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*Special Thanks to **Tori Hittner**, who served as content Editor for this edition! *

POLICING THE “OREGON WAY” UNITY, PROBLEM-SOLVING & ETHICAL COURAGE



PRESIDENT'S REPORT

*Geoff Spalding
Retired Chief, Beaverton Police Department | OACP President*

Each state, county, and local agency faces unique law enforcement challenges and obstacles, and Oregon is no exception. Finite resources have led law enforcement leaders to find viable solutions through collaboration and research, creating statewide strengths that may not have otherwise developed. And as the national climate surrounding police-community relations becomes ever more tenuous, we must recognize and utilize such strengths to the best of our abilities as officers, law enforcement leaders and as citizens.

Oregon police officers continually serve their communities with distinction, compassion, and unwavering commitment—qualities we hope to promote and strengthen through training programs across the state. Oregon policing is built upon honorable pillars that officers and community members alike can take pride in.

As this publication demonstrates, much of what makes Oregon policing so progressive and unique is its focus on partnership and unity. The Oregon Public Safety Academy, for example, provides consistent, quality training for all public safety officers. The Academy offers programs in the fields of fire, policing, corrections, parole and probation, telecommunications, and private security. Whether you are a trainee from a small, medium or large agency, located in eastern Oregon, southern Oregon, the coast, or in the Portland Metropolitan Area, the Academy offers you the same high level of instruction.

With roots in such an integrated, comprehensive training model, Oregon policing has developed a real problem-solving culture of leadership, fostering a tradition of absolute integrity and ethical courage. As a result, many law enforcement leaders are focusing on discussions of procedural justice and police legitimacy. Conversations within my own department centered around the need to avoid hypocrisy through the development of internal, localized solutions and programs. In order to expect our officers to grasp the tenets of procedural justice, we must make sure that we as leaders are practicing and emphasizing such policies ourselves.

As I step down from my position as Chief of the Beaverton Police Department and enter retirement, I would like to reiterate the importance of maintaining and improving upon these points of strength. It is the duty of every Chief, every agency, and every officer to continue their commitment to promulgating policing excellence throughout the State of Oregon. We must uphold the values and innovations that bring honor and respect to our departments and our profession. Given a second chance, I would undoubtedly choose to enter law enforcement as a career path once again. I am appreciative of the support I have been given and leave this career with a sense of pride and accomplishment, not only for my own department, but for the fine tradition of law enforcement that exists throughout the State of Oregon.

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OACP MEMBERSHIP UPDATE

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Introducing OACP's new Strategic Partner Program and Corporate Circle Program. Both of these were designed to create partnerships with leading organizations whose objectives include the support of the law enforcement community. The goal of the program is to provide OACP members with services, tools and resources to enhance the positive impact they have on their organizations and the communities they serve, as well as to provide our partners with a broader level of access and visibility across OACP's events and communication tools.



If you are interested in learning more about these programs and how your organization can partner with the OACP in this way, please visit our website or contact the OACP office.

Enhancing Public Safety Together

Collaboration & Unity

#1 Department of Public Safety Standards and Training (DPSST).
Located at Oregon's Public Safety Academy in Salem, DPSST provides training programs and professional standards for all cadres of public safety. Through this collaborative system, first responders throughout the state gain the same high quality instruction and skillsets, no matter their home agency's size or location. Read more on page 7.

#2 Center for Policing Excellence (CPE) – A division of DPSST, Oregon's CPE develops innovative curriculums and resources designed to meet the specific needs of our state's police departments and the communities they serve. Through localized and regional training, the CPE allows the state's policing professionals to practically and successfully apply effective research and methods. Read more on page 9.

#3 Collaborative initiatives between departments have fostered innovative solutions to regional challenges. Through Crisis Intervention Training (CIT) programs and Crisis Outreach Response Teams (CORT), public safety professionals across the state have the ability to facilitate productive interactions between law enforcement and those experiencing a mental health crisis. Read more on page 12.

Oregon's Best-Kept Secret?

#1 Oregon Public Safety Academy – The Gold Standard in Police Training & Certification

Eriks Gabliks, Director of the Department of Public Safety Standards and Training

On June 1, 1961, Governor Mark O. Hatfield signed House Bill 1590, creating the Advisory Board on Police Standards and Training to establish standards for the training and certification of city and county law enforcement officers. The Oregon Association Chiefs of Police (OACP) has played a significant role in the formation of this Board and has been an active stakeholder ever since. In 1968, the federal Omnibus Crime Control and Safe Streets Act made the work of the Board even more important when it identified that there were no national standards in place for the training of law enforcement officers. As a result of this report, the Oregon Legislature worked with the Board and Oregon's law enforcement organizations to pass legislation that required all city and county law enforcement officers to meet minimum state standards for training and certification.

Since its inception, the scope of the Board grew as new law enforcement agencies other than those tied to a city or county were established. The first police academy was located at the Oregon National Guard's Camp Withycombe in Clackamas, Oregon. Years later, it would relocate to the campus of Western Oregon University in Monmouth, where it would remain until 2006. Today, all law enforcement officers in the state, regardless of the agency they work

for or the color of their uniform, are trained at the 235-acre Oregon Public Safety Academy in Salem. Today the Board is known as the Board on Public Safety Standards and Training (BPSST). The Board sets the standards, and the Department of Public Safety Standards and Training (DPSST) enforces the standards and delivers the training. The Director of DPSST reports directly to both the Board and Governor.

DPSST's mission is to promote excellence in public safety by delivering

"DPSST's mission is to promote excellence in public safety by delivering quality training"

quality training, and developing and upholding professional standards for police, fire, corrections, parole and probation, and telecommunications personnel, in addition to licensing private security providers and private investigators in Oregon. DPSST also regulates and licenses polygraph examiners, determines sheriff candidates'

eligibility to run for office and provides staffing for the Public Safety Memorial Fund. DPSST strives to provide resources and certification programs that public safety officers and local public safety organizations require to maintain the highest professional skill standards, stewardship and service to Oregon's communities and citizens.

In 1971, the Oregon Association Chiefs of Police and the Oregon State Sheriff's Association worked with the Oregon Legislature to create a dedicated fund to pay for the work of BPSST, including basic training. A penalty assessment fee was established, to be levied against all fines and bail forfeitures in Oregon's state and municipal courts. This Police Training Account would later be called the Criminal Fines and Assessment Account. Through this fund, those who committed crimes would help pay for Oregon's law enforcement officers to be trained. This remains the primary funding source for DPSST; law enforcement agencies send their new hires to the Academy, covering their salaries and benefits, while DPSST covers the costs for training, including meals and lodging. It costs the state approximately \$600,000 to train a class of 40 law enforcement officers for 16 weeks.

Oregonians should be very proud of the training provided by DPSST on its 235-acre campus, the Oregon Public Safety Academy, which is located off of Aumsville Highway in Salem. The Academy was

designed specifically to embrace a scenario-based training model, allowing recruits to spend just as much time in hands-on training classes as they do in the classroom. City, county, tribal, university and state law enforcement officers attend the same training courses. A newly hired law enforcement officer attends a 16-week basic police course at the Academy and returns to their employing agency after successful completion, finishing training with potentially six additional months of a field training program under the watchful eye of a field training officer (FTO).

