

Police Policy Committee Minutes - DRAFT

February 22, 2024

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 22, 2024, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Scott Nowning called the meeting to order at 10:00 a.m.

Committee Members:

Scotty Nowning, Chair, Non-Management Law Enforcement
Chris Skinner, Vice Chair, Oregon Association of Chiefs of Police (Teams)
Shanon Anderson, Oregon Association of Chiefs of Police
DeNeshia Barrett, Non-Management Law Enforcement (Teams)
Angela Brandenburg, Oregon State Sheriff's Association (Teams)
Anel Ceric, Non-Management Law Enforcement (Teams)
Casey Coddling, Superintendent, Oregon State Police
Mark Daniel, Oregon Association of Chiefs of Police
Mike Frome, Portland Police Bureau (Designee for Chief Bob Day)
Michelle Duncan, Oregon State Sheriff's Association
Alex Gardner, Oregon State Police Command Staff Representative
Kieran Ramsey, Federal Bureau of Investigation
Terry Rowan, Oregon State Sheriff's Association (Teams)
Jill Thissel, Non-Management Law Enforcement (Teams)
Rob Wood, Public Member

Committee Members Absent:

Kevin Dresser, Non-Management Law Enforcement
Ashliegh Ramirez, Public Member

Guests:

Chandler Bolton

DPSST Staff:

Phil Castle, Director
Brian Henson, Deputy Director
Staci Yutzie, Deputy Director, Academy Dean
Kathy McAlpine, Professional Standards Division Director
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
Samantha Kossa, Executive Support Specialist



1. Introductions

Introductions of members, guests and staff.

2. Approve November 16, 2023 Meeting Minutes

Casey Coddling moved to approve the minutes from the November 16, 2023, Police Policy Committee meeting. Mark Daniel seconded the motion. The motion passed unanimously with 5 committee members abstaining from the vote because they were not in attendance at the November 16, 2023, Police Policy Committee Meeting (Anderson, Brandenburg, Ceric, Duncan, Rowan).

3. Administrative Closure Consent Agenda

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

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

a) Riddle, John (31190) Police

On April 21, 2023, John Riddle was terminated from the Oregon State Police (OSP) for performance-related issues during an at-will employment assignment. Riddle was retired from the Coos Bay Area Command and serving in a limited-duration workback position with the OSP Southwest Region Operations at the time of his termination.

The Department determined Riddle's conduct may violate the Board's moral fitness standards as defined in the Oregon Administrative Rule. However, investigative records related to Riddle's conduct pointed to performance issues, and there were no records of progressive disciplinary actions leading to his termination. Additionally, there were no policy violations named in the investigation that would provide more details related to the termination. Therefore, the Department could not provide substantial evidence to support a moral fitness violation.

b) Sandoval, Christian (57242) Police

The Department received notification from the Law Enforcement Data System (LEDS) that Christian Sandoval was arrested for *Strangulation, Attempt to Commit a Class C Unclassified Felony* and *Menacing* on May 28, 2023. The case was turned over to the Linn County District Attorney on July 26, 2023, who removed the charge of *Strangulation* from the charging instrument. On September 20, 2023, the *Attempt to Commit a Class C/Unclassified Felony* and *Menacing* was dismissed due to new evidence received and in the interest of justice.

The Department determined Sandoval's arrest did not result in a criminal disposition of a criminal offense that requires review. Although the records obtained by DPSST related to the incident were reviewed, there was insufficient evidence to find any moral fitness standards violations. Therefore, Sandoval's conduct does not violate the Board's moral fitness standards.

Setser, Boone (51552) Police

On November 30, 2023, Boon Setser resigned from the Oregon State Police (OSP) as part of a settlement agreement. The DPSST opened a professional standards case to review the circumstances related to the settlement agreement. On January 2, 2024, the DPSST received

an email from the OSP stating the separation and settlement agreement were for medical reasons only. As a result, the DPSST determined it did not have jurisdiction to review the case, and an amended Personnel Action (F4s) was submitted that provided the new information. The case was consequently administratively closed.

c) Turner, Derrick (58695) Police

On January 21, 2022, Derrick Turner resigned in lieu of termination from the Port of Portland Police Department (PPPD) for violation of the PPPD Fair Treatment and Standards of Conduct policies.

On December 3, 2021, a Captain with the Gresham Police Department (GPD) brought forward a complaint against Derrick Turner. The complaint reported that Turner made an unprofessional and vile comment in front of several PPPD staff members about his daughter to another staff member who was completing her last day at the Port of Portland and was a subordinate of Turner's.

