



**Newberg-Dundee
Police Department**
P. O. Box 970
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503-538-8321
Brian T. Casey
Chief of Police

INTRODUCTION AND SITUATION

The circumstance is so unique that I am preparing this as a special police report. As Captain of this Department I am second in command, my direct reports and responsibility includes daily supervision of detectives and investigations, accreditation manager, and oversee all matters related to department policy and procedures. Captain Bolek oversees patrol operations and also oversees all matters related to the department as well. We report to the Chief of Police.

The recent action of the City Manager clarified that Chief Casey continues to serve as Chief, and directs that he is to have no authority over or communication with anyone at the Department. At the same time the City Manager directed that Captain Bolek and I are to report to and be responsible to her until further notice following completion of an assessment process which she instituted. She requested that Captain Bolek attend essential meetings on Chief Casey's calendar. At this in-person meeting at which the captains, the administrative secretary and the support services manager were also present, witnessed by Nancy McDonald, the City Manager stated, "You are employees of the City. Are you going to be able to continue to perform your job?" She asked this in the context of acknowledging that this was a painful or stinging situation, and with that acknowledged, she explicitly also threatened, "If you can't, I will bring someone else in here who can."

This report sets forth facts which are known at this time.

The concerns are:

Does the District Attorney find reason to investigate criminally, and if so, should a criminal investigation occur, and if so, which agency should conduct it? Additionally I am requesting an outside agency investigate the alleged policy violations as well. It appears that to obtain all pertinent evident, some or all of the following may be appropriate:

- Concurrent interviews of City Attorney Stone, City Manager Betz, HR Director McDonald, Officer A and contractor assessor Bill Carroll
- Interview Chief Casey
- Interview Officer of the NDPD who have information about these events
- Obtain copies of the recorded interviews completed by Bill Carroll
- Obtain mirror images of City email files for each of the foregoing
- Obtain mirror images of the cell phones, computers and other e-devices of Stone, Betz, McDonald, Carroll and Officer A

CHRONOLOGY AND FACTS GIVING RISE TO THIS REPORT

1. Facts have come to my attention over the recent week(s) that a disgruntled officer of the Newberg-Dundee Police Department has been having an inappropriate personal relationship with the City Manager of the City of Newberg. I have obtained written statements of employee's (police officers) within the department who have had direct conversations with the officer, where he has admitted to them his conduct with the City Manager who has removed the Chief of Police without cause.
2. It appears that City Manager Betz came to a realization that if Officer A's off-duty and alcohol related conduct were investigated and he were compelled to truthfully account, Betz' inappropriate behavior to include drinking alcohol with Officer A at her apartment. If this is so, Betz had a strong motive to prevent Chief Casey and the Police Command from following policy and supervising in the usual and customary manner, as dictated by policy.
3. I have obtained written statements provided to me from these police officer witnesses described above. The statements were written anonymously by these officers last week, out of fear and with uncertainty when the Chief was suspended and the City Attorney announcement was circulated in the police department. These officers came to me with verbal accounts and concerns; I directed that they reduce their information to writing. These officers recognize that writing anonymously was an unusual step, which they wanted to take at the time. They are only considered anonymous for the purposes of their initial report in view of the fact that they feel they have no job protection at the time of this writing.

Letter Statement 1

To whom it may concern,

I am writing anonymously at this point, to inform you of some information I received recently in regards to Ms. Betz and her recent contact with employees of the police department. I am writing to inform you of this information, because in light of decisions that have been made in regards to the police department's administration, I think it is important to share. And, I would like the Chief to have a fair assessment, which means anything that is relevant to his leave, should be considered.

In the past week, I had a conversation with Officer A, a patrol officer with the Newberg-Dundee Police Department. Officer A and I were talking about the department and how there were people who were leaving for other agencies. He told me without me asking, that everything was going to change in five or six days. I asked him why and he said it started when Ms. Betz went for a ride-along with him, as she did with other patrol officers of the department. Officer A said he talked to her about problems with the department, but he did not tell me what those problems were.

Officer A said Ms. Betz contacted him outside of work and asked him to come over to her house and discuss the problems with the police department. He said Ms. Betz told him that she had bought a bottle of Petron and wanted him to come and drink with her. He said he went to her house and they were challenging each other on how much they could drink. He did not say this specifically, but that was my impression based on what he said, which was something to the effect of, "she tried to match me beer for beer and shot for shot." Officer A said Ms. Betz drank until she passed out. Officer A paused at this point and I asked what happened and made a comment about whether or not there was sexual contact between them. Officer A did not comment and continued talking about the events of the evening. I did not ask him again about sexual activity so I was unsure if he just did not answer the question or did not hear what I had asked. He told me that after she passed out, he left her house.