Here is an overview of the training venues:

Academic Building

The academic building houses eight, 40-person classrooms; one 24-person classroom; several smaller breakout rooms; a mock court room; and a 9-1-1 dispatch area with working equipment. Classrooms are set up with all the latest technology, including mounted projectors, laptops, and other components that are easily accessible to instructors at a central control panel located at the front of each room.

Lodging

Dormitories at the Academy are set up to house a maximum of 350 students at any one time. Two students share each dorm room and there is one restroom facility to every two rooms. Common areas include student reception, a large computer lab, student lounge, laundry facilities and work-out room with aerobic and weight lifting equipment. Students also have access to a rigorous, outdoor fitness trail.

Scenario Training – City Streets

One of the highlights of the Academy is a combination of training venues called “City Streets” or “Scenario Village.” This area replicates a community and includes a number of streets, houses, professional buildings, a school, a mock school building, and outdoor areas specifically constructed for scenario-based training. Students are dispatched to simulated, real time calls and evaluated on a full range of scenario-based elements, including problem solving, communications, application of the law, ethics, survival skills, community policing and diversity.

As a part of the “City Streets” area, students ‘respond’ to training calls inside the scenario building. The scenario building houses a full-sized city street, with curbs and sidewalks. The street is flanked by building facades that represent businesses and residences found in any police agency’s jurisdiction. These facades are set up with furniture that realistically replicates business and residential settings, giving students the chance to respond to calls at a bank, a bar, an apartment with basement access, or any other configuration that training staff members create. Only imagination limits what Academy staff can do with this space.

Students in Basic Corrections training will also utilize the scenario building, as it has a correctional facility facade and equipment that allows for practice of safe suspect/inmate transportation and booking, as well as more tactical maneuvers like safe cell extraction. DPSST also has an agreement with the Marion County Sheriff’s Office that allows students to practice corrections scenarios at the nearby Marion County Jail. Because the

Scenario Building has a full exhaust fan system, it can also be “smoked up” for Fire Program search and rescue training.

Emergency Vehicle Operations (EVO)

The majority of a police officer’s time is spent on patrol in a vehicle. The 1.6-mile emergency vehicle operations course at the Academy allows officers to learn critical decision making and driving skills so they can do their work safely and professionally. The course is designed to replicate the various driving surfaces and conditions found across the state including concrete and asphalt, curves, straightaways, city streets and country roads. Training focuses on officers’ ability to make sound decisions at both high and low speeds.

Firearms

Firearms training is held in the Academy’s indoor range. The facility actually houses one 50-yard range and two 25-yard ranges that are each fully tactical from the 25-yard mark. This allows for target placement at any location down range, as opposed to the stationary/ fixed targets used in the past. Targets can charge forward, run from side to side, pop-up, or be moved to any location on the range.

Each range can accommodate 25 students at a time. Lighting is controlled by a dimming system, so students can gain experience in low-light, night-like circumstances. The building is designed to accommodate vehicles. The range is designated as a lead-free, “green” facility. Only DPSST-issued ammunition is allowed on the ranges, and all cleaning solvents and agents are environmentally friendly.

Survival Skills

The survival skills building provides space for training on health, fitness and defensive tactics, which increases students’ ability to protect the communities they serve, as well as themselves. This building includes: a large fitness room, which students use to take the Oregon Physical Abilities Test; three mat-lined rooms for

defensive tactics training; two computer simulated use-of-force/decision making training rooms that utilize the MILO system; and two scenario-based, use-of-force/decision making training rooms for confrontational simulations.

Confrontational simulations place students, instructors and role players in protective equipment and real time

scenarios. Students gain experience in a variety of controlled incidents, ranging from domestic violence disturbances, to calls involving people in crisis, to altercations that involve deadly weapons. Students apply what they have learned in the classroom in a safe environment, gaining first-hand experience to draw from when they return to their home communities.

#2

Beyond Problem-Oriented Policing: The Important Role of Oregon’s Center for Policing Excellence

John Teague

Chief of Police, Keizer Police Department 1st Vice President, OACP

No one argues that incarceration has no impact on the crime rate. It’s simple: when offenders are in prison, they can’t commit more crimes. However, some people also point to studies showing that incarceration has unintended, long-term consequences. For example, in communities where many residents have been incarcerated and neighborhoods disintegrate due to the absence of employable adult men, crime is more persistent.^{1,2} Thankfully, police leaders can show that they don’t have to perpetuate such problems: there is a growing catalog of policing activities that are proven to reduce or prevent crime from happening in the first place. Still it’s no small problem that much of what’s been shown to work (or not work, for that matter) isn’t readily available to most police officers and their leadership. Here are some of those hard-to-find, but sometimes handy-to-know, gleanings from the research:

- ◆ Civil-remedy interventions are most effective when letters explaining the problems are followed by personal contact by police and code enforcement officers;³ however, civil-remedy strategies are unlikely to work where there are low property values or high rates of property abandonment.⁴
- ◆ Places where crime and disorder are at a tipping point but not out of control are particularly well-suited to order-maintenance policing as opposed to zero-tolerance policing.⁵
- ◆ When problem-oriented policing at hot spots fails, it’s frequently due to weak problem analysis and weak interventions, often nothing more than traditional policing.⁶
- ◆ People respond to police leadership. Thus, to make communities safer, police officers should take active, high-



- ◆ Victims often share the same social milieu as offenders, so strategies to change an environment—usually to make it less disorderly—can lessen its appeal to both offenders and victims, reducing crime.¹⁰

while problem-oriented policing encompasses many of the other crime prevention strategies, like community policing, it frequently fails due to poor problem analysis,

- ◆ There appears to be a critical mass at which concentrations of potential victims and offenders—among the homeless, for example—cause crime to escalate. Dispersing those concentrations can reduce crime without simply moving it elsewhere.¹¹
- ◆ Reductions in violent crime through close, directed patrols are often effective in just the most violent locations, suggesting areas with lower crime respond better to problem-oriented strategies.¹²

Regrettably, this knowledge continues to elude most police officers; that is, they know there are things they can do that will have more lasting effects upon crime, but they have no idea what's been proven to work or how to find it. Criminologists know this, lamenting that most police officers and their leaders fail to rely upon or seek out tactics that are evidence based, suggesting that most officers and leaders are unaware of the research in the first place.¹³ The problem is exacerbated in the nation's 10,000 small agencies because the research is all but unavailable to them.^{14,15,16} Frankly, though, small agencies aren't alone: even the most cosmopolitan agencies frequently misunderstand and misapply policing strategies.

Community policing, for example—by far the most popular policing strategy¹⁷—decreases public fear and increases police legitimacy¹⁸ but lacks evidence that it actually prevents crime¹⁹. That is, simply building relationships with good people does

not necessarily or even reliably reduce the number of crimes committed by bad people. And problem-oriented policing—truly an overarching strategy—is quite often not applied specifically enough. That is, while problem-oriented policing encompasses many of the other crime prevention strategies, like community policing,²⁰ it frequently fails due to poor problem analysis,²¹ resulting in a remixing of traditional law enforcement activities instead of specific solutions directed at specific problems.²²

Another thing hindering small agencies from widely adopting evidence-based practices is the shortage of plainly stated expectations that they should. It seems almost universally accepted that agencies valuing evidence-based policing will keep abreast of it themselves and to a lesser degree, that they'll participate in it, too.²³ Of course, the vast majority of small agencies can do neither of these, having neither the capacity nor the educational resources.

