #44959

Presented by Theresa King

See Appendix J for details.

- *Kent Barker moved that the policy committee adopts the Staff report as the record upon which its recommendations are based. Tim McLain seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a.) Identify the conduct that is at issue.
 - b.) The identified conduct *did* involve **Dishonesty**.
 - c.) The identified conduct *did* involve a **Disregard for the Rights of Others**.
 - d.) The identified conduct *did* involve **Misuse of Authority**.
 - e.) The identified conduct *did* involve **Gross Misconduct**.
 - f.) The identified conduct *did* involve **Misconduct**.
 - g.) The identified conduct *did not* involve **Insubordination**.
- By discussion and consensus, the policy committee must identify and consider any mitigating and aggravating circumstances. *The committee stated the three letters of support could be mitigating. Also stated were aggravating circumstances including manipulation, and predatory mannerisms.*
- *Stuart Roberts moved the policy committee finds SMITH's conduct does rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that his certification(s) be revoked. Tim McLain seconded the motion. The motion carried unanimously.*
- *Larry O'Dea moved that the committee recommends to the Board that SMITH's misconduct was a lifetime disqualifier; he may never reapply to the Police Policy Committee seeking certification. Robert Gordon seconded the motion. The motion carried unanimously.*

11. Jason B. Zanni – DPSST #31384

Presented by Theresa King

See Appendix M for details

- *Kent Barker moved that the policy committee adopts the Staff report as the record upon which its recommendations are based. Tim McLain seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a. Identify the conduct that is at issue.
 - b. The identified conduct *did* involve **Dishonesty**. *Lied regarding use of sick leave and lied about delivering subpoenas.*
 - c. The identified conduct *did not* involve a **Disregard for the Rights of Others**.
 - d. The identified conduct *did not* involve **Misuse of Authority**.
 - e. The identified conduct *did not* involve **Gross Misconduct**.
 - f. The identified conduct *did* involve **Misconduct**.
 - g. The identified conduct *did not* involve **Insubordination**.
- By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances. *The committee stated the letter could be considered a mitigating circumstance.*
- *Robert Gordon moved that the policy committee finds ZANNI's conduct does rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that his certification(s) be revoked.*
- *Robert Gordon moved that the committee recommends to the Board that ZANNI's misconduct was a lifetime disqualifier; he may never reapply to the Police Policy Committee seeking certification. Tim McLain seconded the motion. The motion carried unanimously.*

12. Robert L. Burk – DPSST #27390

Presented by Theresa King

See Appendix N for details

The Board requested the policy committee reconsider the proposed minimum period of certification revocation previously reviewed at the Police Policy Committee meeting on May 12, 2009. After further review of the BURK case, the policy committee came to the conclusions listed below.

- By discussion and consensus:
 - a. Identify the conduct that is at issue.
 - b. The identified conduct *did* involve **Dishonesty**. *Dishonest in his communication with this committee in regards to his knowledge of the charges.*
 - c. The identified conduct *did not* involve a **Disregard for the Rights of Others**.
 - d. The identified conduct *did not* involve **Misuse of Authority**.
 - e. The identified conduct *did not* involve **Gross Misconduct**.
 - f. The identified conduct *did* involve **Misconduct**.
 - g. The identified conduct *did not* involve **Insubordination**.
- By discussion and consensus, the policy committee must identify and consider any mitigating and aggravating circumstances. *The committee did not identify any mitigating or aggravating circumstances.*

- *Robert Gordon moved that the policy committee finds BURK's conduct does rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that BURK's certification(s) be revoked. Larry O'Dea seconded the motion. The motion carried unanimously.*
- *Robert Gordon moved that based on the finding that BURK was dishonest to this committee, the committee recommends to the Board that BURK's misconduct was a lifetime disqualifier; he may never reapply to the Police Policy Committee seeking certification. Larry O'Dea seconded the motion. The motion carried unanimously.*

13. Use of Force Curriculum Update

Presented by Roger Eaton

See Appendix O for details

...The use of force curriculum has utilized a force matrix or continuum to address student learning in regards to levels of force. The continuum, wheel, ladder, or as more recently referred to a force matrix, in DPSST's curriculum was originally developed as a training tool to help students visualize concepts for force being taught. The intended purpose of the matrix was to be a model of presentation for students to assist them in understanding the levels of force available to them in reference to the resistance offered by identified threats...

