

# Police Policy Committee Minutes - DRAFT

## November 21, 2024

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 21, 2024, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Scotty Nowning called the meeting to order at 10:00 a.m.

### **Committee Members:**

Scotty Nowning, Chair, Non-Management Law Enforcement  
Casey Coddling, Vice Chair, Superintendent, Oregon State Police  
Shanon Anderson, Oregon Association of Chiefs of Police  
DaNeshia Barrett, Non-Management Law Enforcement  
Mark Daniel, Oregon Association of Chiefs of Police  
Christopher Gjovik, Portland Police Bureau (Designee for Chief Bob Day) (Teams)  
Kevin Dresser, Non-Management Law Enforcement  
Michelle Duncan, Oregon State Sheriff's Association  
Teresa Livingston, Oregon State Police Command Staff Representative  
Terry Rowan, Oregon State Sheriff's Association (Teams)  
Megan Townsend, Non-Management Law Enforcement  
Doug Olsen, SAC, Federal Bureau of Investigation  
Patricia Lofgren, Public Member  
Rob Wood, Public Member

### **Committee Members Absent:**

Angela Brandenburg, Oregon State Sheriff's Association  
Anel Ceric, Non-Management Law Enforcement

### **Guests:**

Mark Chase  
Christopher Daugherty  
Troy Gainer  
Matthew McCandless

### **DPSST Staff:**

Phil Castle, Director  
Kathy McAlpine, Professional Standards Division Director  
Kathy Fink, Standards and Certification Program Manager  
Melissa Lang-Bacho, Professional Standards Compliance Coordinator  
Jennifer Levario Professional Standards Compliance Coordinator  
Jennifer Howald, Administrative Rules Coordinator  
Sam Tenney, Public Information Officer  
Erica Riddell, Criminal Justice Support Specialist  
Juan Lopez-Hernandez, Executive Support Specialist



## 1. **Introductions**

Introductions of members, guests and staff.

## 2. **Approve August 22, 2024 Meeting Minutes**

A consensus was reached to approve the August 22, 2024, meeting minutes as written.

## 3. **Administrative Closure Consent Agenda**

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

The Department presented recommendations to administratively close the following professional standards cases to the Police Policy Committee.

### a) **Bare, Kevin (57118) Police**

On October 17, 2023, Kevin Bare was terminated from the Toledo Police Department (TPD) following a Brady review and internal investigation into allegations of dishonesty. The Brady inquiry led the LCDA to review other cases Bare had handled, reviewing four additional cases where Bare's accuracy in his reporting and testimony was called into question. After reviewing the cases, the LCDA determined that Bare was not intentionally dishonest but lacked confidence in his ability to testify as a witness. The LCDA did not give Bare a Brady designation but determined, based on his reputation for being sloppy, careless, and inaccurate, the LCDA lost confidence in Bare's ability to testify as a law enforcement witness for the state.

TPD's investigation notes that although Bare authored reports with false information and provided testimony that was not true, he did not intentionally do so and did not find that Bare violated the TPD's policy for truthfulness.

To find that Bare violated the Board's moral fitness standards, the Department would need to find his inaccurate statements were intentional. Both the LCDA and the TPD found his inaccurate statements to lack intent. DPSST lacks sufficient information to find Bare was intentionally dishonest.

### b) **Chase, Mark (21133) Police**

On August 1, 2024, the Department opened a professional standards case to review the application for Private Investigator licensure Mark Chase submitted for falsification of information to the Department. When DPSST opened a professional standards case to review his application for licensure, Chase also had an open professional standards case based on a separation from employment.

On July 1, 2024, Chase signed an application for a Private Investigator license, indicating that he is not currently under investigation with DPSST, has never been investigated by a professional body, and has not committed an act that would be considered a violation of one of the five core values of Private Professionals.

The Department provided a list of questions for Chase to explain how he interpreted the application. Chase provided written responses and explained he sought legal counsel to complete the application. Chase indicated that he did not believe DPSST's review was considered an investigation. Chase notes there is a lack of clarity in the meaning of terminology and definitions used on the paperwork provided to him.

Although, the evidence shows that Chase falsified his application, the Department would need to find he did so intentionally. The Department determined there is not sufficient information to find that Chase intentionally falsified his application for Private Investigator licensure.

**c) Stephen Craig (37427) Police**

On October 4, 2023, Stephen Craig separated from the Warm Springs Police Department (WSPD). On the separation form submitted by the WSPD, they indicated that Craig resigned in lieu of termination for insubordination to a governmental directive issued to the WSPD. The separation form indicated there was no investigation conducted and no investigation pending. In phone calls with the WSPD Acting Chief of Police, no records were located related to Craig's separation or record of which directive he was insubordinate

The Department lacks the substantial evidence necessary to support a moral fitness violation.