It's noteworthy that there are police magazines and websites that attempt to make the research available to non-academic end-users, but the magazines in particular are too often uninformed, sometimes even conflicting with the academic literature. For example, an article in the FBI Law Enforcement Bulletin suggests that small agencies can effectively plot hot spots with pin maps,²⁴ a suggestion quite contrary to that of a well-known criminologist who writes that the "rudimentary mechanism" of pin-mapping suffers from "problems of points that overlap, human inability to determine clusters, and the difficulty in establishing broad trends in point data."²⁵ Thus those who attempt to simplify the research sometimes go too far, making it too simple, and sometimes they don't go far enough.

CrimeSolutions.gov, for example, looks at dozens of studies of policing programs and practices and does a good job translating the details, including the research methodologies. However, the site doesn't allow the reader to click through to the studies themselves. This is no fault of CrimeSolutions.gov; most academic journals do not make their published studies more widely available. One result is that meaningful, usable details don't come through to the police; another is that policing researchers have less impact on the discipline they're hoping to influence. Essentially, the police aren't getting enough of what they need and too much of what they don't, and the researchers are just writing to each other.

Looking again at CrimeSolutions.gov and at the website's profile of the Kansas City, Missouri gun experiment,²⁶ the site

mentions the study's mechanisms for decreasing gun crimes, but it provides limited information from the study's discussion and conclusion sections, which is where police officers will look to discover if the study—or any study, for that matter—has a street-level application. Curiously, CrimeSolutions.gov gives a third of its attention to the study's methodology and data analyses, including mentions of ANOVA, Box-Jenkins ARIM, chi-square, and two-tailed t-tests, all of which may be very interesting to researchers but simply don't matter to police officers, the presumed target audience.

This lack of translation for small agencies is the reason that Oregon chiefs and sheriffs asked the legislature to fund leadership training with a focus upon modern policing strategies and research. Leadership training at DPSST (the Department of Public Safety Standards and Training, Oregon's public safety academy) had been a casualty of budget cuts—there simply was none for several years. However, the hiatus may have been fortuitous, allowing for a clean break and a new focus on evidence-based policing through the Center for Policing Excellence.

DPSST's Center for Policing Excellence (CPE) was established as part of a justice-reinvestment, crime-cost-reduction package (HB 3194, 2013). It's had an unexpected influence upon much of Oregon's justice system, and it seems to have some influence across the country. The US DOJ Office of Justice Programs, for example, pointed to the CPE's influence upon DPSST as a model for police training and education.²⁷

The Center for Policing Excellence has become the lens through which most Oregon public safety academy training is designed. As much as possible, the training curricula include problem solving, leadership, and the application of research. Most of the focus has been on developing and refining the supervisor and middle-management courses; however, some purposeful diffusion has occurred. The basic police classes are instructed in police legitimacy and procedural justice and are introduced to problem solving.

Via HB 3194, the Center for Policing Excellence and the Oregon Criminal Justice Commission (CJC) are both charged with reducing the number of people going to prison, which the CPE does through instructing crime-prevention policing strategies. The Oregon Knowledge Bank is a tangible overlap between the two. It is a growing repository of proven and promising criminal justice practices in Oregon. Developed and maintained by the CJC, leadership students at DPSST use the

Knowledge Bank as a resource to solve crime and disorder problems in their jurisdictions, present the proposed solutions to their cohorts, and then upload the successful solutions to the Knowledge Bank for future users. As the CPE matures, its research team will contribute to the Oregon Knowledge Bank, much as the students do now, but also through the addition of national and international research, translated for Oregon's small agencies.

Perhaps the two most important questions the Center for Policing Excellence answers are Why does evidence-based policing matter? and How does an agency put it into practice? The answer to both questions can be found in the CPE's emphasis on problem solving and procedural justice.

Research is convincing that identifying and solving root causes of particular crime and disorder problems is more effective than repeatedly applying law enforcement as the primary (or only!) tool.^{28,29} Thus if one assumes public safety is the goal (not just law enforcement), evidence-based policing matters because it informs agencies and peace officers which problem-solving practices work and which don't.

Problem-oriented policing is also race neutral,³⁰ focused upon problems, not people (except in cases where individual high-risk offenders are the specific focus). Thus the CPE provides agencies with another, evidence-based response to questions about what they're doing to ensure their officers aren't profiling or otherwise making race-based decisions.

Procedural justice describes how peace officers ought to interact with people. Officers certainly should not be unsafe, giving bad guys the upper hand, but procedural justice suggests there are benefits when peace officers: treat people with dignity and respect; give them a chance to be heard; convey trustworthy motives; and then make reasonable, informed, and transparent decisions.³¹ Employing those four components of procedural justice increases police legitimacy, which in turn increases communication and the identification of root crime problems so problem-solving techniques can prevent and reduce crime and generally improve public safety.

While modern policing is approaching its 200th anniversary, researching the effects of police activities is quite new, having been given meaningful attention for just the last twenty years. Identifying what works and what doesn't in policing isn't easy—sources are widely scattered and the research isn't often directly available to police practitioners.

For references see page 26

Law Enforcement's "right" response to Mental Health Crisis: The Marion County Model

Troy Clausen, Undersheriff at Marion County Sheriff's Office

For people experiencing a mental health crisis, an encounter with law enforcement can be frightening. Uniformed officers, tension and the presence of firearms can heighten feelings of fear and can result in escalation and tragedy. According to one man who suffers from bipolar disorder and has a long history of interaction with the mental health system and law enforcement, experiencing a mental health crisis feels like "being in another world." For this individual, previous interactions with police often escalated into physical violence and bookings into jail because of his mental state. Faced with a growing number of 911 calls involving cases like this, law enforcement agencies throughout the nation are pursuing new strategies. Innovative training curriculums and programs that are designed to deliver better outcomes for persons experiencing mental health crisis, including better access to services and a reduction in the number of encounters that result in a jail booking or emergency room admission.

The Marion County Sheriff's Office has taken a collaborative approach to the nation-wide crisis of our community's mental health issues since 2006. This marked the beginning of our first Crisis Intervention Training (CIT) classes utilizing the Memphis Model. CIT (a block of 40-hour training) helps law enforcement personnel understand mental illness and teaches them how to effectively communicate, deescalate, and direct people to community resources. Since 2006, Marion County CIT has trained more than 480 Law Enforcement Personnel.

In late 2011, the Sheriff's Office, Salem Police Department, and the Psychiatric Crisis Center of Marion County partnered to put law enforcement and Qualified Mental Health Professionals on the street together with the inception of the Crisis Outreach Response Teams (CORT). The CORT team reviews law enforcement reports from agencies throughout Marion County that pertain to persons with mental illnesses and then follows up. CORT helps provide direction to community-based resources such as counseling, medical care, insurance, medications, peer mentors and support, alcohol and drug treatment, and veteran's assistance. CORT also facilitates two annual Crisis Intervention Trainings (CIT) for law enforcement agencies in Marion County, as well as other agencies throughout the state.