...After careful consideration and analysis, it was determined that DPSST would remove the use of force continuum/matrix from its use of force curriculum. In reaching this decision, DPSST is committed to the "best practice" philosophy, which will keep us cutting edge current and legally defensible. DPSST will teach that the standards of "objective reasonableness" and the "totality of the circumstances" are the only standards for decisions regarding use of force. This will give a consistency to our curriculum in the legal, survival skills, and tactical venues and is in complete congruence with state and federal court decisions...

The committee fully supported staff's recommended change of eliminating the force matrix in DPSST's basic police curriculum.

14. Additional Business

Presented by Eriks Gabliks

Legislative Recap:

- The Board Bill (HB2790) was approved as previously shared. There will be two additional non-management committee members coming on board after the first of the year. We are in the recruiting process right now.
- The Public Records Bill (HB2315) was approved. Once our draft investigative reports are no longer drafts and are released to the committee, they will be available to the public as well.
- Oregon Health Sciences University (OHSU) had a statute approved (SB658) that would make their security officers University police. They will be certified and trained by DPSST through the Basic Police course but unable to carry weapons while

on duty at the University. OHSU will be sending approximately 80 officers through DPSST—2-3 at a time over the next few years.

- Oregon Humane Society Animal Cruelty Investigators will be allowed to be certified by DPSST as law enforcement officers under SB303. This clarifies an issue they have regarding the difficulty in recruiting retirees or laterals to join their ranks because they were not going to be able to retain their certification.
- Budget—Criminal Fines and Assessments: DPSST took a 19 percent reduction which resulted in the loss of 29 full-time employees at the agency. All the lay-offs and bumping has been completed. These reductions will result in fewer basic police classes being offered over the biennium, 50% reduction in DPSST's regional training program, elimination of DPSST's supervision and middle management training programs, delays in processing training records by Standards and Certifications, and reductions in custodial and security services on campus.

Marilyn Lorance introduced Scott Willadsen to the committee. He is the Professional Standards Coordinator filling Theresa King's position while she is on job rotation.

Eriks Gabliks introduced new committee members Holly Driver Russell, representing Oregon State Sheriffs' Association; Rich Evans, representing Oregon State Police; and Arthur Balizan, representing the Oregon Federal Bureau of Investigation.

15. The Next Police Policy Committee Meeting is Tuesday, November 10, 2009 at 1:30 p.m.

With no further business before the committee, the meeting adjourned at 3:39 p.m.

Appendix B

Department of Public Safety Standards and Training Memo

Date: October 12, 2009
To: Police Policy Committee
From: Bonnie Narváez
Subject: OAR 259-001-0017 – Proposed Rule
Records Retention

Issue 1: Professional Standards staff recently requested records related to a professional standards investigation from a private entity that employs public safety professionals. The private entity advised the Department that they had not retained any documentation of the employee investigation, or other personnel records that would have been relevant to DPSST's investigation of the individual's qualification to hold public safety certification.

Because all individuals who hold public safety certification are required to meet the same minimum standards, regardless of whether they work for a public safety agency or a private safety agency that employs public safety personnel (generally emergency medical dispatchers), the Department recommends that an administrative rule be adopted to require that all agencies under DPSST jurisdiction must retain records subject to review or inspection by DPSST in a manner consistent with the records retention requirements of the Oregon Secretary of State's Archives Division. Public Safety Agencies are already statutorily obligated to comply with these records retention requirements.

The following new language for OAR 259-001-0017 contains recommended additions (**bold and underlined**) to the Department's rules.

259-001-0017

Public Records

(1) A private safety agency that employs a public safety professional subject to the Department's certification requirements must retain all documentation related to a public safety professional's employment, training and certification in a manner, and for the period of time, consistent with the requirements of the Secretary of State's administrative rules relating to records retention by public bodies.

