

# Police Policy Committee Minutes

**May 19, 2022**

The Police Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 19, 2022, at the Oregon Public Safety Academy in Salem, Oregon. Chair, John Teague called the meeting to order at 10:00am.

## **Committee Members:**

John Teague, Chair, Oregon Association of Chiefs of Police  
DaNeshia Barret, Non-Management Law Enforcement  
Angie Brandenburg, Oregon State Sheriff's Association (Webex)  
James Cleavenger, Non-Management Law Enforcement (Webex)  
Alex Gardner, Oregon State Police Command Staff Representative  
Mark Garton, Oregon State Sheriff's Association  
Zachary Kenney, Non-Management Law Enforcement  
Kathy McAlpine, Oregon Association of Chiefs of Police  
Mark Rauch, Public Member  
Terry Rowan, Oregon State Sheriff's Association (Webex)  
Jill Thissel, Non-Management Law Enforcement (Webex)

## **Committee Members Absent:**

Chris Skinner, Vice Chair, Oregon Association of Chiefs of Police  
Terri Davie, Superintendent, Oregon State Police  
Kevin Dresser, Non-Management Law Enforcement  
Charles Lovell, Portland Police Bureau (Designee - Deputy Chief Mike Frome)  
Ashliegh Ramirez, Public Member  
Kieran Ramsey, Federal Bureau of Investigation

## **Guests:**

Mauro Lopez-Pena  
Alexandrea Cromwell  
Ashley Dalton  
RobWood  
David Dominy

## **DPSST Staff:**

Brian Henson, Acting Director  
Suzy Herring, Professional Standards Administrator  
Marsha Morin, Standards and Certification Manager  
Melissa Lang-Bacho, Professional Standards Case Manager  
Jennifer Howald, Administrative Rules Coordinator  
Erica Riddell, Criminal Justice Office Specialist  
Shelby Alexander, Executive Support Specialist  
Hassan Hassan, Training Director



## 1. **Introductions**

Introductions of members, guests, and staff.

## 2. **Approve February 17, 2022 Meeting Minutes**

Alex Gardner *moved to approve the minutes from the February 17, 2022, Police Policy Committee meeting.* Mark Rauch *seconded the motion. The motion passed unanimously.*

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

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

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

### a) **Bazinet, Buck (61758) Police**

On February 15, 2022, a professional standards case was opened to review criminal convictions that Buck Bazinet reported to the Department, while applying for Police Training and Certification. Bazinet did not report his prior convictions during the training and certification application processes for Corrections Certification when he applied in 2021.

The Department determined that Bazinet's criminal convictions met the definitions for gross misconduct and dishonesty under the Board's pre-employment moral fitness standards; however, the convictions occurred more than ten years ago which exceeded the maximum ineligibility period which could be prescribed by the Applicant Review Committee. As a result of this determination, the pre-employment inquiry was closed.

The LCSO and Bazinet provided the Department with letters of explanation indicating that the F7, submitted in 2021, was completed by a lieutenant and not by Bazinet. When Bazinet applied for police training in 2022, he caught the error on that F5 and it was corrected prior to being submitted to the Department along with the F28. The LCSO further explained they were aware of the prior convictions at the time the 2021 forms were completed.

Department determined the falsification of the F5 and F7 forms was not intentional; therefore, does not violate the Board's moral fitness standards defined in OAR 259-008-0300(3)(a)(A).

### b) **Richmond, Lyssa (53715) Police**

On September 27, 2021, Lyssa Richmond resigned from the Corvallis Police Department (CPD) during an investigation into her work performance on a specific case. The information provided reflected that the deficiencies in Richmond's follow up investigation were indicative of a poor work performance and not a moral fitness issue. Based on the information provided, DPSST determined Richmond's separation does not violate the Board's moral fitness standards

Zachary Kenney moved to approve the Administrative Closure Consent Agenda recommendations made by the Department. Mark Garton seconded the motion. The motion passed unanimously.

**4. Lopez-Pena, Mauro (56695) Certification Review: Police**

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

*Reason for Discretionary Review*

On March 28, 2021, Mauro Lopez-Pena was arrested and charged with *Disorderly Conduct – Intoxicated in Public at Level That Presents Danger or Disturbs the Peace*, in Caldwell, Idaho. On July 22, 2021, Lopez-Pena plead guilty to *Disturbing the Peace – Willfully Disturbs Neighborhood*. The judgment was withheld, and the charges were dismissed on February 8, 2022.

