



Trooper News

January 2021

OSPOA 2668 Cascadia Industrial Street SE, Salem, OR 97302
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This Months Topic's

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President's Post Senior Trooper Tanya Henderson

Happy 2021 OSPOA Members,

I say happy because I am optimistic as the New Year starts. The month of December and start of January have been busy. I want to give a big "Thanks" to the members of the MRT and SWAT teams as I know they have been called upon a lot in the last few weeks. I also want to commend our members that have been involved in the recent critical incidents throughout the state. It is amazing how our members respond during critical incidents and it truly shows that our training and professionalism is top notch.

The next few months will be very busy for OSPOA. The 2021 Legislative Session started and we continue to have great support. I am hopeful that we can push the ratio bill (15 Troopers per 100,000 population) through this session. I know we continue to tax the local area commands anytime the MRT/SWAT teams are called into action.

The OSP/OSPOA bargaining session will be starting. We have a great bargaining team and I encourage you to reach out to your representatives with ideas.

The biggest policy violation that we continue to see is pursuits. OSP recently put on a training class for new promoted sergeants or those members that have an interest in becoming a sergeant. I am including 3 slides from the presentation that will help you evaluate your own pursuits and the questions that supervisors will be asking.

Public Safety Considerations

“The need for overtaking and halting a particular violator must be carefully weighed against the risk involved. A clear understanding of the limits of the authority of a police officer, a correct evaluation of the seriousness of the particular situation made from the information known to the officer at the time, and the exercise of sound judgment in light of the public interest offers the best protection against error in a pursuit situation.”



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Policy Considerations 502.9

Does the pursuit meet the policy requirements??????

Rule IV. B. - Officers shall not engage in a pursuit with a motor vehicle of any kind, whether the suspect is known or unknown, except in the following circumstances:

- The officer has reason to believe that the suspect has committed, is in the act of committing, or is wanted for a violent felony person crime, domestic assault, or poses a significant threat of death or serious physical injury to another person or persons.
- The suspect's reported or observed driving prior to police contact suggests the suspect represents a significant and continuing danger of death or serious physical injury to another person.
- Additional exception described under section L – Engagement was necessary to maintain safety of a lone pursuing officer (from another agency). **Make sure to research and understand any inter-agency pursuit agreements you may have in your area.**



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Tactical Considerations

Pursuing officers have an obligation to ensure that accurate, complete and timely information is transmitted to dispatch.....

Including but not limited to

- reason for the stop/pursuit
- location and direction of travel
- traffic volume
- Speed and driving behavior of the fleeing vehicle

****If you are not getting the information you need to assess the risk involved - Terminate the pursuit**



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Stay Safe,

Tanya

Vice President's Post Senior Trooper Josh Wetzel

January 2021 has arrived. Hopefully this year is not a continuation of 2020. Although January has started off as such, hopefully the rest of 2021 will improve.

Last month we announced an end to TrooperNews as it was produced. This is a cost savings of \$1,600 monthly. We also did a rate reduction on our building, lowering costs and decreasing the term on our building mortgage. In February, the SEC will put together a small group of members to develop a long-range financial plan with our investment advisor. Together they will recommend goals to hit over the next year and again in years 3, 5, 7 & 10. If you are interested in helping shape OSPOA's financial future, please let Tanya or myself know. This is going to be a very small group and the work they do will be available to the entire membership.

The Oregon Legislature convened on January 11th to select their leadership. Representative Tina Kotek was elected by her peers to serve as Speaker of the House again, Senator Peter Courtney was also selected again to serve as the President of the Senate. Altogether there are 19 new legislators in the 2021 Freshman class. Considering there are only 90 legislators total, this is a big

class. Tanya and I have been meeting with these new legislators and returning legislators talking about our priorities of a Trooper-to-resident Ratio Bill, keeping Qualified Immunity untouched and adding Telecommunicators to Police and Fire PERS credits.

On January 11th, approximately 2,000 bills were introduced by Legislators for consideration during the 2021 long session. Of the 2,000 bills, only a small percentage will actually make it to the Governor's desk. There are bills relating to police accountability, education, uniforms and even our bills relating to Trooper Ratio and Telecommunicators PERS change. This legislative session officially starts this week and will end in June. Not every bill Introduced will be passed. We have a great lobby firm representing us, Columbia Public Affairs (CPA.) Within CPA we have Dave Hunt, a former Speaker of the Oregon House of Representatives, Debbie Koreski, most recently Governor Brown's Senior Budget Director, and Taylor Sarman, who has served as a Chief of Staff in the Oregon House.