(2) Documentation related to a public safety professional's employment, training and certification includes, but is not limited to:

(a) Any documentation related to an employment investigation, or pending or final disciplinary action related to a Public Safety Professional;

(b) A Public Safety Professional's personnel record, including any documentation related to a personnel investigation or disciplinary action;

(c) A Public Safety Professional's training record;

(d) A Public Safety Professional's payroll records.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-001-0017 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-001-0017 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses

Appendix C

Department of Public Safety Standards and Training Memo

DATE: October 13, 2009
TO: Police Policy Committee
From: Bonnie Narváez
Rules Coordinator
SUBJECT: Proposed Rule - OAR 259-008-0025(1)(k)(c)
(HB 3466) Mental Illness training/Medical Health Database

Issue: HB 3466, passed by the 2009 Legislature, requires that the Basic Police Course include at least one hour of training on the appropriate use of a medical health database, which is to be created and maintained within the Law Enforcement Data System of the Oregon State Police. This training must be included within the 24 hours of training in the recognition of mental illnesses utilizing a crisis intervention training model that is currently taught at the academy.

Because this new training requirement will take effect on January 1, 2010, staff is requesting that a temporary rule be filed while the permanent rulemaking process is taking place.

The following proposed language contains recommended additions (**bold and underlined text**). For ease of review, only the relevant portion of the text has been provided.

259-008-0025

Minimum Standards for Training

(1) Basic Course:

* * *

(k) The basic course for police officers must include:

(A) Training on the law, theory, policies and practices related to vehicle pursuit driving;

(B) Vehicle pursuit training exercises, subject to the availability of funding; and

(C) A minimum of 24 hours of training in the recognition of mental illnesses utilizing a crisis intervention training model. **A minimum of one hour of this training must be on**

the appropriate use of the medical health database maintained by the Department of State Police within the Law Enforcement Data System.

ACTION ITEM 1: Determine whether to approve filing the proposed language amendments to OAR 259-008-0025 with the Secretary of State as a temporary rule.

ACTION ITEM 2: Determine whether to approve filing the proposed language amendments to OAR 259-008-0025 with the Secretary of State as a proposed rule.

ACTION ITEM 3: Determine whether to approve filing the proposed language amendments to OAR 259-008-0025 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 4: Determine if there is any fiscal impact on small businesses.

Appendix D

Department of Public Safety Standards and Training Memo

Date: October 13, 2009
To: Police Policy Committee
From: Bonnie Narváez
Subject: OAR 259-008-0040 – Proposed Rule
Period of Service

Issue 1: An individual who fails to obtain certification within 12 months (corrections) or 18 months (all other disciplines) of employment is prohibited from being employed as a public safety professional, unless the Department has granted an extension of time to become certified.

The Department has noticed that a small number of employers have been changing their employees' status from certifiable to non-certifiable positions when the maximum period and all extension periods to become certified have expired; and then reinstating the employee to a certifiable position after a period of only a few months, thus re-starting the 18-month certification "clock."

The Department recommends incorporating the following language into current rules governing periods of service, to allow us to address this issue when it occurs and ensure that public safety professionals receive needed training within the time frames required by law.

The following revised language for OAR 259-008-0040 contains recommended additions (**bold and underlined**) and deletions (~~striketrough text~~). Additional housekeeping changes have been made for clarity and readability.

259-008-0040

Period of Service

(1) A law enforcement officer, telecommunicator, or emergency medical dispatcher **who is** not currently certified shall **must** satisfactorily complete a period of service of not **no** less than nine (9) months **of service** in the field in which they are employed, to be eligible for certification. This requirement shall **does** not apply to a department head.

(2) No person shall **may** be employed as a police officer, parole and probation officer, telecommunicator, or emergency medical dispatcher for more than 18 months unless that officer, telecommunicator, or emergency medical dispatcher has been certified

under the provisions of ORS 181.610 to 181.705 and the certification has neither lapsed nor been revoked.

(3) No person shall **may** be employed as a corrections officer for more than one (1) year unless that officer has been certified under the provisions of ORS 181.610 to 181.705 and the certification has neither lapsed nor been revoked.

(4) For purposes of this rule, the Department will count all periods of full-time employment identified in subsection (2) and (3) in the aggregate if:

(a) An individual was reclassified from a certifiable position to a non-certifiable position for a period of less than six months; and

(b) The individual is then returned to a certifiable position in the same discipline, while employed with the same employer.

~~(4)~~ **(5)** The Board or its designee, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in section (2) of this rule. If the Board finds that there is good cause for such failure, the Board may extend for up to one year the period that a person may serve as a law enforcement officer, telecommunicator, or emergency medical dispatcher without certification. The grant or denial of such an extension is within the sole discretion of the Board.