**d) Domhoff, Derek (55869) Police**

On August 18, 2022, Derek Domhoff was terminated from probationary employment with the Madras Police Department (MPD) following an internal investigation into his use of sick leave. At the time of his termination, a second investigation was pending related to Domhoff's use of force on a handcuffed suspect and inconsistencies in his reporting of the incident.

The MPD concluded that Domhoff violated the agency's policy related to sick leave, truthfulness, and lawful directives related to his use of sick leave. When Domhoff was investigated for his use of sick leave, the review of the use of force case had not been completed and he was not asked about the incident during the internal affairs investigation.

Domhoff's use of force was reviewed and cleared by the Chief, but Domhoff was given follow up tasks to complete in the case. After Domhoff completed the follow up tasks, the case was sent to the DA's office for review. The Jefferson County District Attorney's (JCDO) office declined criminal charges and noted in an email: "it is fair to say that there are concerns about this incident and the several drafts in which it was reported, but there are not sufficient facts that rise to the level of proving a criminal case..." In a follow up email the JCDA also indicated there was not a Brady violation.

In the use of sick leave investigation, there was no information other than the suspicion that Domhoff misused his sick leave and took the day off to attend a concert with his friends.

Domhoff's termination was based on the totality of the circumstances at the time, which included that he was still in a probationary employment status. Not all the policy violations identified were for conduct that would rise to the level requiring Board review, with most of his violations being for performance-based conduct. Given that his termination was not specifically based on his being untruthful and the lack of substantial evidence available to the Department, recommending a closure instead of presenting the case to the committee with findings seemed more reasonable under the specific circumstances in his case.

**e) Lopez, Christian (59360) Police**

On April 24, 2020, Christian Lopez was terminated from the Columbia River Inter-Tribal Police Department (CRITPD) after he moved to a location that was no longer living within 30 minutes of the agency's enforcement office.

The primary concern of a moral fitness violation was that Lopez was intentionally untruthful about his residence. The Department noted discrepancies in the report provided by the CRITPD, which documents Lopez’s conduct and the basis for his separation. The report indicates both that Lopez notified the CRITPD of an address change in February, and that he did not notify the CRITPD of a change in address until March 25th when he shared that he was residing in the storage shed at the Cascade Locks residence.

While it is possible Lopez was intentionally dishonest, there is insufficient information to determine how Lopez interpreted his residency at the Cascade Locks address and the requirements of the policy to make this determination.

*DeNeshia Barrett moved to approve the Administrative Closure Consent Agenda recommendations made by the Department. Mark Daniel seconded the motion. The motion passed unanimously.*

**4. Boatner, Joshua (49403) Certification Review: {Police}**

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

*Reason for Discretionary Review*

Joshua Boatner resigned from the Silverton Police Department (SPD) on February 3, 2023, during an internal investigation into allegations related to the sharing of confidential information and using inappropriate language.

<i>Police Policy Committee Discussion/Consensus/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Rob Wood recused himself from discussion and voting on this case.			
A consensus was reached to adopt the record.			
<p>The Police Policy Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> <li>• Dishonesty: The committee did not find sufficient information to make a finding of dishonesty.</li> <li>• Misuse of Authority: Boatner intentionally used confidential information about others he obtained working as a captain to harm them by disclosing information about medical procedures, childhood experiences, and prior internal investigations</li> <li>• Misconduct: <ul style="list-style-type: none"> <li>○ Boatner’s use of derogatory nicknames, racially discriminatory accents, and mocking voice inflections stereotypical of a person with a developmental disability threatened the efficient operation of the SPD by creating an offensive work environment.</li> <li>○ Boatner’s intentional use of derogatory nicknames, racially discriminatory accents and mocking voice inflections stereotypical of a</li> </ul> </li> </ul>			

