

Police Policy Committee Minutes - DRAFT

May 16, 2024

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 16, 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
DaNeshia Barret, Non-Management Law Enforcement
Angela Brandenburg, Oregon State Sheriff's Association
Anel Ceric, Non-Management Law Enforcement
Casey Coddling, Superintendent, Oregon State Police
Mark Daniel, Oregon Association of Chiefs of Police
Mike Frome, Portland Police Bureau (Designee for Chief Bob Day)
Alex Gardner, Oregon State Police Command Staff Representative
Terry Rowan, Oregon State Sheriff's Association (Teams)
Rob Wood, Public Member
Megan Townsend, Non-Management Law Enforcement

Committee Members Absent:

Chris Skinner, Vice Chair, Oregon Association of Chiefs of Police
Shanon Anderson, Oregon Association of Chiefs of Police
Kevin Dresser, Non-Management Law Enforcement
Michelle Duncan, Oregon State Sheriff's Association

Guests:

Katelyn Bailey
Shawn Carnahan
Sterling Hall
Kevin Lanier
Quinn Lindley

DPSST Staff:

Phil Castle, Director
Brian Henson, Deputy 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
Cindy Park, Professional Standards Compliance Coordinator
Jennifer Howald, Administrative Rules Coordinator
Sam Tenney, Public Information Officer
Erica Riddell, Criminal Justice Support Specialist
Samantha Kossa, Executive Support Specialist

Shelby Wright, Executive Assistant



1. Introductions

Introductions of members, guests and staff.

2. Approve February 22, 2024 Meeting Minutes

Casey Coddling moved to approve the minutes from the February 22, 2024, Police Policy Committee meeting. DeNeshia Barrett seconded the motion. The motion passed unanimously.

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) Bellshaw, Steven (22870) Police

On February 15, 2022, Steven Bellshaw retired from the Salem Police Department (SPD) as a part of a settlement agreement during an active or pending investigation into allegations of misconduct. In a November 23, 2021, memo the Chief of Police requested an outside investigation into alleged policy violations that included untruthfulness by Bellshaw. The memo noted that after the Chief of Police worked closely with Bellshaw for a few months he developed concerns about Bellshaw's integrity and decision making, identifying multiple instances where Bellshaw had been asked questions and gave contradictory information in different settings. A settlement agreement between Bellshaw and the SPD was reached prior to any outside investigation commencing. The information provided related to his separation was preliminary. Based on the preliminary nature of the allegations, there is insufficient evidence to find that Bellshaw was intentionally untruthful.

b) Camas, Emigdia (51141) Police/Corrections

On December 8, 2022, Emigdia Camas resigned from the Washington County Sheriff's Office (WCSO) after the Washington County District Attorney's Office (WCDA) placed Camas on the Tier 1 Brady list following a judicial opinion that she was not a credible witness during a criminal trial. The Department reviewed the information provided for moral fitness violations. Although a judge did provide his opinion that Camas was not a credible witness, there is insufficient evidence to find that Camas was dishonest based on this opinion alone. Oregon Administrative Rule 259-008-0300(3)(A) does not include the credibility of an officer or Brady determinations in the definition of dishonesty, though it may be a factor in finding that an officer was dishonest.

c) Christensen, Anthony (55811) Police

On October 1, 2018, Anthony Christensen separated from the Junction City Police Department (JCPD). Christensen's separation was part of a severance agreement with the JCPD beginning on August 15, 2018. The severance agreement placed Christensen on paid administrative leave until he obtained new employment or through January 31, 2019. Prior to the severance agreement, on March 25, 2018, Christensen was placed on paid administrative leave while the JCPD investigated allegations of misconduct and potential violations of the law. The investigation included fifty-two (52) issues that the agency investigated. Several of the issues are related to timecard entries with discrepancies

between when Christensen documented he started and ended his shift and a recording of the back lot of the agency which documented his departure from the parking lot. These recordings did not include times when Christensen arrived at work. The investigative report did not specify if any of the 52 issues were substantiated or unfounded, and many of the allegations are speculative in that they contain language such as “if their statement is accurate, Christensen appears to have been dishonest.” The Department did not find sufficient information in the records reviewed to make the finding that Christensen had violated the Board’s moral fitness standards. Of note, the issues in the investigation conducted by JCPD lacked sufficient information to make the issues more likely than not to have occurred.