~~(5)~~ **(6)** The Board, or its designee, may further extend the time period for a law enforcement officer, telecommunicator, or emergency medical dispatcher who has been deployed to full-time active military duty during the time period described in section (2) or (3) of this rule. Conditions for certification upon an officer's return to his/her employer, may include, but are not limited to:

- (a) Remediation of Basic course;
- (b) Successful completion of Career Officer Development Course;
- (c) Demonstrated proficiency of skills and ability;
- (d) F-2 (Medical Form).

[ED. NOTE: Forms referenced available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-008-0040 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0040 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses

Appendix E

Department of Public Safety Standards and Training Memo

DATE: October 13, 2009
TO: Police Policy Committee
From: Bonnie Narváez
Rules Coordinator
SUBJECT: Proposed Rule - OAR 259-008-0075(8)
Sheriff eligibility for election or appointment to office

Issue: The current statute and rule requires DPSST to determine whether an individual is eligible to be a candidate for election or appointment to the office of sheriff. A copy of DPSST's determination of an individual's eligibility to be a candidate for election to the office of sheriff must be filed with the county clerk or county official in charge of elections no later than the 70th day before the date of the primary election.

Because there are occasions when a Sheriff vacates an office unexpectedly, and an appointment must be made prior to the general election time frame, the Department proposes to amend the administrative rules to develop a process for determining eligibility criteria for any election (i.e., general election or special election).

The following proposed language contains recommended deletions (~~striketrough text~~) and additions (**bold and underlined text**). For ease of review, only the relevant portion of the rule being changed is provided:

259-008-0075

Eligibility for Candidacy for Office of Sheriff

(1) * * *

(8) The procedure for determining whether an individual is eligible to be a candidate for election to the office of sheriff is:

(a) A potential candidate for sheriff must submit an Application for Determination of Eligibility to Be Sheriff (BPSST Form F-25) to the Department not sooner than the first of July before the primary election and not later than the 70th day before ~~the primary~~ **any** election (ORS 249.037);

(b) The Department will file a copy of its determination on an individual's eligibility to be a candidate for election to the office of sheriff with the county clerk or county official in charge of elections not later than the 61st day before the date of ~~the~~ **an** election;

(c) The Department will notify the applicant in writing of the determination and decision concerning the eligibility of the applicant by certified mail, mailed to the applicant and postmarked at not later than the 61st day before the date of the an election.

(9) Any candidate seeking election or appointment to the office of sheriff, must submit a criminal history affidavit (BPSST Form F-26), provided by the Department.

(10) If any falsification is made on the application or documents submitted in support of the application, the Department may deny approval, revoke and/or rescind any approval previously given.

(11) The Department will provide a copy of this rule to all persons requesting an evaluation of their eligibility to be a candidate for sheriff.

[ED. NOTE: Forms referenced are available from the agency.]

ACTION ITEM 1: Determine whether to approve filing the proposed language amendments to OAR 259-008-0025(8) with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to approve filing the proposed language amendments to OAR 259-008-0025(8) with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine if there is any fiscal impact on small businesses.

Appendix F

Department of Public Safety Standards and Training Memorandum

DATE: November 10, 2009
TO: Police Policy Committee
FROM: Scott Willadsen
Professional Standards Coordinator
SUBJECT: Chris WASHBURN DPSST #27437

ISSUE:

Should Chris WASHBURN'S Basic, Intermediate and Advanced Police Certifications be revoked based on his discretionary disqualifying misconduct defined in OAR 259-008-0070, and as referenced in OAR 259-008-0010?

BACKGROUND and OVERVIEW

This case involves the following actions and processes related to WASHBURN:

WASHBURN was employed with the Hillsboro Police Department in 1995 until he resigned in 2001. WASHBURN was employed with the Hermiston Police Department (HPD) in 2003 and signed his Criminal Justice Code of Ethics in that year. He holds Basic, Intermediate and Advanced Police Certifications.

On April 20, 2007, HPD entered into a last chance agreement with WASHBURN as a result of an internal affairs investigation. On November 19, 2007, WASHBURN was notified of HPD's intent to terminate his employment and on December 1, 2007 WASHBURN was issued a Termination Notice. As a result of objections by WASHBURN's Union, the employer addressed the Union's issues and re-notified WASHBURN of their intent to terminate his employment on December 1, 2007. On December 6, 2007, WASHBURN was discharged for cause. DPSST sought the investigations that led to his discharge. HPD provided copies of the internal affairs investigations against WASHBURN.