*Mauro Lopez-Pena provided verbal mitigation for committee consideration.*

<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.	Angela Brandenburg	11 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"> <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: Lopez-Pena violated criminal law and pled guilty to misdemeanor charges; Lopez-Pena attempted to harm another person when he slapped the hand of a police officer.</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>• Lopez-Pena took responsibility for his actions by pleading guilty and paying the fines associated with the criminal charges.</li> <li>• The internal investigation conducted by Lopez-Pena’s agency helped to identify that there was no intent behind his actions.</li> <li>• The investigation resulted in a suspension which was a reasonable outcome in this case.</li> </ul>			
Zachary Kenney moved, after considering the identified violations of the Board’s moral fitness	Mark Rauch	11 ayes; 0 nays	Motion Passed Unanimously

standards and weighing the aggravating and mitigating circumstances unique to this case, that no Board action should be taken against Lopez-Pena's certification.			
---	--	--	--

**5. Cromwell, Alexandra (61072) Certification Review: Police**

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

*Reason for Discretionary Review*

On August 3, 2021, Alexandra Cromwell was terminated from her probationary employment with the Yamhill County Sheriff's Office (YCSO). Cromwell's termination was a result of progressive discipline for multiple policy violations including two at fault car accidents while on duty, and reporting deficiencies.

*Alexandrea Crowell provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Zachary Kenney moved that the Police Policy Committee Amend the Staff Report to negate the Department identified Moral Fitness Violations, Adopt the Amended Staff Report and return the case to the Department to be prepared as an Administrative Closure	Mark Rauch	11 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"> <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 negated the Department's findings of misconduct and indicated that, though the rules required the Department to present the case, the mitigating circumstances could be considered by the Committee as reasons to negate the conduct found by the Department.</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>			

- Cromwell was hired during the pandemic and did not receive the same training an officer would have if not for the pandemic.
- The Chief’s comments contained in her mitigation were sufficient to mitigate her conduct.
- It is not uncommon for new officers to get in car accidents.
- Forgetting paperwork is not misconduct.

**6. Dalton, Ashley (59197) Certification Review: Police**

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

*Reason for Discretionary Review*

On May 13, 2021, Dalton resigned from her probationary employment with the Lake Oswego Police Department (LOPD). Dalton’s resignation came during an investigation into allegations that she made disparaging comments against another officer and supervisors at the LOPD.

*Ashley Dalton provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Zachary Kenney moved that the Police Policy Committee Amend the staff report and Adopt the Amended Staff Report.	Mark Rauch	11 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"> <li>• Dishonesty: Dalton made false statements about another officer with the LOPD.</li> <li>• Misuse of Authority: The committee did not identify elements of misuse of authority.</li> <li>• Misconduct: Dalton threatened to harm the reputation of an officer with the LOPD by making disparaging and false comments about the officer; and Dalton’s comments about the officer to employees at the LOPD created an inefficient operation of the agency.</li> </ul> <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> <li>• Dalton’s mitigation did not address her misconduct except to say it was her opinion.</li> <li>• Perpetuating rumors is dangerous.</li> </ul> <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> <li>• The committee did not find Dalton’s dishonesty to be intentional.</li> <li>• Dalton’s separation from the LOPD is the second the committee has reviewed related to the culture of the agency.</li> </ul>			

<ul style="list-style-type: none"> <li>• Dalton has grown since she has left the LOPD.</li> <li>• Dalton was hired by another agency, who support her.</li> <li>• The text messages Dalton sent were in private conversations.</li> <li>• Text messages often do not have all the details because they are meant to be brief.</li> <li>• A psychologist cannot place officers on a Brady list.</li> <li>• Dalton’s new agency reviewed the circumstance of her separation from the LOPD and determined she was not dishonest.</li> </ul>			
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 no Board action should be taken against Dalton’s certification.	Kathy McAlpine	11 ayes; 0 nays	Motion Passed Unanimously

**7. Dominy, David (43910) Certification Review: Police**

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

*Reason for Discretionary Review*

On June 23, 2020, David Dominy signed a separation agreement with the Lebanon Police Department (LPD). Prior to signing the separation agreement, the LPD was investigating allegations and determined that:

- Dominy had driven a patrol car at excessive speeds to pass school buses.
- Dominy was untruthful about his reporting of involvement as a witness to a domestic situation.

Dominy was untruthful about pointing a firearm at a man involved in the domestic situation while off duty.

*David Dominy provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Zachary Kenney moved that the Police Policy Committee adopt the staff report.	DeNeshia Barrett	11 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"> <li>• Dishonesty: Dominy repeatedly stated that he called the LPD to report his contact with law enforcement and his witnessing of a domestic situation, when in</li> </ul>			

fact he did not; Dominy stated that he did not point his weapon at a man during a domestic dispute, when in fact he did; Dominy was dishonest by omission when he failed to disclose that the male he contacted during a domestic dispute stated “what, are you gonna shoot me?”.

- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: Dominy violated criminal law and was charged with *Unlawful Use of a Weapon* and *Menacing – Disorderly Conduct*; Dominy threatened others when he pulled out his firearm while two persons were lawfully on the property he is renting; Dominy threatened others by driving at excessive speeds to pass a school bus; Dominy threatened a man when he pulled his firearm out during a domestic situation he encountered while off duty.