In a continued effort to further address the issue of people in mental health crisis within the criminal justice system, especially those in immediate crisis, the Marion County Mobile Crisis Response Teams (MCRT) were created and launched in 2014. MCRT teams (consisting of law enforcement and qualified mental health providers) respond directly to active mental health crisis calls. The specially trained law enforcement personnel work in conjunction with the mental health professionals to provide clients with the services they need, in addition to attempting to prevent incidents from escalating to the point where force is needed and/or the person is taken to jail.

In 2015, Crisis Outreach Response Teams (CORT) reviewed over 2,650 police reports and made contact with over 1,100 individuals who had previous law enforcement interactions. The Mobile Crisis Response Teams (MCRT) responded to over 700 in-progress crisis calls during the same time frame. Out of these 700 crisis response contacts (generated by in-progress 911 calls), only 25 people went to jail and 99 were taken to an Emergency Room because they were a clear and present danger to themselves or others. The overall goal of our collaborative mental health teams is to reduce the number of law enforcement contacts for persons suffering from a mental health crisis and to divert as many actual law enforcement contacts away from the criminal justice system.

Because of specialized teams such as CORT and MCRT, crisis calls in Marion County now lead more often to interventions instead of incarceration, with significantly less impact on jails and hospital emergency rooms. As our programs grow, we hope to continue to offer the "right" response for Oregon residents in crisis.



#4

Oregon Knowledge Bank (OKB) –

Created as a "clearinghouse for criminal justice," the OKB provides pertinent academic research and real-life program evaluations to aid policing and correctional professionals. Agencies from both fields are encouraged to submit analyses of implemented initiatives in an effort to provide potential guidance for other departments facing the same local issues. Read more on page 14.

#5

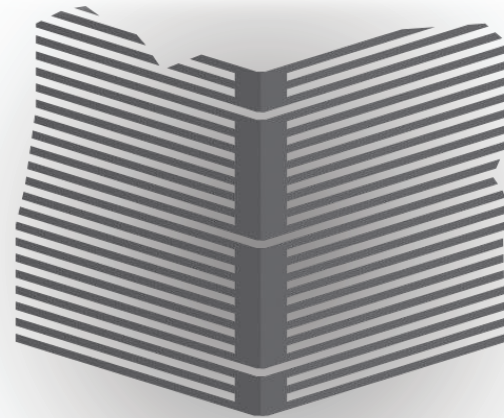
Justice Reinvestment –

The Justice Reinvestment Initiative was implemented in an effort to increase public safety, reduce recidivism and more effectively manage available resources. Since 2013, justice reinvestment grants have bolstered criminal justice programs in all 36 Oregon counties. Read more on page 15.

Oregon Knowledge Bank

A Clearinghouse for Smart Solutions to Criminal Justice Challenges

Captain Ryan Keck, Center for Policing Excellence



OREGON KNOWLEDGE BANK
A CLEARINGHOUSE FOR CRIMINAL JUSTICE

When a unique crime or livability issue arises in your community, how do you go about finding a solution?

Early in 2015, this question was asked of over 100 police leaders in Oregon. The two most common responses: "I do what's worked before," and "I Google it."

Enter the Oregon Knowledge Bank. Launched in December, the Oregon Knowledge Bank (OKB) is a joint initiative of DPSST's Center for Policing Excellence and the

Criminal Justice Commission to provide an online resource for criminal justice professionals to easily access, search and share information about "what works" in Oregon to enhance public safety. The website, located at okb.oregon.gov, was designed with usability in mind and includes three primary sections: Programs, Research, and an Agency Directory. A monthly newsletter highlighting new information in each of these areas is also available through the site.

The Programs section features informative briefs on innovative law enforcement initiatives and correctional programs underway in Oregon. The types of issues addressed range from abandoned properties to victim services. Each submission includes an impact summary, research and/or funding sources, "lessons learned," and contact information. This section of the OKB is a reliable resource for police and corrections professionals to explore "what's worked before" at comparable Oregon agencies dealing with similar crime or community issues. More than 75 agencies throughout Oregon's diverse regions are already sharing the progressive work being done in their communities on the OKB, and many more are using the site to help pioneer new improvements to local parks, community outreach platforms, rental properties, and alternative programs for offenders.

In the Research section, users can find practical summaries of academic research related to crime prevention, harm reduction, and offender management. It is well documented that the application of reputable research provides the opportunity

for criminal justice organizations to employ strategies proven to be effective and equitable in producing services valued by the public. However, contemporary literature on such practices is often difficult for police and corrections professionals to access or interpret, and can be considered irrelevant due to differences in agency or community size, culture, and available resources. Different than other research clearinghouses, this section of research findings from both local

and national sources into easy-to-read summaries, with relevant results and useful advice for officers or leaders, and makes the information available in one central location to "Google" from.

The OKB's final component, the Agency Directory, is designed to enhance networking among Oregon's criminal justice organizations by providing a searchable database with consolidated information, including each agency's size, location, leadership and any specialized services offered. This interactive feature is said to be the first of its kind for public safety, and has proven very beneficial to departments seeking new ideas and/or insight. For example, a manager interested in creating a mental health response team can use the directory's search features to quickly generate a list of agencies that have already implemented this type of unit. From this list, the manager can access each agency's profile for contact information and links to program or research submissions associated with that agency on the OKB.

As the complexities of crime and livability issues continue to change, it is incumbent upon criminal justice organizations to evolve as well. The Oregon Knowledge Bank is a valuable resource in this evolution, collecting the wisdom of both "what's worked before" and emerging scientific research. Now, when a police or corrections professional needs a solution, they can simply "OKB" it!

Search, share or subscribe today at okb.oregon.gov.

Smart Investments in Oregon's Future: Oregon's Justice Reinvestment Initiative

Mike Schmidt, Executive Director of the Criminal Justice Commission

The idea is a simple one.

- Step 1.** Invest money into local jurisdictions for programs that reduce recidivism.
- Step 2.** Counties send less people to prison because they have enhanced resources to supervise offenders locally.
- Step 3.** Take the money that the state would have spent on prison, and give it back to the counties to keep investing in innovative programs that work. So long as the state's prison budget avoids increasing or realizes savings, there is money to keep the cycle going.

But packed into that simple idea, hidden between the lines, is what Justice Reinvestment really means to Oregon.

I started my public safety career in Oregon in 2007 as an intern in the Multnomah county DA's office, and got hooked. Until 2013, I sat on benches inside and outside of courtrooms with police officers, Sheriff's deputies, probation officers, defense attorneys, judges, defendants, victims and just normal citizens called to service as a witness or a jury member. Sometimes I miss those "hurry up and wait" moments where you realize that no matter what angle you participate in the criminal justice system from, at a basic level we all want the same things: justice and a system that we can all have faith in.