Officer A would not tell me what was going to happen in five to six days with regard to the police administration; he just said to me, "You'll see."

Respectfully and sincerely submitted,

Anonymous - Officer 1

07/17/2015

Letter Statement 2

July 17th, 2015

To whom it may concern,

I want to document and inform you of some information I received that I think is relevant to the current situation with the police department regarding Chief Casey.

In late March I had a conversation with Officer A with the Newberg Police Department. During the conversation, Officer A made comments how he believes the City Manager flirts with him. He mentioned during a ride-along with the City Manager they discussed how they both liked to drink tequila and beer.

He said the City Manager has gotten so comfortable with him while working out at the gym, she pulled one of his ear buds out of his ears to ask how he was doing. Officer A told me when she did this it was surprising to him. Officer A told me that his intention was to have a sexual relationship with the City Manager and he made comments about her body including her breasts. He said he did not think it was going to be hard to do. He said during a conversation with the City Manager, he told her he was going to have some beer and steaks for dinner and she told him that she wished she had a guy she could have beer and steaks with. Officer A told me he felt like it was a future invite and that he might go to her house at one point.

Since March I have heard several officers with the department making comments and jokes about Officer A and the City Manager, and one particular comment I heard was that Officer A needed to just take one for the team.

I believe this information is very important and directly relates to the recent administration leave Chief Casey was put on by the City Manager.

I have had several conversation with Officer A and I know him to be one of the most disgruntled patrol officers in the department.

Officer - 2

Letter Statement 3

On July 10, 2015 at around 3:50 pm I saw Officer B placing his gear bag into his vehicle at the start of his shift. He had a sullen look on his face like he was depressed. As I was walking by him I asked, "How's it going B"? He mentioned an issue in his personal life that was causing him some concern. I asked how things were going in patrol division for him. He seemed to cheer up making a smirking facial expression and direct eye contact with me as he said, "It's going fine". His facial expression became a smug smile. He was normally very down about the department and especially the patrol division. I asked him what had changed about his outlook about work that it was now going fine. He said, "It's nice to see them feel the heat for a change", as he nodded his head rearward toward the area of the building where the sergeants' offices were located.

I asked him if he was referring to the sergeants and he shook his head to say no. I asked if he meant the administration. He nodded yes moving his head in an up and down fashion. I asked him what he meant and he shrugged his shoulders and stayed quiet. He turned away from me toward his vehicle as he appeared to be done talking about it. I went into the building after he seemed unwilling to explain his statement.

I wish to remain anonymous at this time as I have a healthy fear I will lose my job in the same way the Chief did.

Officer - 3

Letter Statement 4

This report is submitted at the direction of Captain Kosmicki and Captain Bolek, but is completely voluntary on my part.

In early April of 2015 I was in the locker room preparing for my shift when I overheard a loud, jovial conversation between several officers and Officer A. I am uncertain of the names of the other officers present. During their conversation, the officers were ribbing Officer A about having sex with the city manager. I heard comments like "you better perform well, I need a raise" and "don't go premature" I heard Officer A respond "I do the best I can" and "I won't let you down boys". There were more comments made back and forth, but I do not recall what the words were just that the context was sexual in nature and were presented in a manner the indicated Officer A was engaging in sexual activity with the city manager on behalf of the officers to ensure a raise in pay.

I was unsure what to do with information so I approached Captain Bolek. Captain Bolek did not know what to do with it as it was about an officer and the city manager as opposed to a violation of city policy regarding an officer and a subordinate.

In 2015 I was supervising a shift with officer Busse. Officer A had a female rider with him and the city manager was riding with a different officer. There was a period of time when dispatch was attempting to reach Officer A over the radio. There were multiple attempts but Officer A did not respond. After several attempts, Sergeant Busse got on the radio and stated if I checked different areas around town he would drive to Officer A's apartment. It was right after that Officer A got on the radio and asked dispatch if they were trying to get a hold of him. I was concerned of the perception of what was going on so I spoke with Officer A near the end of the shift. I told him I was sure there was nothing inappropriate going on, but the perception of disappearing with an attractive female while on shift and not responding to the radio may be concerning to the city manager. Officer A responded that he was merely taking a lunch and did not want to take himself off rotation. He said if the city manager had a problem with it that he would just go over to her apartment and talk with her about it.