d) Danneker, Summer (58025) Police

On August 1, 2020, the Lincoln City Police Department (LCPD) terminated Summer Danneker following an investigation into the truthfulness related to when she found out she was pregnant. On February 6, 2020, Danneker disclosed to her agency that she was pregnant and that she found out on February 3, 2020. The LCPD found this statement to be dishonest because Danneker had a positive pregnancy test before February 3, 2020. In January 2020, Danneker went to her doctor after several weeks of not feeling well and fatigued. During an appointment on January 15, 2020, through urinalysis, she tested positive for pregnancy. Danneker provided a blood sample to confirm her pregnancy and rule out any other medical conditions. On February 3, 2020, Danneker met with her practitioner and obtained the full details of her bloodwork testing and Danneker was able to discuss viability and her treatment options with her provider. Although the LCPD found Danneker's statements to be dishonest, all the statements were factual when the full context of the circumstances was considered.

e) Grindle, Travis (43070) Police

On March 4, 2022, the Department received an automated message indicating that Travis Grindle had been arrested on March 1, 2022, for two counts of Sexual Abuse in the First Degree after a Grand Jury indicted Grindle on the charges. The allegations stem from conduct occurring in 2021. Grindle was alleged to have subjected a minor under the age of 14 to sexual conduct. On August 26, 2022, the charges were dismissed without prejudice. On October 20, 2022, the Department requested police reports to review. The Department’s request for records was denied because the case did not result in a conviction and involved a minor. On January 12, 2023, the dismissal was amended and dismissed with prejudice. Following the dismissal with prejudice, the case was set aside, and the record was sealed. No records are available for the Department to review in this case to determine if Grindle violated the Board’s moral fitness standards.

f) McCandless, Matthew (55017) Police

Angela Brandenburg moved to pull Matthew McCandless #55017 from the Administrative Closure Consent Agenda recommendations made by the Department and return to staff for more information. DeNeshia Barrett seconded the motion. The motion passed unanimously.

Mark Daniel moved to approve the remaining Administrative Closure Consent Agenda recommendations made by the Department. Scotty Nowning seconded the motion. The motion passed unanimously.

4. Ashpole, Andy (47945) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On April 1, 2020, Andy Ashpole resigned in lieu of termination from the Newport Police Department (NPD) during an investigation into falsification of data related to the number of traffic stops he made.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Mark Daniel moved that the Police Policy Committee adopt the record.	DeNeshia Barrett	10 ayes; 0 nays	Motion Passed Unanimously
DeNeshia Barrett moved that the Police Policy Committee affirm the moral fitness violations as presented.	Angela Brandenburg	10 ayes; 0 nays	Motion Passed Unanimously
<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"> • Dishonesty: Ashpole falsified data to reflect that he had conducted more traffic stops than he had completed. Ashpole intentionally reported covering officers on traffic stops when he did not provide cover. Ashpole falsified traffic stops that never occurred. • Misuse of Authority: Ashpole used systems available to him as a law enforcement officer for his benefit and the detriment of others. The systems used placed traffic stops in the files of people who were not stopped and were used to document stops to reflect data points for him to meet department goals. • Misconduct: Ashpole threatened or harmed people by placing falsified data in official law enforcement databases that reflected persons were involved in traffic stops when, in fact, they were not. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Ashpole manipulated data over a long period of time, it was not an isolated incident. • It was clear Ashpole knew how to manipulate the statistics. • Traffic stops are the easiest thing to do as a police officer and the performance measure in place was reasonable. The efforts Ashpole took to avoid meeting the standards were aggravating. • Ashpole used several methods to skew the data. • Ashpole placed false data into records of members of the community. His actions harmed persons and could impact the outcome in future stops with law enforcement. • Ashpole violated the community’s trust. 			

<i>Mitigating Factors:</i>			
<ul style="list-style-type: none"> Ashpole was cooperative with the internal investigation. 			
Alex Gardner 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 Ashpole’s certifications.	Angela Brandenburg	10 ayes; 0 nays	Motion Passed Unanimously
Mark Daniel moved, after considering the totality of the case, that Ashpole be ineligible to hold public safety certification for a lifetime.	Alex Gardner	10 ayes; 0 nays	Motion Passed Unanimously

5. Bailey, Katelyn (56238) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On November 29, 2022, Katelyn Bailey resigned from her position as a police officer with the Wasco County Sheriff’s Office (WCSO) during an investigation into allegations of an unlawful arrest and use of force. Although Bailey resigned from her position, the WCSO completed their investigation and substantiated allegations against Bailey, determining she was terminated from her position as a police officer. After separating from her position as a police officer with the WCSO, Bailey returned to a position with the agency as a telecommunicator.