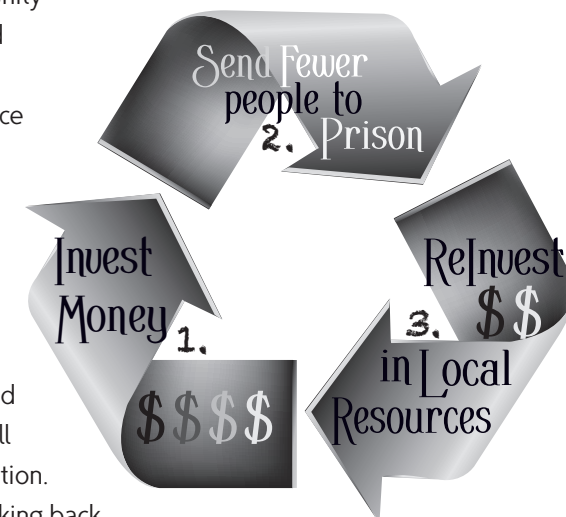
In 2013, I worked for the legislature. I had a front row seat to the sausage-making process that produced HB 3194 (the Justice Reinvestment Act). Advocates on every side clashed. Reformers felt that the legislation fell far short of the mark. Allies of the status quo felt that it went way too far. Law enforcement associations were fracturing and splitting with other associations, and sometimes from within. And to be frank, three years later, some are still healing. But, through the struggle, something has emerged that I believe is largely unprecedented on this scale in Oregon: unity.

In the 2015 legislative session, all of those same parties came back together and walked the halls of the Capitol. They coordinated messaging and outreach. DA's walked

with defense attorneys. Sheriffs and Chiefs joined reform advocates visiting legislators in their offices. Former defendants testified that their lives were saved by enhanced treatment, accountability and housing programs. To be sure, there were still substantive differences in how each of these groups felt that a better public safety system could be realized, and sometimes the smiles could be forced and the jokes awkward. But at the end of the day, they all stood united on one thing. Justice Reinvestment was working and our communities were better off for it.

At this point, the legislature has invested \$53.7 million grant dollars spread throughout every single county in the state. Local public safety coordinating councils that have been stagnant for years are breaking out of hibernation to elect new chairs and resume regular meetings. Data has never been more available and transparent from the state, and has never been relied on to the extent that it is today. At every professional's fingertips are real-time interactive dashboards that show you the latest local recidivism rates, prison intakes, and grant outcomes. The Criminal Justice Commission has five different program evaluations under way, three of which are randomized controlled trials (RCTs) - heretofore an unprecedented investment in public safety research. Ideas are being shared at a rate never before possible due to the Oregon Knowledge Bank, a resource envied nationally but pioneered locally. To be sure, we still have a long way to go, but the cultural shift that has been sparked by this program is nothing short of remarkable. We are in a special moment for public safety in Oregon.

Now, as we prepare to go into the next biennium and brace ourselves for what could be massive budget cuts across the board, we have the opportunity to yet again stand united across the system. The Justice Reinvestment Initiative is not perfect, and we can make it better if we can continue to work together and continue to all pull in the same direction. But it's worth looking back, and realize how far we've come!



Integrity Ethics

Reasons to Take Pride in Oregon Policing

#6 Addressing ethics and bias – Oregon’s public safety training programs have placed an increasing emphasis on the importance of understanding ethics and biases. New curriculums like those of the supervisory training program integrate behavioral studies, as well as research regarding race and inequality. Education is an integral component of every Oregon public safety professional. Read more on page 17

#7 Procedural justice – Current public perceptions of policing have challenged the credibility and legitimacy of the profession. Police procedures that actively recognize fair treatment as a fundamental human need can help restore and improve these police-community relationships. Training institutions like DPSST and CPE stress several key factors to successful community interactions. Read more on page 20

#8 Certification / decertification process – Oregon maintains one of the most stringent public safety certification and decertification systems in the nation. The 24-member Board on Public Safety Standards and Training determines the minimum standards for employment, training and certification of the state’s nearly 42,000 public safety professionals. In the past five years, the Board has revoked the certification of 476 public safety providers. Read more on page 23

Oregon’s Ethical Policing Culture: Leading the Nation in Addressing Issues of Ethics and Bias through Training.

By Leischen Stelter, editor of InPublicSafety.com

Over the past 10 years, an average 35+ Oregon police officers have been decertified each year for unethical conduct. “We were very concerned about that number,” said Dr. Steve Winegar, who has spent the past three years as the leadership training coordinator for Oregon’s Department of Public Safety Standards and Training Center for Policing Excellence (CPE). “It was almost the equivalent of one police class each year [of the five to nine offered each year] that was required to backfill for officers who were being decertified.”

Before coming to the Center for Policing Excellence, in 2009 Winegar decided to evaluate how the state was training officers about ethical conduct. “I sat in on an ethics training class and it was the same curriculum I was taught 20 years ago,” said Winegar, who spent 32 years as a police officer and retired in 2003 from his post as police chief of Tualatin, Oregon. “The rise in decertifications made it clear to us that this program was not effective.”

Decertification rates were being noticed by individual officers as well. “Every once in a while, the Oregon Police Academy would send out its findings and give examples like ‘Officer A accepted a gratuity—anything that could be considered a gift for services rendered outside of an officer’s pay—and that’s why that officer was decertified,’” said Assistant Chief Mathew Wagenknecht, who is a 24-year veteran of the Portland Police Bureau and a member of OACP. Such notifications served as a reminder about ethical standards, but did little to teach officers how to approach ethical dilemmas.

Based on Wagenknecht’s experience, most officers face such ethical quandaries on their own, choosing not to discuss the situation with others. “It’s unfortunate, because these situations may actually be a good lesson for others, but it doesn’t come to light because people are hesitant to talk about it,” he said.

That lack of discussion is something that police associations and agencies across the state are working to change.

Ethical Issues Are a Gray Area

All officers in Oregon must complete the 16-week Basic Police Academy course at the centralized academy in Salem. As part of this training, all officers receive eight hours of instruction on ethics. Part of the revised ethics course curriculum is training officers to recognize when they’re facing an ethical dilemma. At the outset it sounds simple, but many people do not think in the context of ethics. Therefore, it is important for CPE’s program to train officers how to recognize and acknowledge when a situation has an ethical component to it. By doing so, officers are more likely to think about their response options and delay their reaction until

“By teaching officers how their brains work, we can start to reduce the difference between what they should do and what they will do,”
-Dr. Steve Winegar.

they have processed the situation.

Another objective of the training program is for officers to understand that the “right” choice isn’t always clear: What’s appropriate in one situation may not be appropriate in another. For example, one CPE training scenario tackles the issue of gratuity and involves an officer attending a community

block party. “In these situations, people offer police free food and drinks. These are family-friendly events and we want officers to recognize there’s a fine line between what’s taking a gratuity and what’s acting as a member of the community. In this case, accepting an offer is the right thing to do,” said Winegar, as it demonstrates that officers are part of the community.

But making such distinctions can prove challenging for officers, especially since many agencies have historically enacted blanket policies against accepting any kind of gratuity, any time. This has been the case throughout Wagenknecht’s police career. “In the Portland Police Bureau, we are not allowed to take any kind of gratuity,” he said. “But, officers face a lot of dilemmas around gratuities that make it not so black and white.”

For example, many years ago there was a local convenience store that would give police free fountain cola. “Agency administrators said it’s a gratuity, so no free pop, but officers couldn’t pay for it—cashiers would not take their money,” said Wagenknecht. “It became such a sticky issue challenging the agency’s ethical stance on gratuities that eventually the administration told officers not to go to that store.”