On July 18th, 2015 I attended a mandatory interview with Bill Carroll at the direction of the city manager. Mr. Carroll spent about a half an hour explaining that he was there to look for perceived problems within the department. He stated that he was hired by the city attorney so the conversation was privileged and not to be discussed outside the walls. He informed me that he was tape recording the interview and told me this was not a disciplinary interview, but if I felt it was then I could request representation. At that point it was obvious to me that he was recording the interview so the city attorney would have any perceived self-incriminating statements on tape, but I also was informed that if I did not participate and answer all questions honestly that that would be insubordination and grounds for discipline, to which I have not experienced during my 25 year career at this department.

I answered all questions posed to me as blatantly honest as I could. I had become very concerned when Mr. Carroll started focusing on my hands. He stated he noticed my hand problem when he shook hands with me then inquired about an incident where I did not qualify with my hand gun because of my hand problem, but the department pushed me through anyway. I was very confused by this statement for two reasons. One because he referred to noticing my hand problem when he shook hands but then referred to a perceived incident that he had looked into. Secondly I was concerned because the department did not push me through unqualified. I told Mr. Carroll that was completely untrue and that while I have had times where it took me a couple times to qualify, I could not leave the range unqualified. I spoke in depth about an incident where a Firearms Instructor took me out to qualify with a brand new, larger hand gun and I kept throwing the second round on one of the courses. I explained I became flustered but did eventually qualify. I then explained I qualified on the second, more difficult course several times on my first try.

During the interview Mr. Carroll inquired about names of officers I had mentioned during our conversation in follow up. He only brought up one officer without me previously mentioning, Officer A. Mr. Carroll inquired about a specific case involving Officer A that occurred four to five years ago. It was a stalking case involving a female named [REDACTED]. I told Mr. Carroll that this was kind of unfair referring to case that occurred so long ago and I had not reviewed the report. I told Mr. Carroll that [REDACTED] reported that an ex-boyfriend was stalking her and Officer A responded to the call. I had received a call from [REDACTED]'s current boyfriend, [REDACTED], who was upset with Officer A's performance. I told Mr. Carroll I believe I spoke with Officer A about the case and he told me he did not subjectively believe there was probable cause to arrest the ex-boyfriend for stalking.

I told Mr. Carroll I believed I looked further into the case and I did believe there was probable cause for the citation to be issued. Mr. Carroll asked me why I did not direct Officer A to make the arrest. I told Mr. Carroll I could remember the progression of things and that I was going off of memory. Mr. Carroll told me he had already read the report and I had been accurate to this point. I told him it was a requirement for officers to subjectively believe there is probable cause and I couldn't ethically force Officer A to act against his beliefs so I took over the case.

It was after I heard these specific questions it became very apparent to me someone had Mr. Carroll focus on issues with Officer A because he had not been interviewed yet. This caused a tremendous amount of stress. For the first time in twenty five years Newberg-Dundee Police Department has become a hostile work environment.

Officer - 4

3. It appears that some relationship between Officer A and the City Manager exists, and that Officer A has ignored the chain of command and communicated his personal grievances and concerns outside the department to the City Manager. I am unaware of any matter of public concern, or seriousness which might have warranted a direct communication or which would have protected whatever complaints Officer A communicated to the City Manager, such that he would forecast a week or so ahead of events telling other officers that serious changes/events would be occurring.

4. Notices and communications to chief with documents attached.

a.) Communication to Police Department Announcing City Manager Action Relieving the Chief Of Police of All Authority

To all Police Department Personnel,

Effective immediately Chief Casey has been placed on administrative leave pending an assessment of the department. Captain Bolek and Captain Kosmicki will report directly to me. Each of you should continue to follow your regular chain of command.

I have asked the City Attorney to hire an independent assessor and he has retained the services of Bill C. Carroll to consult with all members of the department individually. Mr. Carroll was employed in the Criminal Justice Field for the past 35 years and retired from the Department of Justice. You are being

ordered to participate in this assessment. This will not be a disciplinary interview. Mr. Carroll will schedule a time to interview each one of you during your regular work hours. I expect your full cooperation; be direct, honest and truthful with the questions posed. Do not discuss the content of the questioning with anyone other than Mr. Carroll or individuals in a privileged relationship. You are also ordered to not have contact with Chief Casey, except as authorized by me, throughout this process. To do so will be insubordination and grounds for discipline.

It is my intent to move through this quickly to cause minimal disruptions.

Thank you for your cooperation.

Jacque M. Betz
Newberg City Manager

414 E. 1st Street PO Box 970

Newberg, OR 97132

503-537-1201 Fax (503) 537-5013

jacque.betz@newbergoregon.gov

b.) Captain Bolek Email to Captain Kosmicki and Sergeants

While I do not have a whole lot to say as there is a whole lot I do not know because we have not been told, I do want you each to know that we will come through this OK. I know this is an uncertain time, but we will need to stick together and be a team and your individual leadership of the officers is imperative especially now.