On May 22, 2008, DPSST issued WASHBURN a Notice of Intent to Revoke, based upon his discharge for cause. On May 28, 2008, DPSST received a request for hearing from WASHBURN. On June 24, 2008 KING emailed Chief COULOMBE to inquire if a grievance had been filed. In September 2008, DPSST received an amended F4 Personnel Action Report indicating WASHBURN resigned on December 1, 2007. DPSST sent a letter to HPD on September 30, 2008, to determine if the investigative materials previously provided were still true and accurate. DPSST also sought a copy of the settlement agreement. On October 6, 2008, HPD affirmed the underlying internal investigation was true and accurate and provided a copy of the settlement agreement.

On December 5, 2008, DPSST mailed WASHBURN a letter advising him that his case would be heard before the Police Policy Committee and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. This letter was sent by regular and certified mail.

On December 17, 2008, WASHBURN emailed KING to request a copy of all documents received from HPD. On December 29, 2008, KING emailed WASHBURN the documents allowed under public record law per his request and advised that staff report would be provided and time allowed to respond.

In April 2009, DPSST provided WASHBURN a copy of the Staff Report and additional time to provide a response to the PPC. In July of 2009 WASHBURN provided a response for the PPC.

DISCUSSION:

ORS. 181.640 requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct that requires denial or revocation (mandatory disqualifying misconduct). For all other misconduct, denial or revocation is discretionary, based on Policy Committee and Board review. (ref. OAR 259-008-0070(4),(9))

STANDARD OF PROOF:

The standard of proof on this matter is a preponderance of evidence; evidence that is of greater weight and more convincing than the evidence offered in opposition to it; more probable than not. [Ref ORS 183.450(5)]

DISCRETIONARY DISQUALIFYING MISCONDUCT

OAR 259-008-0010(6) Moral Fitness (Professional Fitness). All law enforcement officers must be of good moral fitness.

(a) For purposes of this standard, lack of good moral fitness includes, but is not limited to:

- (A) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or
- (B) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

OAR 259-008-0070 specifies discretionary disqualifying misconduct as:

(4)(a) (A) The public safety professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The public safety professional or instructor fails to meet the applicable minimum standards, minimum training or the terms and conditions established under ORS 181.640; or

(C) The public safety professional or instructor has been convicted of an offense, listed in subsection (4), punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction.

(b) For purposes of this rule, discretionary disqualifying misconduct includes misconduct falling within the following categories:

(A) Category I: Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Category II: Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, and conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public.

(C) Category III: Misuse of Authority: Includes abuse of public trust, obtaining a benefit, avoidance of detriment, or harming another, and abuses under the color of office.

(D) Category IV: Gross Misconduct: Means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional or instructor would observe in a similar circumstance;

(E) Category V: Misconduct: Misconduct includes conduct that violates the law, practices or standards generally followed in the Oregon public safety profession. NOTE: It is the intent of this rule that "Contempt of Court" meets the definition of Misconduct within this category; or

(F) Category VI: Insubordination: Includes a refusal by a public safety professional or instructor to comply with a rule or order, where the order was reasonably related to the orderly, efficient, or safe operation of the agency, and where the public safety professional's or instructor's refusal to comply with the rule or order constitutes a substantial breach of that person's duties.

POLICY COMMITTEE AND BOARD REVIEW:

OAR 259-008-0070(9)(d) requires the Policy Committee and the Board to consider mitigating and aggravating circumstances for discretionary disqualifying conduct, including, but not limited to:

(A) When the misconduct occurred in relation to the public safety professional's or instructor's employment in public safety (i.e., before, during after);

(B) If the misconduct resulted in a conviction:

(i) Whether it was a misdemeanor or violation;

(ii) The date of the conviction(s);

(iii) Whether the public safety professional or instructor was a minor at the time and tried as an adult;

(iv) Whether the public safety professional or instructor served time in prison/jail and, if so, the length of incarceration;

(v) Whether restitution was ordered, and whether the public safety professional or instructor met all obligations;

(vi) Whether the public safety professional or instructor has ever been on parole or probation. If so, the date on which the parole/probation period expired or is set to expire;