So what’s the difference between accepting a free cola at a block party but not from a store owner? The answer lies in the environment and situation, said Winegar, and officers have to be trained to recognize the cultural environment and modify their response so it’s appropriate to the situation. Accepting free food during a community gathering demonstrates officers are part of the community and such actions can help build good will and improve community relationships. “If an officer refuses, that may be seen as an insult to community members,” said Winegar.

On the other hand, accepting free cola from a merchant on a regular basis is more in line with accepting a gratuity and can quickly become a slippery slope for officers. What starts as one free cola could easily turn into free cola every day, or a free cola and a snack, said Wagenknecht. “Officers must be self-aware and conscious of these ethical scenarios,” he said. “If you don’t think about it in terms of ethics, it’s easy to self-justify your actions after a while.” And that’s when officers run into major problems and potentially face severe consequences like decertification.

Evolution of Ethics Training Programs

Posing these types of scenarios during training helps get officers thinking about the nuances of these situations and how to modify their responses. “We want to give officers the tools to think through these types of situations and not just

rely on principles of ‘don’t ever take anything,’” said Winegar. Fortunately, many agencies are starting to recognize that blanket policies about ethical issues don’t always work. “We’ve seen a change in the last 10 years that agencies are incorporating some flexibility into their policies,” he said. However, such flexibility means that officers must have greater awareness and training.

In order to help officers, CPE has modified its training program with a greater focus on how the brain processes information in order to make decisions that lead to behavior. In 2014, it launched an updated supervisory training curriculum specifically focusing on the brain functions behind why people take actions even when they know they should do something different.

This curriculum helps supervisors understand how the brain functions and processes information that leads to behavior. There are two processes in the brain that lead to behavior, explained Winegar. One is the conscious, rational, reflective element where people easily understand what they should do. The other process is the non-conscious, automatic, reactive, reflexive element, which is where the majority of behavior comes from—what they will do. The latter process, the non-conscious, has many flaws that often lead people to behave in a way that they may not want to and may not even be aware of.

The goal of the training is to help officers recognize this non-conscious element of their brain and help them better control it through awareness of moral character and understanding



the obstacles, such as overconfidence in our ability to behave ethically. “By teaching officers how their brains work, we can start to reduce the difference between what they should do and what they will do,” said Winegar.

Demand for such training has far exceeded what CPE can provide to the roughly 180 police agencies in Oregon. To meet this demand, CPE started a “train the trainer” program. “There’s been a lot of interest from departments to train their officers in this material so they can conduct internal training,” said Winegar.

Expanding Agency Training to Issues of Race and Inequality

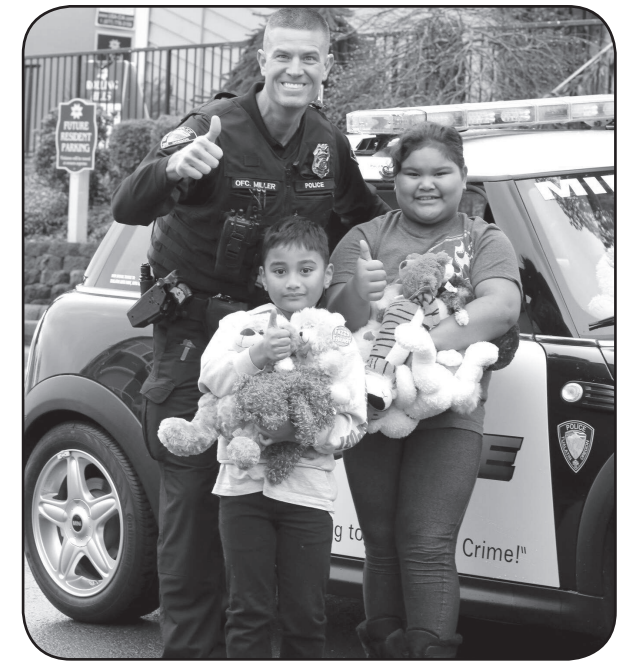
Wagenknecht has been involved in his own agency’s training programs regarding ethics, which specifically focus on issues of race, inequality and bias. “There are a lot of issues around racism and bias that exist in our society and police find themselves on the front lines addressing those ethical and social dilemmas,” said Wagenknecht. “Police officers are granted authority and responsibility and a great deal of power and must work to train officers how to counter their personal bias.” Portland Police Bureau’s internal program started a few years ago, training command staff, and has expanded this year to include training line officers about race and disparity.

Wagenknecht acknowledged it has been a challenge and a learning process to determine the best way to get officers to open up about these issues. “People don’t want to talk about race—it’s uncomfortable—but we need to respectfully talk about it. We all have biases and officers need to understand their own biases so it doesn’t impact their actions,” he said. “We know we’re not going to change anyone in a 10-hour class, but we want to teach officers how to talk about race respectfully and help them explore avenues so we can all make ourselves better.”

Education Provides In-Depth Ethics Training

Providing officers with training on ethics has expanded beyond classes offered by state associations, police academies and individual agencies. As part of his master’s degree in Criminal Justice from American Military University (AMU), Wagenknecht was required to take Criminal Justice Ethics (CMRJ500), an eight-week course covering professional and ethical behaviors of officers. This mandatory class covers not only ethical principles, but also discusses everyday applications of ethics and uses real-world cases studies to understand why officers engage in misconduct.

But Wagenknecht’s exposure to ethical concepts was not limited to that single class during his graduate program. Much like the approach many law enforcement and corrections academies



have taken, the topic of ethics is woven into other undergraduate and graduate courses at AMU.

“I was instructing in Florida’s law enforcement and corrections academies in the 1990s when recruits received an eight-hour block of ethics training,” said Dr. Chuck Russo, Program Director of Criminal Justice at AMU. “We all knew this wasn’t enough.” In 2003, Florida’s curriculum changed so that after the introduction of ethics at the start of the academy, the application of proper ethics was integrated throughout the entire academy curriculum.

Russo has taken the same approach in the development of courses at AMU. “During my tenure as program director starting in 2014, the university revised and improved our criminal justice courses to include discussions on ethics in each of our courses,” Russo said.

The issue of ethics must continue to be integrated into multiple facets of officers’ careers, whether through continuous training or formal education. As all officers know, police will always be held to a higher ethical standard than the average citizen—it comes with the territory of being given great authority and power over others. In order to meet these expectations and prevent unethical behavior, officers must be constantly aware of ethical issues so when a neighbor offers them a soda, they can determine whether it’s ethical and appropriate to accept it.

About the Author: Leischen Stelter is the managing editor of InPublicSafety.com, an American Military University blog that focuses on issues and trends relevant to professionals in law enforcement, corrections, fire services, emergency management and national security.

Public Confidence in Oregon Law Enforcement: Building Police Legitimacy One Contact at a Time

Dr. Steve Winegar, Leadership Training Coordinator at the Center for Policing Excellence

One need look no further than any news source and it is pretty obvious: police agencies today are facing significant challenges. We have a problem with credibility; we have a problem with being perceived as biased; we have a problem in that people do not feel they are treated fairly by the police. The sources of these problems and challenges are many and varied, but for police leaders today, they are real and need to be addressed.