Katelyn Bailey provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Rob Wood moved that the Police Policy Committee adopt the record.	Casey Coddling	10 ayes; 0 nays	Motion Passed Unanimously
Alex Gardner moved that the Police Policy Committee remove dishonesty as a moral fitness violation.	Mark Daniel	10 ayes; 0 nays	Motion Passed Unanimously
Alex Gardner moved that the Police Policy Committee remove misconduct as a moral fitness violation.	Angela Brandenburg	5 ayes; 5 nays	Motion Failed

Alex Gardner moved that the Police Policy Committee remove misconduct as a moral fitness violation and take no action against Bailey's certifications,	Angela Brandenburg	9 ayes; 1 nay (Committee Member Wood)	Motion Passed
<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"> • Dishonesty: The committee did not identify elements of dishonesty. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: The committee did not identify elements of misconduct. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any aggravating factors. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • There was evidence of confusion, chaos and a lack of understanding at the scene of the fire. • There was every level of Law Enforcement on site with no consensus on the scene who was in charge. • Bailey's verbal statement and written mitigation were mitigating. • Bailey started her career as a police officer during the COVID-19 pandemic. 			

6. Barbee, Matthew (47086) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On January 17, 2020, Matthew Barbee was criminally charged with Violating a Court's Stalking Protective Order, Resisting Arrest, and Criminal Mischief. On January 24, 2020, Barbee was criminally charged with Possession of a Weapon by an Inmate.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Rob Wood moved that the Police Policy Committee adopt the record.	Mike Frome	10 ayes; 0 nays	Motion Passed Unanimously
Casey Coddling moved that the Police Policy Committee affirm the moral fitness violations as presented.	DeNeshia Barrett	10 ayes; 0 nays	Motion Passed Unanimously

<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"> • Dishonesty: The committee did not identify elements of dishonesty.

<ul style="list-style-type: none"> • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Barbee violated criminal law and threatened or harmed persons and property. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • There were multiple instances which included domestic violence, fighting with deputies, having a weapon in jail, and violations of a stalking order. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • There was no record of poor conduct prior to Barbee’s motor vehicle crash that caused a Traumatic Brain Injury (TBI). 			
DeNeshia Barrett 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 Barbee’s certifications.	Scotty Nowning	10 ayes; 0 nays	Motion Passed Unanimously
DeNeshia Barrett moved, after considering the totality of the case, that Barbee be ineligible to hold public safety certification for 10 years.	Alex Gardner	9 ayes; 1 nays; (Committee Member Wood)	Motion Passed Unanimously

7. Bell, Carl (55552) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On September 4, 2020, Carl Bell was terminated from the Gladstone Police Department (GPD) following an investigation into his use of a spy camera to record people in his bathroom at home.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Scotty Nowning moved that the Police Policy Committee adopt the record.	Mark Daniel	10 ayes; 0 nays	Motion Passed Unanimously
Scotty Nowning moved that the Police Policy Committee affirm the moral fitness violations as presented.	Alex Gardner	10 ayes; 0 nays	Motion Passed Unanimously
The Police Policy Committee found the following moral fitness violations and factors: <i>Moral Fitness Violations:</i>			

- Dishonesty: Bell was intentionally deceptive, untruthful, and not forthcoming about the camera in the bathroom when he did not disclose its presence to the people using his bathroom.
 - Misuse of Authority: The committee did not identify elements of misuse of authority.
 - Misconduct: Bell violated criminal law and threatened the privacy and personal safety of the women by placing a camera in the bathroom without their knowledge.
- Aggravating Factors:*
- Bell’s communications with the victims were manipulative when he attempted to get the women housesitting for him to plug in the camera that had been unplugged.
 - It appeared he attempted to get the women housesitting for him to plug the camera back in to destroy evidence.
 - Bell violated the trust of the public.
- Mitigating Factors:*
- The committee did not identify any mitigating factors.

Casey Coddling 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 Bell’s certifications.	Mark Daniel	10 ayes; 0 nays	Motion Passed Unanimously
Alex Gardner moved, after considering the totality of the case, that Bell be ineligible to hold public safety certification for a lifetime.	Mark Daniel	10 ayes; 0 nays	Motion Passed Unanimously

8. Carnahan, Shawn (39921) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On May 9, 2023, Shawn Carnahan was separated from his position as a reserve deputy with the Columbia County Sheriff’s Office (CCSO) following a professional standards investigation into allegations of dishonesty and misconduct. While working for the CCSO as a reserve deputy, Carnahan was co-currently employed in a certified role as a sergeant with the Vernonia Police Department (VPD) and remains in this role.