(vii) Whether the public safety professional or instructor has more than one conviction and if so, over what period of time;

(C) Whether the public safety professional or instructor has engaged in the same misconduct more than once, and if so, over what period of time;

(D) Whether the actions of the public safety professional or instructor reflect adversely on the profession, or would cause a reasonable person to have substantial doubts about the public safety professional's or instructor's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation;

(E) Whether the misconduct involved domestic violence;

(F) Whether the public safety professional or instructor self reported the misconduct;

(G) Whether the conduct adversely reflects on the fitness of the public safety professional or instructor to perform as a public safety professional or instructor;

(H) Whether the conduct renders the public safety professional or instructor otherwise unfit to perform their duties because the agency or public has lost confidence in the public safety professional or instructor;

(I) What the public safety professional's or instructor's physical or emotional condition was at the time of the conduct.

ACTION ITEM 1:

Staff requests the Police Policy Committee review the matter and make a recommendation to the Board whether or not to revoke WASHBURN's Basic, Intermediate and Advanced Police Certifications, based on his discretionary disqualifying misconduct.

1. By vote, the Policy Committee *adopts/does not adopt* the Staff report as the record upon which its recommendations are based.
2. By discussion and consensus:
 - o. Identify the conduct that is at issue.
 - p. The identified conduct *did/did not* involve **Dishonesty**.
 - q. The identified conduct *did/did not* involve a **Disregard for the Rights of Others**.

- r. The identified conduct *did/did not* involve **Misuse of Authority**.
 - s. The identified conduct *did/did not* involve **Gross Misconduct**.
 - t. The identified conduct *did/did not* involve **Misconduct**.
 - u. The identified conduct *did/did not* involve **Insubordination**.
3. By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances.
4. By vote, the Policy Committee finds WASHBURN's conduct *does/does not* rise to the level to warrant the revocation of his certification(s), and therefore recommends to the Board that WASHBURN's certification(s) *be revoked/not be revoked*.

ACTION ITEM 2 (required only if the Committee recommends to the Board that certification be denied or revoked):

Under OAR 259-008-0070(4)(d), upon determining to proceed with the denial or revocation of a public safety professional's certification based on discretionary disqualifying misconduct, the Policy Committee and Board must determine an *initial* minimum period of ineligibility to apply for certification, using the following ineligibility grid:

- (A) Category I: Dishonesty (5 years to Lifetime).
- (B) Category II: Disregard for Rights of Others (5 years to 15 years).
- (C) Category III: Misuse of Authority (5 years to 10 years).
- (D) Category IV: Gross Misconduct (5 years to 10 years).
- (E) Category V: Misconduct (3 years to 7 years).
- (F) Category VI: Insubordination (3 years to 7 years).

By vote, the Policy Committee recommends to the Board that the minimum period of ineligibility to reapply for certification(s) will be *identify period of time* from the date of revocation.

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING
OF THE STATE OF OREGON

In the Matter of the Revocation of the Basic
Intermediate and Advanced Police
Certifications Issued to:

DEPARTMENT EXHIBIT LIST

CHRIS V. WASHBURN
DPSST No.: 27437

EXHIBIT #	DESCRIPTION	OFFERED	ADMITTED
A1	12 01 07 DPSST F4 Personnel Action Report		-
A2	10 12 09 3-pg DPSST Employee Profile - WASHBURN		
A3	03 17 03 DPSST F-11 Criminal Justice Code of Ethics		-
A4	01 31 08 Letter from KING to COULOMBE		-
<u>A5</u>	<u>1st Termination cover page</u>		=
A6	11 19 07 6-pg Termination letter from COULOMBE to WASHBURN		-
A7a	11 21 07 3-pg Letter from BLACKWOOD to COULOMBE		-
A7b	11 26 07 5-pg Letter from COULOMBE to BLACKWOOD		-
A8	02 06 06 Memo from COULOMBE to WASHBURN – Performance Appraisal		-
A9	08 12 07 3-pg Memo from BEINERT to WASHBURN		-
A10	11 26 07 Memo from EDMISTON to COULOMBE – PASTORIA complaint		-
A11	10 11 07 Observed Activity Report – Incomplete		-