Based on the information provided, the Department has determined Turner's separation does not violate the Board's moral fitness standards defined in Oregon Administrative Rule. Turner's termination was an appropriate response to his behavior but does not support a finding that he is morally unfit to work in law enforcement.

Rob Wood moved to approve the Administrative Closure Consent Agenda recommendations made by the Department. Shanon Anderson seconded the motion. The motion passed unanimously.

4. Bolton, Chandler (56778) Certification Review: Police

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On November 4, 2022, Chandler Bolton was terminated from the Linn County Sheriff's Office (LCSO). Bolton was found to have violated several LCSO policies. These violations were for Performance and Safety for reckless and egregious behavior as outlined in LCSO internal affairs investigation IA 22-04-001.

Chandler Bolton provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Michelle Duncan disclosed a potential or perceived conflict of interest in this case due to personally knowing individuals mentioned in this case. Duncan declared she would be able to remain unbiased for the vote.			
Rob Wood moved that the Police Policy Committee adopt the staff report.	Casey Codding	13 ayes; 0 nays; 1 recused (Duncan)	Motion Passed Unanimously
The Department presented the following moral fitness violations to the committee: <i>Moral Fitness Violations:</i>			

- Dishonesty: Bolton misrepresented the truth during the April 16, 2022, investigation leading the Linn County Sheriff’s Office to find him untrustworthy.
- Misuse of Authority: Bolton intentionally used his position to obtain the benefit of an arrest without probable cause.
- Misconduct: Bolton engaged in, and admitted to, reckless and egregious driving conduct while on duty which jeopardized the safety of the public and himself. Bolton admitted to violating the “pursuit policy” when he stopped and arrested a driver for attempting to elude without prior probable cause which threatened the investigation and therefore the efficient operations of the LCSO. Bolton failed to adequately address the LCSO allegations of dishonesty and made contradictory statements during the investigation which brought harm to the LCSO by interfering with the investigation and operations of the agency.

The PPC, by unanimous vote, found that the conduct being reviewed violated the Board’s moral fitness standards for Misconduct and that it DID NOT violate Dishonesty or Misuse of Authority.

The PPC identified the following aggravating and mitigating circumstances for the violation of Misconduct:

Aggravating Factors:

- The ORS exemption cited that Bolton used to defend his not turning on his lights and sirens when in pursuit of the suspect, seemed implausible due to his being on the opposite side of I-5 from the suspect at the time Bolton was speeding excessively while not alerting the suspect he was following him.
- Bolton’s driving behavior could have posed a significant danger to the public.
- Bolton had been previously counseled on his driving behavior.

Mitigating Factors:

- Bolton provided in-person verbal mitigation, took ownership for his actions, and made no excuses for his behavior.
- Bolton showed remorse after seeing his actions on video.
- Bolton exhibited a level of professionalism during the stop with the suspect.

After considering the totality of the case, the PPC recommends taking NO ACTION to revoke Bolton’s certifications.

Alex Gardner moved, after committee discussion, to remove Misuse of Authority and Dishonesty as found moral fitness violations.	Mike Frome	13 ayes; 0 nays; 1 recused (Duncan)	Motion Passed Unanimously
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Scotty Nowning 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 Bolton’s certifications.	Mike Frome	13 ayes; 0 nays; 1 recused (Duncan)	Motion Passed Unanimously
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5. Naber, Steven (54246) Certification Review: Police

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On April 15, 2022, Stephen Naber resigned from the Lane County Sheriff’s Office (LCSO) while under investigation for allegations of misconduct involving improper documentation of his timecard.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Casey Codding moved that the Police Policy Committee adopt the staff report.	Shanon Anderson	14 ayes; 0 nays	Motion Passed Unanimously

The Department presented the following moral fitness violations to the PPC for consideration:

Moral Fitness Violations:

- Dishonesty: Naber intentionally misrepresented the truth on his timecards amounting to about 30 hours of unaccounted time over a three-month period.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: Naber threatened the efficient operations of the LCSO and the District Attorney’s office by, on several occasions, leaving early and coming in late, being unavailable during his shift, not documenting his absences properly on his timecard or whiteboard, and not requesting a work time adjustment from a supervisor.

The PPC, by unanimous vote, found that the conduct being reviewed DID NOT violate the Board’s moral fitness standards for Dishonesty, Misuse of Authority, or Misconduct.

The PPC identified no aggravating circumstances but did identify mitigating circumstances when reviewing this case.

Aggravating Factors:

- The committee did not identify any aggravating factors.