Of the nearly 2,000 bills, just about everyone has noticed SB 612. SB 612 directs that Law Enforcement agencies with more than 50 people will require all police employees to have a Bachelor's degree within 4 years or face termination. We are monitoring this bill and advocating against it. Passage of this bill would be a change of working conditions, which would affect our Collective Bargaining Agreement. If this bill were to pass, the State Police would have to fund and provide time off for current employees to fulfill the education requirement. This bill affects all law enforcement agencies, the Department of Corrections, OLCC and others. Overall passage of this bill would be extremely expensive. Again, there are a lot of bills introduced that won't get any vote. This is one of many bills we will be monitoring and advocating against.

This legislative session for the most part will be remotely held, and not in person at the Capitol due to COVID concerns. In 2019 we arranged to have members speak at the Ways and Means Budget "Roadshow". This is when the powerful Way and Means community traveled the state to hear directly from Oregonians. We had OSPOA members at each stop ready to talk for two minutes. This feat was recognized by legislators. This year will be a little different, but we need members more than ever to be willing to join a Zoom meeting and testify before a committee about OSPOA. We need members, spouses, family members and local stakeholders to beat the OSP drum. We need representatives who can stay on message and drive the important points home. This is going to be a long session with many ups and downs. But we have to play the long game, persevere and drive forward.

If you or someone you know is willing to help us by testifying and delivering a positive OSPOA message, please let Tanya and me know. We don't know when you will be called, but when you are called upon, we hope you will be ready and willing to help. Our lobbyists will provide talking points and helpful advice along the way. You will be the one talking, but you will have a supportive team to help you be successful. The old adage is true: the squeaky wheel gets the grease! This session we want to be that squeaky wheel in a positive way.

We will be sending out updates as the legislative session progresses, but please take time to think about helping us. If you are able, please consider donating to TrooperPAC, especially since donations qualify for a full tax credit up to \$50/person or \$100/couple annually. This money goes to support our legislative goals. Anyone -- not just OSPOA members -- can donate!

Be Safe,

Josh Wetzel
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About PORAC

by

Mike Staropoli, Attorney at Law

What is PORAC LDF and what does it mean to you as a Trooper?

PORAC is short for "Peace Officers Research Association of California." LDF is short for "Legal Defense Fund." The LDF is basically an insurance program that provides legal representation under the terms of the coverage purchased. A portion of your monthly union dues provides you with this coverage. I checked with your union. That portion of your monthly dues that provides you with LDF coverage though PORAC is the functional equivalent of purchasing (or forgoing), one venti Starbucks drink each month.

As an OSPOA member, you have criminal coverage under PORAC's LDF for any *act or omission w/n the scope of your employment*. This coverage provides you with an attorney who represents **you** and your interests in any work related criminal investigation. The lawyer may work closely at times with the OSPOA, but the PORAC LDF approved attorneys do not represent the OSPOA. They represent you as an individual. Their ethical duties to vigorously advocate on behalf of their client apply directly to you and your best interests.

The most obvious of the type events that will entitle you to a PORAC LDF attorney are critical incidents like Officer Involved Shootings, In-Custody deaths and other Use of Force incidents. But be aware, your PORAC LDF goes beyond this. Any work related criminal investigation in which you might be involved qualifies you for representation. You simply have to reach out to either the OSPOA, PORAC's LDF, or even one of the PORAC LDF approved attorneys, to work to get a lawyer to start helping/advising you as soon as possible. But unless it is a critical incident, or the union has the benefit of heads up on a matter, you may be the first to find out about the investigation, and you need to be prepared to act in your own best interest - which means **not participating in the investigation in any way**, until you have the input and direction of legal counsel. And it means being proactive, usually by invoking your constitutional rights (see below).

So this means, if you get called back to the office by a supervisor and then are told that some folks are in the conference room who want to speak with you, don't. They are not there to help you. And I know, you didn't do anything wrong. So why not talk? Because those folks are there because someone does believe you did, or likely did, something wrong and/or illegal. You need to slow things down and get representation. Simply be polite and firm. Again, **Invoke your Constitutional Rights* in a respectful way. You can always cooperate and participate in the investigation later, once you and your lawyer have had the opportunity to review and evaluate the appropriate options. And remember, representations that you are "only a witness" mean very little. While the investigators may be genuine, the reality is that you are only a witness, until you aren't, and then you are a suspect. Be prepared, Be smart. Be firm. Slow things down. You lose nothing by doing so.

If you have any questions as to the practical implications or how the legal representation works itself out, ask another trooper. There have been critical incidents and investigations throughout Oregon over the past year. You won't have to look hard to find a colleague who has had an experience that may provide you with insight about how it all works.

In the meantime, thank you for what you each do every day. Please know that my own experience tells me that the great majority of citizens in Oregon support you and are grateful for how you work to keep the peace. Stay safe. Stay healthy.

Mike Staropoli
Attorney at Law

How to invoke: *"At this time I respectfully invoke my constitutional rights, including but not limited to my right to remain silent, my right to be free from self incrimination, my right to remain free from unreasonable search and seizure, and my right to have an attorney and to have that attorney present.*

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