Police leaders would like to believe that they and their agencies have credibility, that we as public safety professionals are unbiased in our enforcement of the law, and that we treat all people fairly. We believe our agencies do practice good policing; we comply with the laws and do what is legally justified. And the police have been very effective at doing what is legal and addressing the problem of crime; so well that crime has decreased 30-50% (depending upon the type of crime) in the past 20-25 years.

However, just being legal in today's society is not enough; people today want more from their police and their government – they want to be treated fairly. It turns

out that the concept of fair treatment is a fundamental need for humans. We want to be treated fairly because that validates us as people and as valued members of society. It has been shown that we have a physical reaction to being treated unfairly. And we are much more likely to speak up when we feel that we are not treated fairly, particularly by our government. The challenge that police leaders are confronting today is that although crime has decreased dramatically over the past 20 years, the “trust and confidence” in the police has not increased.

As one of the most visible segments of government, and the segment that is responsible to enforce the laws established by the government, people expect that the police will not only do what is legal but that the police will treat them fairly. This is how we become legitimate in the eyes of the people being policed: we treat people fairly and enforce the laws equally.

For better than ten years researchers have been looking into this concept of legitimacy, what it means, and how to achieve it. What they have found is legitimacy is actually a simple concept; it reflects how the people being policed

perceive the services they are getting from the police. Tom Tyler of Yale Law School, one of the top experts in the field of police legitimacy, defines the concept of legitimacy as:

Legitimacy reflects the belief that the police ought to be allowed to exercise their authority to maintain social order, manage conflicts and solve problems in their communities.

He says legitimacy is reflected in three judgments about the police:

First is trust and confidence in the police; people believe the police are honest and try to do their jobs well.



Second, people believe they should defer to the law and to police authority.

Third, people believe police actions are morally justified and appropriate given the circumstances.

Thinking about these three judgments, these are necessary if we are to do our jobs effectively.

The obvious question then is what can we do about legitimacy? Are there practices that will enhance police legitimacy? It turns out that research has some answers for these questions.

Procedural Justice has been shown to significantly impact people's perception of the police as legitimate. Research has shown that the procedures police use when dealing with the public may be more important than the outcome of the police encounter when it comes to the public's perception of the police as fair and unbiased. And people are more likely to voluntarily comply with the law and accept police authority if

they perceive that authority as legitimate.

What makes people believe that police acted in a procedurally just manner in an encounter? It comes down to two factors:

- ◆ The perceived quality of the decisions made by the police
- ◆ The perceived quality of the treatment during the encounter

The procedures used by the police can enhance people's perception of the quality of the encounter, and some very simple police practices can pay great rewards in the perception of procedural justice.

VOICE – People want to have the opportunity to explain their situation or tell their side of the story to the officer. Listening to a person, letting them tell about the situation from their perspective, validates their feelings. By practicing active listening skills (receive, acknowledge, summarize, and

ask/clarify) officers can validate people's feelings and value their perspective.

NEUTRALITY – People want officers to approach them in a neutral way, without any preconceived bias or opinions. Officers can show they are making their decisions based on facts and the law by simply explaining why they are doing what they are doing (also see TRUSTWORTHY below).

RESPECT – People are sensitive to how they are treated. People expect to be treated with respect and react negatively when they are treated as inferior. Treating a person with dignity validates them as a human being and member of the same society. Respect involves not just the language that an officer uses, but also the volume, tone and body language of the officer.

TRUSTWORTHY – People are very perceptive about whether they believe they can trust an officer, and whether the officer really cares about them and their circumstances. The simplest way to develop this trust is for the officer to demonstrate sensitivity to people's needs and concerns when explaining their actions. This not only can serve to build trust but also show that the officer is unbiased (NEUTRALITY).

The research has shown that these four tenants of procedural justice are effective in a variety of situations. And even more important, they don't just impact the feelings of legitimacy related to the officer involved, but they have been shown to impact the perception of legitimacy of police in general. These four issues can be practiced without sacrificing officer safety in any way.

One of the best analogies for police legitimacy is as a bank account – an account of legitimacy that you and your agency have with your community. Every encounter an officer has is an opportunity to make a deposit in the account of legitimacy with your community. Simply by the nature of our business there will be times that we have to make a withdrawal from that account – an officer will make a mistake, officers will do something that is legal but appears bad, or you may be forced

to address a politically sensitive topic. If you and your officers have made enough deposits into the account of legitimacy with your community, you can weather these withdrawals. You may have segments within your community where there have been an overabundance of withdrawals in the past, and your account of legitimacy with the community may be "overdrawn." You may need to take extra care to make more deposits to cover that overdrawn account, but it can be done. Using this analogy it is easy to see how every encounter is an opportunity to make a deposit or withdrawal from the account of legitimacy with your community.

When the first modern police force was established in the London Metropolitan Area in 1829, Sir Robert Peel and the commissioners of the force understood the importance of legitimacy to the success of the police. Some of the original directions that were part of the general instructions manual given to all members of the new force reflect this belief (spelling in the original):

1. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.
2. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
3. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.

Legitimacy and procedural justice are not new concepts, but they are as important, maybe even more important, today as they were nearly 200 years ago when the first modern police force was formed.

For references see page 26

Policing the Police: Oregon's Strong Law Enforcement Accountable System

Linsay Hale, Professional Standards Division Director at the Department of Public Safety Standards & Training

He was a 27-year veteran of law enforcement. Fourteen of those years were spent as the Chief of Police of a small rural community in northwest Oregon. During a routine debriefing of an arrest made by officers of his Department involving an African American woman, the Chief begins to impersonate a monkey, placing his hands in his armpits and scratching them while making loud monkey sounds. He then begins to sing a racist song while depicting an African American being held by the collar and beaten. In many states, this deplorable behavior may result in the loss of a job, but might not result in the loss of the ability to serve as a police officer in another community. In Oregon, the strict laws and rules that govern police officer accountability grant the Oregon Board on Public Safety Standards and Training the authority to review questionable conduct, even if it is not criminal in nature. The Board review of the circumstances surrounding this incident led to the permanent revocation of the Chief's police certification, ending his career in law enforcement.

The 24-member Board on Public Safety Standards and Training (Board) is comprised of representatives of all of Oregon's public safety disciplines, to encompass police, corrections, telecommunications (9-1-1), fire and private security. Membership also includes a district attorney, a city manager and a member of the public. These 24 individuals are responsible for establishing the minimum standards of employment, training and certification of Oregon's nearly 42,000 public safety providers. Membership on each of these bodies is statutorily defined and members are appointed by the Governor and confirmed by the Senate.

The Board makes policy decisions on all things certification and training related in consultation with five discipline-specific policy committees serving as recommending bodies. Together, these bodies have developed some of the most stringent and uncompromising standards for public safety providers, including law enforcement, in the nation.

The Department of Public Safety Standards and Training (DPSST) is the executive branch state agency responsible for upholding and enforcing these Board-established standards.

The Board, in partnership with OACP and other statewide law enforcement organizations, established the current structure of professional standards in 1995 and has been actively reviewing and updating them ever since. While Oregon is recognized as a national model that works, a quarter of the nation's law enforcement officers in other states are unfortunately not held to any state standard.