*Aggravating Factors:*

- Dominy reported, on an application for DPSST Private Security Certification, that the investigation conducted by his former agency was unfounded when it wasn't.
- Dominy bragged about how fast he was going when he passed school busses to his son and only denied speeding when he was being investigated.
- Dominy pulled out his gun during conflicts in two separate incidents in a relatively short period of time.
- It is difficult to reconcile the numerous miscommunications that have occurred with Dominy and those who were investigating him.
- Dominy has a serious pattern of poor decision making and poor judgment.

*Mitigating Factors:*

- The complaint that started the internal investigation was from Dominy's ex-wife and should be looked at through a skeptical lens.
- It is unclear how fast Dominy was traveling when he passed school busses.
- Dominy's criminal charges were dismissed without prosecution.
- When considering the totality of the information it was questioned if Dominy's agency had a pre-determined outcome in mind for their investigation.
- Although Dominy did not make a phone call to his supervisor to report his conduct during an incident that occurred off duty, Dominy believed that he had made the phone call because he had done so in the past, and therefore it is hard to find that Dominy intended to be dishonest.
- The internal investigation took place approximately seven months after the fact, which may have led to Dominy not remembering if he called his supervisor or not.
- Not all the bus drivers felt that Dominy was speeding excessively when passing the school busses.
- There was not clear and convincing evidence that Dominy was dishonest.

Alex Gardner moved, after considering the identified violations	Zachary Kenney	10 ayes; 1 nays	Motion Passed
---	----------------	--------------------	---------------

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 Dominy’s certifications.			
---	--	--	--

**8. Schaff, Michael (59573) Certification Review: Police**

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

*Reason for Discretionary Review*

On May 19, 2021, Michael Schaff resigned in lieu of termination from probationary employment with the Burns Police Department (BPD), following an internal investigation into his untruthfulness about the Mayor of the City of Burns calling him.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Mark Rauch moved that the Police Policy Committee adopt the staff report.	DeNeshia Barrett	11 ayes; 0 nays	Motion Passed Unanimously

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

*Moral Fitness Violations:*

- Dishonesty: Schaff was untruthful about the mayor calling him; Schaff was untruthful about contacting dispatch to obtain the mayor’s wife’s phone number.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: The committee did not identify elements of misconduct.

*Aggravating Factors:*

- Schaff was deceitful and should have explained the situation instead of denying it.

*Mitigating Factors:*

- The investigation into Schaff’s conversations with the mayor was politically motivated.
- Schaff was in an impossible situation with no good outcome.
- If Schaff provided his phone records which reflected who he spoke with, he may have still been terminated for political reasons.
- Schaff was given poor union representation during the investigation.



Mark Rauch 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 Schaff’s certification.	Mark Garton	11 ayes; 0 nays	Motion Passed Unanimously
--	-------------	--------------------	---------------------------

**9. Workday Training Update**

Presented by Suzy Herring, Professional Standards Administrator.

The committee will be receiving an email reminder regarding the annual Harassment and Information Technology Security Training required to be completed by December 31, 2022.

**10. Program Manager Update**

Presented by Marsha Morin, Standards and Certification Manager

- Current Cases
  - 111 total Police/Regulatory Specialist Cases.
  - 59 are ready to begin the review process or are in some stage of the review process.
  - 52 are pending criminal/employment matters or waiting on records to be provided to DPSST.
  - 20 new cases have been added since the last policy committee meeting.
  - 10 cases were closed since the last policy committee meeting.
  - 4 cases were deferred since the last policy committee meeting.
  - 3 Pre-employment cases were opened since last committee meeting.
  - 2 Pre-employment cases were closed since the last policy committee meeting.
- DPSST received an email from an agency head praising the work of the Department and the Board in their continued efforts in serving the public safety profession and community in their “gate keeper” role.
- Staff have been reviewing the Oregon Administrative Rules (OAR) against current processes. In situations where the processes and OAR do not coincide, and DPSST is unable to identify that the intent of the rule supports the process, staff will follow rule language.
- The Secretary of State Audit recommended DPSST review field training manual (FTM) completion by randomly selecting and assessing a small sample of submitted FTM’s on an annual basis. Beginning in July, staff will request at least one recently completed FTM from each agency as part of the Agency Compliance Review Process.
- Staff are in the process of sending Notices of Intent to Suspend for officers/dispatchers who have not met the requirement to maintain First Aid and Adult/Child CPR certification.

## **11. Agency Updates**

Presented by Brian Henson, Acting Director

- DAS has posted the Director position to the state webpage as well as directing the information to several other agencies in the state to get the word out. The deadline to apply for the position is June 6<sup>th</sup>.
- Two basic police courses have been added to the schedule in July and October.
- Board approved 12 Policy Option Packages requested by DPSST for the 23-25 biennium. If approved, they will help increase staff and update technology throughout the agency.
- Memorial fund will be taxed this year.

## **12. Chair/Committee Comments**

Chair John Teague and the committee members recognized Zachary Kenney and Mark Rauch for their service on the committee. Both individuals have served two terms on the committee and their current term will expire on July 26, 2022.

## **13. Next Police Policy Committee Meeting: August 18, 2022 at 10:00am.**

*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).*