Mitigating Factors:

<ul style="list-style-type: none"> • The arrangement between the District Attorney’s Office and the Sheriff’s Office was a strange arrangement making it unclear to Naber what his work hours were. • It is not clear that Naber did not work the hours he reported on his timecard. • The systems that were in place at the time made it difficult for Naber to adhere to both schedules. 			
Alex Gardner moved, after committee discussion, to remove dishonesty as a found moral fitness violation.	Mark Daniel	14 ayes; 0 nays	Motion Passed Unanimously

6. Rosales, Robert (36499) Certification Review: Police

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On May 10, 2021, Robert Rosales was terminated from the Springfield Police Department (SPD) after a tort claim was filed against the City of Springfield that led to substantiated allegations of violations of the City of Springfield and SPD policies. Rosales engaged in sexual harassment, was dishonest, encouraged others to be dishonest, and misused his authority with female subordinates.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Alex Gardner moved that the Police Policy Committee adopt the staff report.	Scott Nowning	14 ayes; 0 nays	Motion Passed Unanimously

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

Moral Fitness Violations:

- **Dishonesty:** Rosales admitted he intentionally conspired with a subordinate to omit the truth about their relationship during an active investigation which he knew he was obligated to disclose
- **Misuse of Authority:** Rosales intentionally used his position and authority as a public safety professional to encourage and conspire to hide the truth about a sexual relationship he was having with a subordinate to avoid a detriment.

Rosales intentionally used his position and authority to obtain the benefit of engaging in a sexual relationship with a subordinate while she was under his specialized training instruction.

Rosales intentionally used his position and authority to bring harm to female subordinates by exposing them to gender-related communications that offended them.

- **Misconduct:** Rosales engaged in gender-related communications that harmed several female subordinates of the SPD who reported being offended by them.

Rosales encouraged a subordinate to lie or omit information to SPD investigators about a sexual relationship between them which threatened the efficient operations of the agency.

Rosales failed to report to SPD that a subordinate, with whom he was having a sexual relationship, lied during an official investigation which threatened the efficient operations of the agency.

Rosales engaged in a sexual relationship with a subordinate while in the position of sergeant and while acting as one of her specialized training instructors during the Field Training Evaluation Program (FTEP).

Aggravating Factors:

- The evidence provided is compelling and horrific.
- The report is self-explanatory and robust.
- Rosales’ behavior including harassment of subordinates, encouraging a subordinate to lie, and having a sexual relationship with a subordinate early on in her training is egregious.
- New employees are vulnerable, and we must employ trustworthy people to train and supervise them.
- Rosales’ years of service, 22.25 years, coupled with his evidence of misconduct are aggravating in this case.

Mitigating Factors:

- The committee did not identify any mitigating factors

Scotty Nowning moved, after committee discussion, to accept all three moral fitness violations as founded.	Casey Codding	14 ayes; 0 nays	Motion Passed Unanimously
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 Board action should be taken against Rosales’s certifications.	Alex Gardner	14 ayes; 0 nays	Motion Passed Unanimously
Mark Daniel moved, after considering the totality of the case, that Rosales be ineligible to hold public safety certification for a lifetime.	Mike Frome	14 ayes; 0 nays	Motion Passed Unanimously

7. Agency Update

Presented by Kathy McAlpine, Professional Standards Division Director

- DPSST staff have provided committee members in the committee packet with a breakdown of the current number of open professional standards cases and their status. If members have any questions regarding these numbers, or the current Professional Standards case process, reach out to DPSST staff for information.
- The DPSST Moral Fitness Workgroup is currently in process and has had a few meetings, DPSST will be bringing more information forward to the committees in the future when more discussion has been had.

8. Director Update

Presented by Phil Castle, Director

- DPSST testified in front of the Legislature to address their concerns of the success of the 60-person courses and also the safety of the student's attending academy during these increased capacity courses. Overall, the presentation went well, and they are excited to see what DPSST can continue to do to meet training requirements for all students attending DPSST.
- DPSST is currently within the 90-day statutory requirement to get recruits into Basic training at the academy. This is great news! But we don't see the trend in hiring slowing down any time soon, so we are prepared for the potential addition of more 60-person classes to be added throughout the rest of the biennium, DPSST will make those determinations though when the need arises.
- Director Phil Castle and the rest of the Police Policy Committee recognized Jill Thissel for her dedicated service on the Police Policy Committee. Her term has come to an end, and we are thankful for all that she has provided to the committee throughout her service.

9. Next Police Policy Committee Meeting: May 16, 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.