		Investigation		
A12	11 20 07	Memo from COULOMBE to WASHBURN – Loudermill Meeting		-
A13	12 01 07	5-pg Termination letter from COULOMBE to WASHBURN		-
A14	04 20 07	3-pg Last Chance Agreement		-
A15	04 21 07	Suspension Memo from COULOMBE to WASHBURN		-
A16		3-pg Statistics on complaints 2003-2004		-
A17	07 31 03	Complaint – Rude and Intimidating Behavior – Unsustained		-
A18	08 11 03	Complaint – Mistreatment – Unfounded		-
A19	06 21 03	Complaint – Illegal Search/Damage – Unfounded		-
A20	01 23 04	Complaint – Dereliction of Duty/Controversial Conduct – Sustained		-
A21	04 15 04	Complaint – Conducting an improper search/rude and unprofessional conduct – Exonerated/Not Sustained		-
A22	06 09 04	Complaint – Insubordination/Failure to Investigate - Sustained		-
A23		4-pg Statistics on complaints 2004-2005		-
A24	07 16 04	Complaint – Discrimination based on Race/Damage to vehicle – Unfounded/Not Sustained		-
A25	08 19 04	Complaint – Inappropriate handling of suspect’s money/Unbecoming Conduct – Sustained		-

A26	04 01 05	Complaint – Truthfulness/False Arrest/Failure to Follow Orders /Inappropriate Work Productivity – Sustained on Failure to follow orders and inappropriate work productivity		-	
A27	06 13 05	Harassment – Not sustained		-	
A28	06 15 05	Failure to Ask for Paperwork/Inappropriate Request to Exit Vehicle/Inappropriate Comment/Involving a family member/Unprofessional Behavior – Unfounded or Not Sustained		-	
A29		3-pg Statistics on complaints 2005-2006		-	
A30	06 15 05	Complaint – Improper Investigation/Improper Requests/Rude and Unprofessional – Unfounded/Not Sustained		-	
A31	07 20 05	Complaint – Conduct Unbecoming/Improper Investigation - Unfounded		-	
A32	10 02 05	Complaint – Inappropriate Requests/Inappropriate Comments/Unprofessional and Rude – Unfounded/Not Sustained		-	
A33	01 30 06	Complaint - Unbecoming Conduct - Sustained		-	
A34	01 03 06	Complaint - Untruthfulness/Conduct Unbecoming - Sustained		-	
A35		3-pg Statistics on complaints 2006-2007		-	

A36	07 09 06	Complaint - Improper Arrest/Coercion/Improper Release of Information – Exonerated/Not Sustained/Sustained		-	
A37	07 13 06	Complaint – Inappropriate Conduct – Not Sustained		-	
A38	11 15 06	Complaint – Excessive Force/Rude and Unprofessional Conduct/Inappropriate Comments – Unfounded/Not Sustained		-	
A39	02 18 07	Complaint – Inappropriate Comment – Not Sustained		-	
A40	03 30 07	Complaint – Illegal Search/Excessive Use of Force - Sustained		-	
A41	10 16 07	2-pg Complaint Report - PASTORA		-	
A42	10 16 07	Email from GUTIERREZ to EDMISTON		-	
A43	11 16 07	14-pg Memo from BEINERT to COULOMBE – Investigation of PASTORA		-	
A44	10 18 07	2-pg Notification of complaint “0309”		-	
A45	10 18 07	2-pg Notification of complaint “0138”		-	
A46	10 18 07	Summary of Complaint		-	
A47	10 18 07	Written Notice of Interview		-	
A48		10-pg Chronological investigative notes of BIENERT		-	
A49	10 14 07	4-pg CAD Incident Report – Burglary		-	
A50	10 04 07	10-pg Felony Report - Burglary		-	
A51	10 14 07	13-pg Felony Report, pg 4-10 omitted		-	