<p>person with a developmental disability are evidence of a pattern of discriminatory conduct.</p> <ul style="list-style-type: none"> <li>○ Boatner’s disclosure of confidential information caused harm and embarrassment to the persons who had their information shared without their consent.</li> </ul> <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> <li>● Boatner’s position at the SPD at the time of his conduct was aggravating.</li> <li>● Boatner took bias and diversity training, which would have highlighted unprofessional conduct.</li> <li>● There was a trend in the words used by the persons interviewed that were used to describe Boatner and his conduct, which were all negative.</li> <li>● There were too many negative comments about Boatner’s conduct.</li> </ul> <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> <li>● The mitigation submitted by Boatner was mitigating.</li> <li>● In particular, the letter written by the retired chief was mitigating.</li> </ul>			
<p>A consensus was reached to confirm the identified aggravating and mitigating factors.</p>			
<p>Scotty Nowning moved that the Police Policy Committee affirm the moral fitness violations as presented.</p>	<p>Teresa Livingston</p>	<p>12 ayes; 0 nays; 1 recused Wood</p>	<p>Motion Passed</p>
<p>Michelle Duncan moved, after considering the identified violations of the Board’s moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Boatner’s certifications.</p>	<p>DeNeshia Barrett</p>	<p>12 ayes; 0 nays; 1 recused Wood</p>	<p>Motion Passed</p>
<p>DeNeshia Barrett moved, after considering the totality of the case, that Boatner be ineligible to hold public safety certification for 10 years.</p>	<p>Shanon Anderson</p>	<p>12 ayes; 0 nays; 1 recused Wood</p>	<p>Motion Passed</p>

**5. Chase, Mark (21133) Certification Review: {Police}**

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

*Reason for Discretionary Review*

On February 20, 2024, Mark Chase was terminated from the Gervais Police Department (GPD) following an investigation by an independent investigator and a vote from the city council. Chase’s termination stemmed from complaints from one current and two former employees at the GPD. The investigation conducted found that Chase violated policies for harassment, discrimination, and retaliation.

*Mark Chase provided verbal mitigation for committee consideration.*

<i>Police Policy Committee Discussion/Consensus/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
A consensus was reached to adopt the record.			
<p>The Police Policy Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> <li>• Dishonesty: The committee did not find sufficient information to make a finding of dishonesty.</li> <li>• Misuse of Authority: The committee did not find sufficient information to make a finding of misuse of authority.</li> <li>• Misconduct: Chase threatened another person in a training event when he pointed his loaded firearm at an employee’s face</li> </ul> <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> <li>• The pointing of the firearm was substantiated, and Chase took some ownership of his conduct.</li> <li>• Chase attempted to place equal blame on the instructor for his conduct in the training event.</li> <li>• When pointing a firearm, he should be ready to use it.</li> <li>• Chase’s conduct could have led to a tragic accident if repeated.</li> <li>• During all the circumstances investigated, Chase held Supervisory certification. The committee did not identify any aggravating factors.</li> </ul> <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> <li>• Chase’s mitigation letters, his appearance at the meeting, and the mitigation he provided were mitigating.</li> <li>• Some of the issues were previously investigated by the agency, and Chase was not found liable.</li> <li>• Chase was not afforded due process in his termination.</li> <li>• The letter from the police association was mitigating.</li> <li>• Chase took responsibility for his mistakes.</li> <li>• Chase had the right not to answer questions during the investigation, and that was held against him.</li> <li>• The narrative was a lopsided investigation.</li> <li>• His level of certification would be aggravating if the allegations had sufficient</li> </ul>			

information to support them.			
A consensus was reached to confirm the identified aggravating and mitigating factors.			
Casey Codding moved that the Police Policy Committee modify the moral fitness violations as discussed.	DeNeshia Barrett	13 ayes; 0 nays	Motion Passed Unanimously
Rob Wood moved that the Police Policy Committee affirm the modified moral fitness violation as discussed and after considering the identified violations of the Board's moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that no Board action should be taken against Chase's certifications.	Casey Codding	13 ayes; 0 nays	Motion Passed Unanimously

**6. Daugherty, Christopher (57782) Certification Review: {Police}**

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

*Reason for Discretionary Review*

On June 23, 2023, Christopher Daugherty was terminated from the Umatilla Tribal Police Department (UTPD) following an internal investigation which sustained findings that Daugherty failed to investigate a felony crime, failed to effect a mandatory arrest for a protection order violation, and was untruthful about the reason why he did not take appropriate action.

The Department originally reviewed the case as a mandatory revocation but withdrew the mandatory case for review as a discretionary matter.

*Christopher Daugherty provided verbal mitigation for committee consideration.*

<i>Police Policy Committee Discussion/Consensus/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
A consensus was reached to adopt the record.			
The Police Policy Committee found the following moral fitness violations and factors: <i>Moral Fitness Violations:</i>			
<ul style="list-style-type: none"> <li>Dishonesty: The committee did not find sufficient information to make a finding of dishonesty.</li> </ul>			

