

OREGON: WE 'POLICE OUR OWN'

Oregon has become a national model for rigorous police licensing, with lessons for Minnesota in accountability and improving public confidence.

By Jennifer Bjorhus (<http://www.startribune.com/x/10645191/>) • Star Tribune

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The officers took their seats one by one, some in uniform and some in shirtsleeves. Cracking open their thick briefing books, they prepared to pass judgment on 11 of their peers.

They faced a day of tearful testimony and divided votes, and by the time it was over they would recommend revoking the state police licenses of three of their colleagues.

That's more than Minnesota revokes in an entire year.

For Oregon's top police discipline committee, last month's meeting was business as usual. But as a contrast to police oversight in Minnesota, it was stark.

The members recommended disciplining officers for infractions that wouldn't even trigger a state review in Minnesota, such as disorderly conduct and improper handling of evidence.

The committee also updates its conduct rules regularly to stay abreast of changes in society and the law, while Minnesota's code has scarcely changed in two decades. And the presence of the public at their deliberations — including journalists — underscored the robust sense of accountability that runs through Oregon's approach to police conduct.

Features like that show why Oregon's Public Safety Standards and Training Department has earned national recognition for holding law enforcement officers accountable. Oregon is one of five states promoted as a model for professional standards by the International Association of Directors of Law Enforcement Standards and Training, along with Arizona, Idaho, Florida and Missouri.

And while no one system is perfect, Oregon shows how a state licensing regime can improve public confidence in the judgment and "moral fitness" of officers, according to Roger Goldman, an authority on police licensing at the St. Louis University School of Law.

Goldman put Oregon in the top three nationally.

"It is constantly seeking ways to improve," he said.

Oregon could offer lessons for Minnesota, where some legislators are considering changes to police oversight.

Reviewing a comparison of the two state systems, Rep. JoAnn Ward, DFL-Woodbury, said Minnesota could learn much from Oregon's rigorous rules. A member of the House Public Safety Committee, Ward introduced legislation last spring to require mandatory, detailed reporting of job discipline to Minnesota's licensing authority, the Peace Officer Standards and Training (POST) Board. She called it just a first step.

“We can and should learn best practices by sharing information with other states,” Ward said.

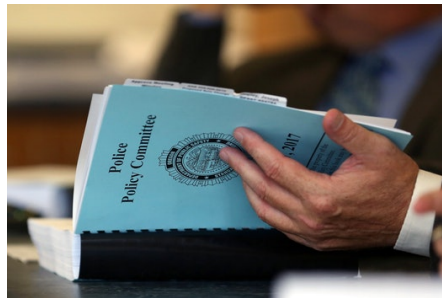
We’re not ‘trying to catch cops’

Oregon’s licensing board revokes about 35 police licenses a year, compared with one or two in Minnesota in recent years — even though Oregon has fewer sworn police officers.

That may reflect the fact that Oregon certifies officers for life, while Minnesota requires licenses to be renewed every three years. But it also reveals a regulator with more staff, broader authority and a commitment to the highest standards of conduct.

“We aren’t out there trying to catch cops,” said Eriks Gabliks, the department’s energetic civilian director. “We want to make sure they are above reproach and the best of the best.”

Compared with Minnesota, Oregon’s board considers a wide range of infractions that could raise questions about an officer’s fitness to serve. They include dishonesty, disregarding the rights of others, misuse of authority and gross misconduct, such as recklessly threatening citizens.



(http://stmedia.stimg.co/post4_blueBook.jpg)
ANNA REED FOR STAR TRIBUNE

A LEADER: Oregon’s top police discipline committee updates its conduct rules regularly and operates with transparency, features that have earned it national recognition for police oversight.

Minnesota’s POST Board seldom revokes a license for anything less than a criminal conviction, and many misdemeanor convictions don’t even merit a review.

Oregon also requires local police departments to notify the state whenever an officer leaves their employ — and to specify the reason. When officers leave with a confidential settlement agreement, Oregon has the ability to compel access to the information.

Minnesota’s board doesn’t ask employers why an officer is terminated, so it doesn’t know what behavior might have been involved.

