

Board Approved

Department of Public Safety Standards and Training Memo

Date: January 28, 2021

To: Board on Public Safety Standards and Training

From: Linsay Hale, Professional Standards Director

Subject: Professional Standards Review/ Recommendation
Alex Noli, DPSST No. 53367

Reason for Discretionary Review:

Alex Noli was terminated during his probationary period of employment with the Gresham Police Department (GPD) on November 18, 2019. Noli's termination was the result of GPD's determination that Noli was untruthful during their background investigation process, specifically in his failure to accurately disclose an incident of domestic violence that had occurring in 2015.

Staff has determined that Noli's behavior violates the Board's moral fitness standards.

Police Policy Committee Recommendation:

The Police Policy Committee (PPC), in a unanimous vote, recommended that the Board take **NO ACTION** against Alex Noli's Certification.

The PPC considered the following aggravating and mitigating factors in making their decision.

- Aggravating:
 - None identified.
- Mitigating:
 - The allegations of did not involve domestic violence as defined in statute and were ultimately unfounded by DHS.
 - The timeline of events indicate that Noli would not have known about the allegations made against him at the time of his background interview, therefore it is not reasonable to assume that he was intentionally dishonest during the background investigation.
 - The investigator from GPD admitted to frustration with the transfer of information from DHS to his agency.
 - Washington County Sheriff's Office chose to rehire Noli, fully aware of the reason for his separation from GPD.

Information Used in Determination:

- Transcript of the verbal mitigation;
- PPC Staff Report, with exhibits.

Action Item:

Review and affirm the recommendation of the PPC.

Department of Public Safety Standards and Training Memo

Date: November 19, 2020

To: Police Policy Committee

From: Linsay Hale, Professional Standards Division Director

Subject: Alex Noli, DPSST No. 53367

Reason for Discretionary Review

Alex Noli was terminated during his probationary period of employment with the Gresham Police Department (GPD) on November 18, 2019. Noli's termination was the result of GPD's determination that Noli was untruthful during their background investigation process, specifically in his failure to accurately disclose an incident of domestic violence that had occurring in 2015.

Staff has determined that Noli's behavior violates the Board's moral fitness standards.

Material Events and Conduct	
On October 31, 2019, the GPD became aware of a complaint being investigated by the Department of Human Services regarding potential spousal abuse that had occurred in 2015, listing Noli as a suspect. The DHS investigation was surrounding allegations that Noli had choked his then wife. GPD subsequently opened an investigation into the matter.	A3, p. 1
On November 6, 2019, GPD investigators interviewed the victim who explained that on the date of the incident Noli "... pushed her and choked her with one hand as she was holding [her child]." The victim also relayed past instances of Noli's aggressive behavior towards her and his children.	A3, p. 6
GPD interviewed the pre-employment background investigator assigned Noli's case. The investigator has indicated the following: <ul style="list-style-type: none">Noli had stated that he had never been involved in any type of domestic violence incident as the victim, witness or suspect.	A3, p. 8-9

<ul style="list-style-type: none"> Noli stated that he had never been involved in a physical altercation with a spouse, significant other, partner, roommate, family member, or child ... to include acts of self-defense. 	
<p>That Noli had later told the GPD Chief about the incident and that he had reported the incident in question to his then supervisor with the Washington County Sheriff's Office (WCSO) when it occurred.</p> <p>In this report to the Chief Noli had stated then that he had only "held onto a door frame to block [his wife] from entering his home" which contradicts the witness report to DHS, and also indicates deception by omission in his answers relating to domestic violence to the investigator.</p>	A3, p. 8-9
Relevant Circumstances for Consideration	
Noli holds Basic and Intermediate Corrections certifications.	A1
<p>Noli had been employed by the GPD for just under three months at the time of his probationary discharge.</p> <p>He was employed as corrections officer with the WCSO from 2013 being hired by GPD in August, 2019.</p>	A1
On December 30, 2019, Noli was re-hired as a corrections officer with WCSO.	
The victim in this case was unresponsive to GPD requests for information during the employment background process.	A3, p. 3
There was no mention of this incident in WCSO personnel records.	A3, p. 8
Exhibits Reference	
DPSST Public Safety Employee Profile Report	A1
F4s Personnel Action Separation Form	A2
GPD Investigative Reports	A3

Committee Member Instructions:

Committee members shall review and discuss each record for moral fitness violations as defined by rule, including aggravating and mitigating circumstances and, upon adoption of the record, make a recommendation to the Board of *action* or *no action*.

By discussion, motion, and vote, the committee members shall take the following action(s):

- Following discussion, adopt the record or return to staff with instructions regarding the record.
 - If the record is adopted, make a recommendation to the Board of *action* or *no action*.
 - If board action is recommended, recommend the period of ineligibility.
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Definitions and Standards (Abridged):

Moral Fitness Violations:

- Dishonesty - intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth
- Misuse of Authority - intentional conduct that includes the use or attempted use of one's position or authority as a public safety professional to obtain a benefit, avoid a detriment or harm another
- Misconduct - conduct that violates criminal laws or conduct that threatens or harms persons, property or the efficient operations of any agency.

Aggravating and Mitigating Circumstances:

Aggravating and mitigating circumstances are conditions, factors, or actions that increase or decrease the total impact that the identified moral fitness violation has on the public safety professional's fitness for certification.

Aggravating circumstances generally increase the severity of the impact the moral fitness violation has on fitness for certification and may, in addition to the moral fitness violation, be grounds to deny or revoke certification. Aggravating circumstances may increase the recommended ineligibility period. Circumstances that may be considered aggravating include, but are not limited to, the degree of the criminal disposition, prior criminal dispositions or misconduct, lack of accountability, number of persons involved in the underlying conduct, number of separate incidents, passage of time from date of incident or incidents, or any other circumstance the Department or the Policy Committee consider aggravating given the specific issues in the case.

Mitigating circumstances do not excuse or justify the conduct, but generally decrease the severity of the impact the moral fitness violation has on fitness for certification and may decrease the recommended ineligibility period or result in no action. Circumstances that

may be considered mitigating include, but are not limited to, written letters of support, truthfulness, cooperation during the incident or investigation, or any other circumstance the Department or the Policy Committee consider mitigating given the specific issues in the case.

Ineligibility Periods:

The *ineligibility period* is the time that the public safety professional or applicant is ineligible to hold a DPSST certification or to apply for training or certification, based upon the moral fitness violation(s) and the aggravating and mitigating circumstances. If Board action is recommended, a single ineligibility period of three years to life, inclusive and concurrent of all violations, shall be recommended.

- *Misuse of Authority* and/or *Gross Misconduct*. If the committee recommends Board action for Misuse of Authority or Gross Misconduct, the committee must recommend an ineligibility period of three to ten years.
- *Dishonesty*. If the committee recommends Board action for Dishonesty, the committee must recommend an ineligibility period of three to ten years but may increase it to life.