<ul style="list-style-type: none"> <li>• Misuse of Authority: The committee did not find sufficient information to make a finding of misuse of authority.</li> <li>• Misconduct: The committee did not find sufficient information to make a finding of misconduct.</li> </ul> <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> <li>• The committee did not identify any aggravating factors.</li> </ul> <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> <li>• Daugherty participated in the review and gave a mitigating statement to the committee.</li> <li>• The letters of support, and explanation of the events was plausible.</li> <li>• Daugherty took responsibility for his statement to the victim advocate. The committee did not identify any mitigating factors.</li> </ul>			
<p>A consensus was reached to confirm the identified aggravating and mitigating factors.</p>			
Mark Daniel moved that the Police Policy Committee negate the moral fitness violations as presented.	Kevin Dresser	13 ayes; 0 nays	Motion Passed Unanimously

**7. Gainer, Troy (39919) Certification Review: {Police}**

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

*Reason for Discretionary Review*

On September 2, 2021, the Scappoose Police Department (SPD) terminated Troy Gainer after determining he had violated multiple policies while repeatedly requesting to pick up prescription drugs through the Drug Take Back program at other agencies during his work and personal time. The SPD alleged that once Gainer obtained prescription medications, he mishandled them by transporting them in unsealed containers, in his personal vehicle, and by destroying evidence in a criminal case. The SPD also alleged that Gainer solicited and received prescription drugs from community members and displayed a pattern of drug-seeking behaviors. Gainer's termination was also based on his indictment for nine counts of Official Misconduct, one count of Tampering with Evidence, and three counts of Delivery of Oxycodone which was the result of a criminal investigation conducted by the Forest Grove Police Department (FGPD). On July 10, 2024, Gainer was acquitted on four counts of Official Misconduct. The remaining charges had been dismissed prior to the acquittal.

On May 24, 2022, an arbitrator issued an opinion reinstating Gainer's employment after a six-week unpaid suspension. The opinion from the arbitrator found that there was insufficient evidence to show that Gainer had obtained prescription pain medications within the effective dates of the collective bargaining agreement, July 2, 2019, through June 30, 2024. Additionally, the arbitrator found that there was insufficient information to show that Gainer took, for his personal use, the medications he obtained from his drug return pickups.



The arbitrator did find that Gainer had mishandled prescription drug evidence in a criminal case, marking drugs seized in the case for destruction without obtaining proper authorization, and established that Gainer had received an unknown number of pain pills believed to be Oxycodone at an unspecified time in the past. Still, there was insufficient evidence for just cause for discharge because a date could not be established.

The Department determined the arbitrator’s opinion found the underlying facts supported some of the allegations of misconduct, allowing the department to proceed with its review, even though his position with the Scappoose Police Department was reinstated.

The Department presented Gainer’s case to the PPC in August 2023. The committee returned the case to the Department requesting to postpone the review until the conclusion of his criminal court case.

*Troy Gainer provided verbal mitigation for committee consideration.*

<i>Police Policy Committee Discussion/Consensus/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
A consensus was reached to adopt the record.			
<p>The Police Policy Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> <li>• Dishonesty: The committee found after comparing the investigative materials and the statement Gainer provided in his mitigation statement, that there were discrepancies in how many people Gainer admitted to soliciting prescription medications from in the community. Gainer stated during the investigation that he did not open sealed boxes for the drug take-back program; however, based on his response when he was given a sealed box of magazines and coloring books for the drug take-back program, he opened at least one sealed box.</li> <li>• Misuse of Authority: The committee did not identify sufficient information to make a finding of misuse of authority</li> <li>• Misconduct: Gainer destroyed evidence in a criminal case which created an inefficient operation in the prosecutor’s office who was handling the case; Gainer solicited prescription pain medications from a community member and accepted their medications. This conduct created an inefficient operation of the SPD by damaging the agency’s position of trust in the community and within local law enforcement.</li> </ul> <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> <li>• During the investigation, Gainer admitted to taking medications from one person, but in his mitigation statement, he indicated there were two people he obtained medications.</li> <li>• There was a change in Gainer’s behavior, which led to speculation about his conduct.</li> </ul>			

- People were skeptical of his conduct when taking medications from the drug take-back program and tested him by putting objects that were not medications in a sealed box for him to pick up.
- Gainer testified that he never unsealed boxes, but when a technician put comic books into a sealed box, he told the technician it was humorous, which reflected that he did open a sealed box.
- Gainer is not in good standing with the community.
- One agency was concerned about Gainer’s conduct.
- The arbitrator did find some conduct that was concerning but was limited to the dates of the collective bargaining agreement.