Oregon’s board reviews the disposition of every criminal case, not just a select group of convictions. That’s because board members want to examine the underlying behavior, and not what the court did as a result of the behavior, said Linsay Hale, director of the department’s professional standards division.

Hale said too many officers were “slipping through the cracks,” because of court diversion programs that allowed officers to sidestep a conviction.

Oregon also takes a hard line on domestic violence by police officers — considered an important test of temperament because domestic altercations are such a recurring part of police work. Oregon automatically revokes an officer’s license for any criminal conviction with an element of domestic violence, even if there was no legal finding of domestic assault. Minnesota’s conduct rules barely mention domestic violence.

Finally, Oregon puts a premium on transparency. Not only are its discipline meetings open to the public, but the department created a searchable statewide database identifying officers’ employers and contact information. In Minnesota, by law, the POST Board can’t even disclose where an officer works.

Heavier workload, more resources

In addition to having a broad scope of review, Oregon’s agency doesn’t hesitate to update its rules when it sees fit. Recently, for example, the case of a state trooper videotaped striking his son across the face highlighted the fact that Oregon’s domestic violence statute does not include children. Gabliks’ board didn’t wait for the Legislature to act, but swiftly changed the agency’s own rules on domestic violence to include violence against children.

HOW DO THEY COMPARE?

Both Oregon and Minnesota police licensing boards automatically revoke the licenses of officers convicted of felonies. Beyond that, the two state regulators take very different approaches on discipline.

OREGON	MINNESOTA
Considers a wide range of infractions, not only criminal activity.	Focuses largely on criminal convictions, and violations of training requirements.
Reviews the case of every officer who is fired or leaves under a cloud of suspicion.	Does not ask employers why an officer left a job.
Looks at all criminal convictions.	Looks only a gross misdemeanors and a select group of misdemeanors.



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DECIDING: Oregon’s police policy committee, from left, John Teague, president of the Oregon Association Chiefs of Police; committee chair Jeff Herring, a detective and union head, and Linsay Hale, who directs the Professional Standards Division, met to recommend whether licenses should be revoked or not.

Automatically revokes licenses for any criminal conviction involving an element of domestic violence.	Rules don't mention officer-involved domestic violence, but say that violating an harassment restraining order or an order for protection are grounds for discretionary discipline.
Discipline meetings are public.	Discipline meetings are not public.
Publishes detailed summaries of discipline actions in a monthly Ethics Bulletin.	Terse summary of "licensure matters" is buried in minutes of overall board meetings.
Regularly updates standards of conduct rules.	Standards largely unchanged since 1995.
Discipline committee has 15 members.	Discipline committee has three members.

While Minnesota's POST Board did recently overhaul its education and training standards, the state's standards of conduct for police have remained largely unchanged since 1995.

The broader scope for Oregon's regulators means a heavier workload for the police policy committee, which meets quarterly. But Oregon also devotes more resources to the effort: The committee has 15 members to review personnel records, investigative findings and other evidence, compared with three in Minnesota.

"Oregon dedicates a lot of energy and a lot of time to police our own," said Washington County (Ore.) Sheriff Pat Garrett, who serves on the committee. "Some weekends get taken up by the reading."

But perhaps the most revealing feature of Oregon's system is a popular publication called the Ethics Bulletin. Each month Oregon's licensing board publishes and distributes detailed descriptions of the misconduct cases that led to discipline, including discussions of aggravating and mitigating circumstances.

The April bulletin, for instance, described an officer who failed to write up reports for a theft case, and then deleted e-mails to cover up the lapse, allowing the victims to be preyed on again. Prosecutors never brought charges, but the state board pulled the officer's license.

"Officer A failed in their fundamental duty to protect and serve the public," the bulletin said.

Minnesota's system seems designed to bury its discipline decisions. Meetings of the complaints committee are closed to the public and there is scant reference to its actions in the minutes of the larger POST Board — typically just a few lines under "licensure matters" observing that settlements were adopted.

Oregon's Ethics Bulletin doesn't name officers, because the agency wants it to be an educational tool "and not a gossip rag," Hale said. Still, it's by far the best-read document they produce. If an issue arrives late people ask why, she said, and the bulletins frequently turn up pinned on the wall in precinct houses and sheriff's offices.