Shawn Carnahan provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
---	---------------	-------------	----------------

DeNeshia Barrett moved that the Police Policy Committee adopt the record.	Scotty Nowning	10 ayes; 0 nays	Motion Passed Unanimously
Mark Daniel moved that the Police Policy Committee remove dishonesty as a moral fitness violation and affirm misconduct as a moral fitness violation.	DeNeshia Barrett	10 ayes; 0 nays	Motion Passed Unanimously
<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"> • Dishonesty: The committee did not identify elements of dishonesty. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Carnahan’s conduct at the CCSO threatened or harmed the efficient operation of agencies. His horseplay and unprofessionalism presented scenarios where the CCSO staff were distracted from efficiently doing their jobs because of his conduct and unethical statements he reportedly made reflected negatively upon the police profession. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Carnahan is a supervisor. • Carnahan’s behavior was sophomoric. • Carnahan’s sophomoric behavior which involved other officer’s participation, does not make his conduct appropriate. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Carnahan is attempting to take responsibility for his actions. • It was somewhat mitigating that the horseplay was so pervasive at the agency, that command staff would have been aware of the conduct. • Culture change at the agency will take time to grow away from the sophomoric behavior. 			
Alex Gardner 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 Carnahan’s certifications.	Angela Brandenburg	10 ayes; 0 nays	Motion Passed Unanimously

9. Considine, Sean (64682) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On October 11, 2023, Sean Considine applied for training with the OPSA and reported a previous criminal disposition for Driving Under the Influence Greater than .08 1st Offense, from Arizona, in 2015. At the time of the offense, Considine was employed as a public safety professional in the State of Arizona.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
DeNeshia Barrett moved that the Police Policy Committee adopt the record.	Mark Daniel	10 ayes; 0 nays	Motion Passed Unanimously
Mike Frome moved that the Police Policy Committee affirm the moral fitness violations as presented.	DeNeshia Barrett	10 ayes; 0 nays	Motion Passed Unanimously
<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"> • Dishonesty: The committee did not identify elements of dishonesty. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Considine violated criminal law and was convicted of <i>Driving Under the Influence</i> in Arizona. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any aggravating factors. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Considine’s criminal disposition occurred nearly ten years ago in another state. • Considine’s written mitigation was mitigating. • Considine has been hired by an agency who has reviewed his background. • Considine’s certifications in another state were already suspended. • Considine has worked in law enforcement after his criminal disposition. 			
Mike Frome 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 Considine’s certification.	Scotty Nowning	10 ayes; 0 nays	Motion Passed Unanimously

10. Gorman, Robert (36970) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On November 19, 2019, Gorman self-reported that he had been cited for Driving Under the Influence, and Fail to Perform the Duties of a Driver, on November 17, 2019. Gorman was later charged with Reckless Driving for the incident. On April 2, 2020, Gorman entered into a civil compromise for Failure to Perform the Duties of a Driver – Property Damage. On March 29, 2021, all charges were dismissed after evidence was suppressed and the state was no longer able to prove its case.

On May 31, 2021, Gorman retired as part of a settlement agreement with the Oregon State Police (OSP) during an investigation into allegations of misconduct arising from his criminal charges.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Mike Frome moved that the Police Policy Committee adopt the record.	DeNeshia Barrett	10 ayes; 0 nays	Motion Passed Unanimously
Mike Frome moved that the Police Policy Committee affirm the moral fitness violations as presented.	DeNeshia Barrett	10 ayes; 0 nays	Motion Passed Unanimously
<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"> • Dishonesty: The committee did not identify elements of dishonesty. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Gorman violated criminal law and has a criminal disposition for <i>Failure to Perform the Duties of a Driver - Property Damage</i> after he entered into a civil compromise. Gorman’s conduct involved in the incident threatened or harmed property when he crashed into a fence while driving. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any aggravating factors. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Gorman had a low Blood Alcohol Concentration (BAC) when he provided a sample. • Gorman entered a civil compromise with the property owner. • Gorman returned to the scene of the crash. • Gorman self-reported his criminal citation. • Gorman had no prior allegations of misconduct. • Gorman refused a test he was not required to take and ultimately did provide a breath sample. 			
Casey Coddling moved, after considering the identified violations of the Board’s moral fitness standards and weighing the	Scotty Nowning	10 ayes; 0 nays	Choose an item.

aggravating and mitigating circumstances unique to this case, that Board action should be taken against Gorman’s certification and Gorman should be ineligible to hold public safety certification for 3 years.			
---	--	--	--

11. Hall, Sterling (58719) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On April 26, 2022, Sterling Hall was terminated from the Pendleton Police Department (PPD) following an investigation into an off-duty domestic incident in which Hall admitted he slapped his former domestic partner in the face.