Please encourage each officer not to offer speculation or rumor nor to go around outside the office telling people in the community. While I know stuff will get around, I believe it is important for each of us as members of this department with the values we have, not to take an active role in the spreading of rumors.

If folks are asked, the honest answer is for them to say that I don't really know what is going on. In time, maybe we will know, but maybe not. I can tell you that none of this has anything to do with any sort of criminal or ethical lapses in behavior. I can tell you that there are many unknowns for me and all of us here in administration.

I want you to know that we will be working to provide the strongest leadership possible through this time of uncertainty, trying to bring as much certainty to the department as we can.

The CM has given me some extra responsibilities and I will do my best to be a good leader for you and all members of this department, to the extent that I am able. That is not to say that Jeff is not in charge either as he is to report to the CM as well.

Todd, I will be tapping on you to assist with OFF, since the reserves are such a big part of making OFF happen.

I wish I knew more and could offer more "comfort".

The biggest messages I want to give are these:

- Be wise in your comments and respect what the Chief is going through.
- Guide our officers to also be wise in their words and messages to others both in and outside the department.
- Your individual reassurance and leadership is especially important right now among and for the officers and each other.
- Our individual strength as officers and people and our collective strength as a team and department are especially important now. We have some very tough weeks ahead as we are short-handed and will become more so with Mike leaving and vacations and special events.
- Be strong. Stick together. Take care of each other.

If you have questions or concerns, please do not hesitate to ask me.

I do not want you to forward this to the officers. I want you to summarize the message to the officers in your briefings.

Sincerely,

Chris

c.) **Direction to drive City Manager to Police Academy Graduation**

The City Manager directed Captain Bolek and me to take her to the DPSST graduation. The ride was uncomfortable; she did not know the graduating officer. Captain Bolek and I shared concern about either he or my being in a car alone with her. I made sure that Officer Scott Liston was in the vehicle she was riding in. Given the recent removal of our Chief I believe she was continuing her mental intimidation of us through such assertions of authority and power. Few civilian city managers, if any, attend these graduations. The message she seems to want to convey is one of authority over the police department in the “certified police command and supervision” sense. She wrote:

Chris,

I am on the DPSST Board of Directors and traditionally in my career I have always attended the DPSST graduation when one of our officers is graduating. I believe Chris Briggs is the first one since I have been at Newberg. If you/and or Jeff is attending I would appreciate getting a ride with you in the morning. Please let me know what time you are leaving for Salem.

Thank you,

Jacque

d) **Communications of Chief with/to City Attorney**

On Thursday, the City Attorney directed the following communication to the entire Police Department:

The City Manager informed you that my office has been tasked with overseeing the independent consultant review of the department. Bill Carroll will begin interviews tomorrow. The role of the Attorney is to uncover facts and advise the City Manager and Council of potential liability and recommended courses of action. The City Attorney has no supervisory role over employees outside the Legal Department.

Daryl Garrettson was informed yesterday of the pending assessment. He asked if the content of the interview would be confidential and I have been asked this several times since. I am writing to tell you what I told Daryl and those who have asked.

It is my intention to keep all comments as confidential as possible within the bounds of the law. The report that will be generated will compile comments without names being specifically attached. That being said, it is not possible to ensure absolute confidentiality. For instance, in the unlikely event that someone reported a crime, it would not be possible to maintain the reporter's confidentiality. The same would be true for any area that involved a mandatory report or a court order.

If anyone is interfering with your ability to speak frankly, answer questions, or otherwise impeding the process, please let me know immediately. If interference occurs, a separate investigation into that interference will be opened.

If you have any questions pertaining to this, feel free to contact me. However, attorney ethics rules require me to inform you that I represent the City of Newberg and not any individual in the City. This means I am not your lawyer.

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e.) Consultant Bill Carroll commenced interviews at the Police Department on Friday, July 17th. I was interviewed. I audio recorded that interview as did Carroll.

He insisted he was only doing an inquiry to find out if there were problems in the department regarding the moral. He first ran through the questions with me off the record. He said if there were any questions I didn't feel I wanted to answer that would be fine.

During the interview Mr. Carroll asked if I was aware of any inappropriate activity going on right now. I declined to answer the question. Mr. Carroll asked me if I care to explain that any further, I declined. It is important to note that the only inappropriate conduct I believe to be taking place is the conduct that has been reported to be between Officer A and City Manager Betz. I could not lie to him nor could I tell him what I had been told. Mr. Carroll looked at me as if he were disappointed and bothered. I did not care.