Oregon Law Enforcement and Moral Fitness: From Cradle to Grave

The efforts to ensure that those who wear a badge and enforce the law in Oregon remain above reproach begin before an individual is hired. Each public safety agency is required by rule to conduct a thorough background investigation on everyone being considered for employment as a law enforcement officer. This investigation must include, among other things, investigation into an applicant's criminal history, drug and alcohol use and verification of education and military history. It is also recommended that agencies contact the DPSST to ensure that the individual being considered for employment has not been or is not currently the subject of a professional standards investigation in Oregon or another state.

Individuals must also meet Board-established minimum age, education, physical and moral fitness standards prior to being employed as a law enforcement officer. Those that meet each of these standards and successfully complete the required training are certified by the DPSST. This certification is permanent and does not expire. This means that individuals certified as law enforcement officers in Oregon remain certified even after leaving employment and continue to be held to the same standards as active law enforcement officers. It is not uncommon for the DPSST to initiate certification revocation proceedings against officers who

are no longer employed as officers. In fact, the DPSST recently revoked the corrections certification of an officer who was last employed in the field in 1983 due to a criminal conviction that occurred in 2014.

What is Moral Fitness?

Interestingly enough, current administrative rule doesn't define moral fitness. Instead, it spells out conduct that constitutes a lack of moral fitness. Conduct lacking moral fitness falls into two categories: Conduct that requires the denial or revocation of certification (mandatory disqualifiers); and conduct that requires review by a discipline-specific policy committee and Board (discretionary disqualifiers).

Mandatory disqualifying misconduct includes: a conviction of certain crimes to include all felonies; any crime involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug; any crime involving an element of domestic violence;

and finally, a number of other crimes that aren't felonies, but have been determined by the Board to be egregious enough to warrant automatic denial or revocation of law enforcement certification. These include Official Misconduct, Theft, and Tampering with Physical Evidence, to name a few.

The law also requires revocation of law enforcement certification of officers who are discharged from employment for cause. The

Board defines "for cause" for certification purposes as conduct resulting in a discharge that involves dishonesty, disregard for the rights of others, misuse of authority, gross misconduct or incompetence. In these cases, DPSST staff will review the conduct leading up to a discharge and make a determination of whether or not the conduct meets the Board's "for cause" certification standard requiring revocation.

As the name implies, discretionary disqualifying misconduct invokes a level of discretion that is exercised by the Board, in consultation with the five discipline-specific Policy Committees. Discretionary disqualifying misconduct includes the conviction of any crime not listed as a mandatory disqualifier; the

falsification of information submitted to the DPSST; or conduct resulting in a non-voluntary separation from employment as a law enforcement officer that violates the Board-established categories of dishonesty, disregard for the rights of others, misuse of authority, gross misconduct, misconduct or insubordination.

In cases involving discretionary misconduct, Policy Committee members engage in structured and deliberate discussion about the involved officer and the unique circumstances surrounding the misconduct. Each case is reviewed on its own merits, ultimately culminating in a final recommendation to the Board on whether the totality of an officer's misconduct rises to the level to warrant revocation of their certification by a preponderance of the evidence presented. This recommendation is presented to the Board, where it is either affirmed or overturned. If a recommended revocation or denial is affirmed, the DPSST

will initiate contested case proceeding pursuant to the Administrative Procedures Act.

What's Next?

Over the last five years, Oregon has revoked the certification of 476 public safety providers with an average of 130 professional standards cases pending at any time. These numbers prove that the Board can and will revoke the certification of law enforcement officers who engage in any type of misconduct, even if the conduct doesn't result in a

criminal conviction or separation from employment. This system of officer accountability has proven beneficial in ensuring the public's trust in law enforcement is encouraged. However, the question now becomes whether we are decertifying the right officers at the right time.

As one would expect, Oregon standards governing law enforcement officers have evolved over time and continue to evolve to meet the ever-changing legal landscape, as well as to adapt to societal and political expectations of law enforcement.

In late 2015, the Board approved convening a workgroup comprised of constituents from all disciplines, ranks and geographic locations to review the standards that govern the

revocation of law enforcement certifications in Oregon.

While the work of that group is on-going, over the last year workgroup members have made a number of recommendations that, if approved by the Board, will change substantially the scope and processes involved with the review and revocation of law enforcement certification in Oregon. Some of those recommendations include:

- ◆ Expanding the types of misconduct being reviewed, including criminal conduct that may not result in a conviction (deferred adjudications). This recommendation is designed to "capture" criminal conduct that may not result in conviction, but is admitted through a plea of guilty, no contest or guilt except for insanity. (The workgroup has recommended that diverted sentences involving driving under the influence of alcohol continue to be exempted from review.) The workgroup has also recommended making the conviction or adjudication of any crime requiring registration as a sex offender mandatory disqualifying misconduct regardless of when the conviction occurred.
- ◆ Expanding the opportunity of officers whose certifications are being reviewed to provide mitigation for consideration. Current rule allows for the submission of written mitigation only. The workgroup is recommending allowing an opportunity to verbally address the Policy Committees to provide mitigation in order to increase the perception of fairness and transparency in the process.
- ◆ Giving the DPSST the ability to suspend certifications in emergency situations where there is a serious danger to public health and safety. The recommendation includes granting the ability of the Policy Committees to recommend the suspension of law enforcement certifications. The only option under the current standard is to permanently deny or revoke law enforcement certifications. The workgroup is recommending the addition of the ability to suspend certification in situations involving misconduct that does not rise to the level of a permanent revocation. The workgroup is also recommending the ability to impose additional requirements prior to the reinstatement of certifications following a suspension (for example, the satisfaction of all court-imposed obligations, the successful completion of a treatment program, or the completion of additional training).
- ◆ The addition of voting citizen members to each of the Policy Committees. This recommendation is being made in an effort to increase legitimacy and further

encourage public trust in Oregon's law enforcement.

The recommendation would prohibit those currently or formerly employed in law enforcement or those related by blood or marriage to someone currently or formerly employed in law enforcement from holding these positions. The recommendation also includes the requirement that applicants to fill the citizen member position be subjected to a thorough background check.

- ◆ The implementation of annual ethics training required to maintain certification. While the basic training courses include hours of training in ethics, no requirement that there be on-going ethical training exists. This recommendation would require every law enforcement officer complete at least one hour of ethics training each year in order to maintain their DPSST certification. The certifications of those who do fail to meet this requirement will be subject to administrative suspension, precluding them from working in a certifiable capacity.
- ◆ Policy Committee review of citizen complaints made against law enforcement officers and agencies in certain circumstances. While DPSST does possess the statutory authority to conduct independent investigation, and on rare occasions has, current practice dictates that DPSST work in conjunction with the employing agency of an officer who is being accused of misconduct. The workgroup is recommending an independent review and possible investigation be conducted in situations in which a complaint is made against an agency head or elected official, when the employing agency is non-responsive or when the officer being complained against is no longer employed.

Each of these recommendations is geared toward further increasing officer accountability, but also towards the creation of a certification review process that is transparent and fair, while continuing to meet the high expectations we have of our law enforcement officers.

All of Oregon's standards for the employment and certification of law enforcement officers, including the lists of mandatory and discretionary crimes and definitions of misconduct can be found in Oregon Administrative Rule (OAR) 259-008-0070.

For references see page 26

“Individuals certified as law enforcement officers in Oregon remain certified even after leaving employment and continue to be held to the same standards as active law enforcement officers”

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