Sterling Hall provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Angela Brandenburg moved that the Police Policy Committee modify the record as discussed.	Scott Nowning	10 ayes; 0 nays	Motion Passed Unanimously
Alex Gardner moved that the Police Policy Committee affirm the moral fitness violations as presented.	Mark Daniel	10 ayes; 0 nays	Motion Passed Unanimously

The Police Policy Committee found the following moral fitness violations and factors:

Moral Fitness Violations:

- Dishonesty: The committee did not identify elements of dishonesty.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: Hall threatened or harmed another person with his conduct by pushing and slapping his domestic partner during a verbal altercation.

Aggravating Factors:

- The committee did not identify any aggravating factors.

Mitigating Factors:

- Hall’s written mitigation appears remorseful.
- Hall never denied what he did and accepted responsibility for his actions.
- Hall never attempted to deny his actions.

Angela Brandenburg moved, after considering the identified violations of the Board’s moral fitness standards and weighing the	Mike Frome	10 ayes; 0 nays	Motion Passed Unanimously
---	------------	--------------------	---------------------------

aggravating and mitigating circumstances unique to this case, that Board action should be taken against Hall's certifications.			
Scotty Nowning moved, after considering the totality of the case, that Hall be ineligible to hold public safety certification for 3 years.	Rob Wood	10 ayes; 0 nays	Motion Passed Unanimously

12. Johnson, Paul (39931) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

Paul Johnson was terminated from the Klamath Falls Police Department (KFPD) on February 28, 2020, following an investigation into his sending unwanted photos of his genitalia to another detective during an overnight training event.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
DeNeshia Barrett moved that the Police Policy Committee adopt the record.	Anel Ceric	10 ayes; 0 nays	Motion Passed Unanimously
Alex Gardner moved that the Police Policy Committee affirm the moral fitness violations as presented with the addition of discriminatory conduct.	DeNeshia Barrett	10 ayes; 0 nays	Motion Passed Unanimously

The Police Policy Committee found the following moral fitness violations and factors:

Moral Fitness Violations:

- Dishonesty: The committee did not identify elements of dishonesty.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: Johnson sent unwanted photos of his genitalia to a detective with the KFPD which threatened or harmed persons. Johnson exhibited a pattern of conduct that evidenced knowing and intentional discrimination against women.

Aggravating Factors:

- Johnson's sending unwanted photos to his co-worker was not an isolated incident, he has a history of similar conduct.
- Johnson only sought help after a formal complaint was filed against him.
- Johnson's sexual harassment of women was as egregious as it gets and was appalling.

<ul style="list-style-type: none"> Johnson’s conduct was disturbing, even when sober he made his co-worker uncomfortable with his statements and conduct: Johnson stated he does not like women drivers; Johnson left mementos for his co-worker in her office after she told him to stay out of her office; Johnson told his co-worker he pictured her floating down the river eating Indian tacos off her stomach. Johnson took no responsibility. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> The committee identified there were no mitigating factors in the case. 			
Alex Gardner 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 Johnson’s certifications.	DeNeshia Barrett	10 ayes; 0 nays	Motion Passed Unanimously
Alex Gardner moved, after considering the totality of the case, that Johnson be ineligible to hold public safety certification for a lifetime.	Angela Brandenburg	10 ayes; 0 nays	Motion Passed Unanimously

13. Lanier, Kevin (57215) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On March 2, 2023, Kevin Lanier was terminated from the Jefferson County Sheriff’s Office (JCSO). On March 30, 2023, Lanier's termination changed to a mutual agreement separating Lanier from employment as the result of a settlement agreement. Lanier’s underlying separation was the result of an internal investigation into his work performance and policy violations.

Kevin Lanier provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Rob Wood moved that the Police Policy Committee adopt the record.	Scotty Nowning	10 ayes; 0 nays	Motion Passed Unanimously
Scotty Nowning moved that the Police Policy Committee remove dishonesty as a moral fitness violation and take no action against Lanier’s certification.	Casey Codding	10 ayes; 0 nays	Motion Passed Unanimously

The Police Policy Committee found the following moral fitness violations and factors:

Moral Fitness Violations:

- Dishonesty: The committee did not identify elements of dishonesty.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: The committee did not identify elements of misconduct.