He then asked me if I knew of any criminal conduct that was taking place. I told him I did not. Mr. Carroll then wrote notes on paper that I could not read.

During this interview Mr. Carroll appeared to be annoyed when he told me that he had talked with me for quite a while and he really hadn't "gotten much" from me. He told me he was going to be upfront

with me. He felt it was because I came in here upset about what happened to Chief Casey. He further stated in substance that because I brought my own tape recorder I was not being cooperative.

There was more to the conversation but I explained to him that he asked me questions and I gave him answers. I explained to him that I was skeptical of this process and that I had never seen anything like this in my 18 years of public service. This is not a word for word account of my interview with Bill Carroll. I believe we spoke for about two hours and the recording should capture all verbal communications. It was clear to me that I was not going to be held in favorable light with our city administration if I didn't answer the questions or provide some information regarding improvements in the Newberg-Dundee Police Department. I felt if I did not provide some information that was detrimental to the leadership of the department, that I would not be employed much longer, which is the primary source of monetary support for my family. This entire interview was not of my free will and I expressed to Mr. Carroll that I did not want to be there.

7. The conclusions and inquiries I have identified and concerning which I am asking for guidance include the following:

A. It is possible that Officer A and the City Manager are engaged in a relationship related to excessive alcohol use/abuse and inappropriate supervisor/employee relationship.

B. It is possible that Officer A has conveyed potential grievances to the city manager who has not encouraged or required him to contact his immediate supervisor.

C. It is possible that the actions of the City Manager in suspending and stripping the Chief of all authority constitutes her attempt to prevent an investigation of Officer A's conduct including off duty alcohol abuse which would lead to the disclosure of facts concerning him and her.

D. It is possible that Officer A has violated policies of the Newberg Dundee Police Department for which he would be held accountable if findings of violation are supported by fact, including but not limited to:

i. Policy 1060.4(b) relating to speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Newberg-Dundee Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Newberg-Dundee Police Department or its employees.

ii. Policy 1060.4(e) relating to Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Newberg-Dundee Police Department.

iii. Canon 3(g) relating to Peace officers' allegiance first to the people, then to their profession and the government agency that employs them.

iv. Canon 4(i) relating to Peace officers' conduct which shall not discredit their profession or the Department.

v. Canon 4(j) relating to Peace officers not being disrespectful, insolent, mutinous, or insubordinate in attitude or conduct.

vi. Canon 9(b) relating to Peace officers meticulous observation all legal restrictions on the release and dissemination of information.

vii. Canon 9(c) relating to Peace officers treating as confidential information confided to them personally. They shall disclose such information only as required in the proper performance of their duties.

viii. Canon 9(e) relating to Peace officers treating as confidential all matters relating to investigations, internal afOfficer As and personnel, to the extent authorized or required by law.

ix. Policy 340.3.5(o) relating to criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship whether on or off duty.

x. Policy 340.3.5(aa) relating to any other on duty or of duty conduct which any employee knows or reasonable should know is unbecoming a member of the Department or which is contrary to the good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or it's members.

E. It is possible that the City Manager, by her decisions and conduct has violated City policy, Mayor and City Council expectations, the Charter and ordinances of the City.

F. It is possible that the City Manager, by her conduct and actions has violated the criminal laws of this state, in particular, ORS 162.235 – Obstructing Governmental Administration, by preventing Chief Casey from upholding standards and maintaining accountability concerning Officer A; and ORS 162.415 – Official Misconduct in the First Degree.

G. Circumstances in the City Manager's history suggest a pattern of misconduct related to her office may be a factor. Her promotion to City Manager after 12 years at the City of Florence as administrative assistant to the chief of police and an administrative subordinate to a former city manager coincided with the abrupt and unanticipated and surprising retirement of a highly regarded 30 year police veteran.

CONCLUSION

At this time, I need guidance concerning whether to convene an internal administrative investigation to determine facts concerning Officer A's job related performance and conduct which may have violated policy and standards, or whether this should be deferred because it could interfere with or jeopardize a criminal inquiry related to aspects of the situations described in this report.

Until all the facts are determined, I am unable to assess whether the acts of the City Manager and Officer A constitute violations of the State Laws or polices of the City of Newberg and / or police department.

Respectfully submitted by,

Jeff Kosmicki, Captain
Special Investigations Unit
Newberg-Dundee Police Department

With the knowledge of

Chris Bolek, Captain
Patrol Division
Newberg-Dundee Police Department