A52		2-pg Person Record - PASTORA		-	
A53	10 14 07	9-pg Misdemeanor Report		-	
A54	10 17 07	Memo from EDMISTON to ROBERTS – document investigation		-	
A55	09 13 07	Complaint Report - SHEPHARD		-	
A56	10 03 07	Complaint Conclusion - SHEPHARD		-	
A57	09 26 07	9-pg Memo from BEINERT to COULOMBE - SHEPHARD		-	
A58	09 22 07	2-pg Notice of investigation - SHEPHARD		-	
A59	09 22 07	Notice of Interview - SHEPHARD		-	
A60	09 22 07	Summary of Complaint – SHEPHARD [Sheridan]		-	
A61		7-pg Chronological investigative notes of BEINERT		-	
A62	09 12 07	6-pg Felony Report - Burglary		-	
A63	09 12 07	CAD Incident Report - Burglary		-	
<u>A64</u>		<u>2nd Termination cover sheet</u>		=	
A65	12 01 07	4-pg Letter from COULOMBE to WASHBURN – Notice of proposed discipline		-	
A66	12 06 07	2-pg Letter from COULOMBE to BLACKWOOD		-	
A67	12 06 07	3-pg Letter from COULOMBE to WASHBURN – Disciplinary Action		-	
A68	04 17 07	4-pg Memo from EDMISTON to COULOMBE – HEATH complaint		-	
A69	04 12 07	16-pg Memo from BEINERT to COULOMBE – HEATH investigation		-	
A70	03 31 07	Notice of investigation – HEATH		-	

		complaint			
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A71	03 31 07	Notice of Interview – HEATH complaint		-	
A72	03 30 07	Complaint Report - HEATH		-	
A73	04 09 07	Memo from EDMISTON to Investigative File		-	
A74	04 09 07	3-pg Transcription of phone messages		-	
A75		9-pg Chronological investigative notes of BEINERT		-	
A76	03 31 07	2-pg Memo from WASHBURN to BEINERT - Citizen complaint		-	
A77a	04 09 07	2-pg Memo from EDMISTON to BEINERT – follow up on HEATH complaint against WASHBURN		-	
A77b	04 11 07	Memo from BEINERT to COULOMBE – Additional information on HEATH Complaint		-	
A78	04 11 07	2-pg Memo from BEINERT to WASHBURN – Complaint investigation follow up		-	
A79	04 10 07	Memo from COULOMBE to WASHBURN – No contact order		-	
A80	04 11 07	3-pg Memo from WASHBURN to BEINERT, Response to follow up questions		-	
A81	03 30 07	CAD Report – Wanted Subject		-	
A82	03 30 07	2-pg Felony Report – RUCKMAN		-	
A83	04 13 07	Memo from EDMISTON to Investigative file – Follow up on		-	

		HEATH complaint			
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A84	04 13 07	Memo from COULOMBE to BEINERT – Conversation with WARD		-	
A85	02 17 07	CAD Incident Report – Suspicious call		-	
A86	04 17 07	Memo from EDMISTON to ROBERTS – HEATH investigation		-	
A87	04 18 07	2-pg Memo from ROBERTS to EDMISTON – Suspicious call, vehicle search		-	
A88	04 20 07	3-pg Letter from COULOMBE to WASHBURN – Notice of proposed discipline		-	
A89	04 20 07	Waiver of pre-disciplinary hearing		-	
A90	04 20 07	3-pg Letter from COULOMBE to WASHBURN – Disciplinary action		-	
A91	04 20 07	3-pg Last Chance Agreement		-	
A92	04 21 07	Suspension notification		-	
A93	05 22 08	5-pg Notice of Intent to Revoke Certifications and Certificate of Service		-	
A94	05 24 08	Certified Mail Return Receipt		-	
A95	05 28 08	Letter from MOORE to KING – Request for hearing and envelope		-	
A96	06 24 08	Email to/from KING/COULOMBE		-	
A97	07 03 08	Letter from Jon STOUFFER to COULOMBE		-	
A98	09 16 08	Amended DPSST F-4 Personnel Action Report		-	
A99	09 30 08	Letter from KING to COULOMBE regarding resignation		-	

A100	10 06 08	Letter from COULOMBE to KING with a copy of the Settlement Agreement		-	
A101	12 05 08	Letter to WASHBURN from KING		-	
A102	12 17 08	Email from WASHBURN to KING		-	
A103	12 22 08	Email from WASHBURN to KING		-	
A104	12 29 08	Email from KING to WASHBURN with attached public records		-	
A105	04 22 09	3-pg Email to/from WASHBURN/KING		-	
A106	07 08 09	7-pg letter from WASHBURN to PPC with Fax Cover Page			
A107	03 17 07	9-pg Hermiston Police Department Employee Development Program Performance Appraisal - WASHBURN			