Aggravating Factors:

- The committee did not identify any aggravating factors.

Mitigating Factors:

- Lanier was recruited during the COVID-19 pandemic.
- All of the findings by DPSST were performance issues.

14. Lindley, Quinn (56901) Certification Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On April 26, 2019, Quinn Lindley was terminated from probationary employment with the Monmouth Police Department (MPD) following allegations that Lindley was deliberately dishonest or misleading in his reporting and acted with an improper bias.

Quinn Lindley provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Anel Ceric moved that the Police Policy Committee adopt the record.	Casey Codding	10 ayes; 0 nays	Motion Passed Unanimously
Rob Wood moved that the Police Policy Committee remove dishonesty as a moral fitness violation.	Mike Frome	10 ayes; 0 nays	Motion Passed Unanimously
Scotty Nowning moved that the Police Policy Committee remove misconduct as a moral fitness violation and take no action against Lindley’s certification.	Mark Daniel	10 ayes; 0 nays	Motion Passed Unanimously

The Police Policy Committee found the following moral fitness violations and factors:

Moral Fitness Violations:

- Dishonesty: The committee did not identify elements of dishonesty.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: The committee did not identify elements of misconduct.

Aggravating Factors:

- The committee did not identify any aggravating factors.

Mitigating Factors:

- Lindley's verbal and written mitigation were mitigating.
- Lindley wrote his field notes in a haphazard manner, and it was understandable how it led to inaccuracies in his reporting.
- The trial Lindley testified in was his first. Trials are adversarial in nature and Lindley had a lack of experience and relied upon the District Attorney to avoid a mistrial.
- The Monmouth Police Department did not conduct an investigation for the committee to review the agency's opinions in the matter.
- Lindley lacked training in how to testify in criminal trials and report writing.
- The standards for calling someone a liar have been lowered because of the availability of body camera video.
- During his testimony in the criminal trial, Lindley answered the questions truthfully, even though they conflicted with his report.

15. Proposed Rule Changes for Oregon Administrative Rule (OAR) 259-008-0500

Agency Name Change Correction

Presented by Jennifer Howald, Administrative Rules Coordinator

In January 2024, the Oregon Accreditation Alliance changed its name to the Northwest Accreditation Alliance. The Department recommends the following proposed rule change to recognize the name change.

{Consensus reached approving the fiscal impact statements provided by the Department.}

Mark Daniel moved to recommend the Board of Public Safety Standards and Training approve filing the proposed rule changes for OAR 259-008-0500 as a permanent rule. Angela Brandenburg seconded the motion. The motion passed unanimously.

16. Police Policy Committee Member Nominations

Presented by Kathy McAlpine, Professional Standards Division Director

DeNeshia Barrett moved to nominate Casey Coddling as the new Vice Chair of the Police Policy Committee. Scotty Nowning seconded the motion. The motion passed unanimously.

17. Applicant Review Committee Member Nominations

Presented by Kathy McAlpine, Professional Standards Division Director

Angela Brandenburg moved to nominate DeNeshia Barrett as a new member of the Applicant Review Committee. Scotty Nowning seconded the motion. The motion passed unanimously.

18. Agency Updates

Presented by Kathy McAlpine, Professional Standards Division Director

- DPSST Leadership completed a Listening Tour across the state a few weeks ago, 16 different stops were made to constituent agencies throughout Oregon and there were many great conversations had about the needs of agencies and the future of public safety here in Oregon. A summary of this tour was sent out to constituents for their

review and on the 15th of May there will also be a plan sent out to constituents on how DPSST is going to respond to the needs moving forward.

19. Manager Updates

Presented by Kathy Fink, Standards and Certification Program Manager

- The DPSST Standards and Certification program has launched an updated version of the F4s Separation Form and the F28 Criminal History Reporting Form to try and help alleviate some of the confusion from agencies when filing out these forms. In addition, we added new instructional pages to the F28 Criminal History Reporting Form for agencies to use a resource when filing out the information that is needed.
- DPSST will be hosting a live virtual training session on June 12th for all agencies in Oregon to attend. We will be reviewing information related to hiring, scheduling, training, certification, compliance and professional standards. All who want to attend are welcome to sign up.
- Members of the Standards and Certification program traveled to Klamath Falls to meet with the Klamath Tribal Department of Public Safety to discuss processes and DPSST's role with Tribal Police agencies.

20. Next Police Policy Committee Meeting: August 22, 2024 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.