*Mitigating Factors:*

- Gainer appeared at the meeting and took accountability for his mistakes in handling evidence.
- The policies and procedures surrounding the drug take-back program were unclear.
- Gainer is currently employed in public safety with the SPD.
- An audit did not identify any errors in Gainer’s work prior to a change in his behavior.
- The criminal charges against Gainer were dismissed or acquitted.
- Gainer can be called as a witness in court.
- The arbitrator’s decision, which returned Gainer to employment, was mitigating.
- Other agencies conducted audits, and there was no concern about Gainer’s behavior from additional agencies in the area.
- Gainer took unsealed boxes and combined them for ease of transport.
- Gainer admitted to obtaining prescription medications without a prescription.
- There were issues with the policies, which lacked a system of checks and balances.

A consensus was reached to confirm the identified aggravating and mitigating factors.

Michelle Duncan moved that the Police Policy Committee modify the moral fitness violations as discussed to include Dishonesty.	Rob Wood	13 ayes; 0 nays	Motion Passed Unanimously
Michelle Duncan moved, after considering the identified violations of the Board’s moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case,	Scotty Nowning	5 ayes; 8 nays	Motion Failed

that Board action should be taken against Gainer’s certifications.			
Mark Daniel moved, after considering the identified violations of the Board’s moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that no Board action should be taken against Gainer’s certifications.	Casey Codding	8 ayes; 5 nays	Motion Passed

**8. McCandless, Matthew (55017) Certification Review: {Police}**

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

*Reason for Discretionary Review*

On December 28, 2021, the Department was notified by Matthew McCandless that he had been criminally charged with Strangulation, Assault 3, and Criminal Mistreatment on December 23, 2021. On April 15, 2022, McCandless was terminated from his position with the Toledo Police Department (TPD) stemming from an internal investigation into the Grand Jury Indictment. On March 16, 2023, McCandless was acquitted on all charges. The criminal court case was sealed following McCandless’ acquittal. The sealing of records included the police reports, exhibits, and court records from the criminal case.

The Department presented McCandless' case to the May 2024, Police Policy Committee (PPC) with a recommendation for administrative closure. At the May 2024 meeting the PPC voted to overturn the recommendation and return the case to the committee as a staff report for committee review.

*Matthew McCandless provided verbal mitigation for committee consideration.*

<i>Police Policy Committee Discussion/Consensus/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
A consensus was reached to adopt the record.			
The Police Policy Committee found the following moral fitness violations and factors: <i>Moral Fitness Violations:</i> <ul style="list-style-type: none"> <li>• Dishonesty: The committee did not identify elements of dishonesty.</li> <li>• Misuse of Authority: The committee did not identify elements of misuse of authority.</li> <li>• Misconduct: The committee did not identify elements of misconduct.</li> </ul> <i>Aggravating Factors:</i> <ul style="list-style-type: none"> <li>• The committee did not identify any aggravating factors.</li> </ul>			

<i>Mitigating Factors:</i>			
<ul style="list-style-type: none"> <li>• McCandless was acquitted of all of the criminal charges against him.</li> <li>• McCandless' verbal mitigation which indicated he was in a five-year custody battle and divorce were mitigating to the circumstances in the case.</li> <li>• DPSST found no moral fitness violations. The committee did not identify any mitigating factors.</li> </ul>			
A consensus was reached to confirm the identified aggravating and mitigating factors.			
Scotty Nowning moved that the Police Policy Committee affirm DPSST staff recommendation to Administratively close this case.	Rob Wood	12 ayes; 0 nays; 1 absent Gjovik	Motion Passed Unanimously

**9. Applicant Review Committee Nominations**

Presented by Kathy McAlpine, Professional Standards Division Director

*DeNeshia Barrett moved to nominate Kevin Dresser to the Applicant Review Committee. Shanon Anderson seconded the motion. The motion passed unanimously.*

**10. Agency Updates**

Presented by Kathy McAlpine, Professional Standards Division Director

- DPSST is patiently waiting to hear more news regarding the Governor's recommended budget for the next biennium. We have some robust items on our list of things that we've put forward to the Governor and are anxiously awaiting the results.
- DPSST is aware that this time of the year is especially difficult for agencies to get recruits into training, but we have several vacancies in the Basic Police courses that are starting within the next few months, and we would really like to get all of those spots filled.
- Director Phil Castle and Professional Standards Division Director Kathy McAlpine had the opportunity to be present as a Springfield Officer received the Governor's Medal of Honor. It was a pleasure to get to witness this ceremony and the bravery of the officer who was honored.

**11. Next Police Policy Committee Meeting: February 20, 2025 at 10:00 a.m.**

*Administrative Notes:*

*These minutes reflect the order of the discussion/voting items as they appear on the official meeting agenda. The actual order in which they were discussed may vary.*

*All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at [dpsst.records@dpsst.oregon.gov](mailto:dpsst.records@dpsst.oregon.gov).*