

# OREGON STATE LODGE FRATERNAL ORDER OF POLICE



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VIA EMAIL ONLY TO [peter@peterowattspc.com](mailto:peter@peterowattspc.com)

Scappoose City Council  
C/O Peter Watts  
City Attorney  
City of Scappoose  
33568 East Columbia Ave  
Scappoose, Oregon 97056

## **RE: NO CONFIDENCE VOTE IN CHIEF NORM MILLER and ALEX RAINS**

Dear Mr. Watts:

On Monday, August 16, 2021, I appeared before the Scappoose City Council to speak on behalf of the Scappoose Police Officers Guild ("SPOG"). After my testimony, I was contacted by Councilor Haugen to reiterate his request that SPOG's concerns are sent to the Council.

## **I. NO CONFIDENCE IN NORM MILLER**

As you know, SPOG is a bargaining unit that is represented by the Fraternal Order of Police. On Wednesday, August 11, 2021, SPOG voted no confidence in Chief Norm Miller. After that vote, Interim City Manager Alex Rains notified staff of the department that she was going to allow Mr. Miller to voluntarily demote to a police officer position and that he would be awarded seniority based on his years of service. SPOG has voiced its objection to this decision.

During my testimony, I summarized years of complaints of against Chief Miller. I also summarized SPOG's belief that the current interim City Manager and former City Manager shielded significant mismanagement of the police department from the council. During that testimony, one of the councilors asked you if individual city councilors could be made aware of personnel complaints. You publicly indicated the City Charter and/or City Code did not allow for that. I respectfully disagree. I have reviewed the entirety of the Charter and Code and see no provisions that prevent you or a city official from providing the City Council the substance of personnel issues. If you believe such a provision exists, please provide that information to SPOG, via my office.

August 22, 2021

Page 2

Below is a list of concerns that have been directed to various City Personnel in the last several years that have not been addressed satisfactorily to SPOG:

Below is a list of concerns from present and past members of the Scappoose Police Officer's Guild:

- March 2020:
  - o City Manager Michael Sykes gave Alexandra Rains three complaints about police department management from three employees. The employees were told by Michael Sykes that Alex Rains would be investigating the three complaints and to trust the process.
  - o Officer F was hired in July of 2019 and quit on March 30, 2020. Officer F quit after repeated threats of termination from Chief Miller if he did not improve. Officer F developed medical problems due to that stress. Two separate employees did not recommend releasing Officer F to solo status; however, the Chief went against the recommendations. Officer F. was not offered an exit interview and Alex Rains never followed up with him.
  
- April 2020:
  - o Phil Packineau quit after 10 years of service with his last 3 years as a Sergeant. Packineau quit because of Chief Miller's dishonesty in June 2019 during the Lieutenant hiring process. Packineau was given permission to apply for the position by City Manager Sykes, despite a letter of discipline in his file. Chief Miller then falsely told Packineau Sykes had withdrawn permission for Packineau's application for Lieutenant. Packineau spoke with Sykes who said he had not changed his mind and was unaware of this issue. Packineau was not offered an exit interview but told Sykes that he was leaving because of Chief Miller.
  - o A complaint was filed with DPSST about Chief Miller's possible false swearing on documents submitted to DPSST. The investigation was referred to Sykes as Chief Miller's direct supervisor. The status of this investigation is unknown.
  
- May 2020:
  - o In response to the complaint above, the city conducted a "360 Degree Evaluation" of Chief Miller. However, feedback from many employees, both current and past, was not included in the evaluation.
  - o Chief Miller has not utilized outside background investigators for prospective officer applicants.
  
- June 2020:
  - o An employee left the Department and had an exit interview with Alex Rains and Jill Herr. This employee indicated that he was leaving primarily due to constant staffing shortages, not having two officers on duty as promised, and the appearance that he would be a trainer of new staff vs being permitted to be a regular police officer.
  - o The 360 Evaluation of Chief Miller was complete. Chief Miller was placed on a work-plan detailing ways to improve his behavior. Staff did not see any changes in Chief Miller's behavior because of the work-plan.
  - o

- July 2020:
  - o An employee left the department; the following week, Chief Miller promoted a sergeant applicant to be a LT with no formal hiring process. The outgoing employee was asked by new interim City Manager, Alex Rains, to complete an exit interview. This employee stated that he would not submit to the exit interview if Jill were present, due to his lack of trust and her unprofessional behavior witnessed in March.
  - o A second employee left the department and had an exit interview with Jill Herr and Alex Rains. This employee provided a long list of major complaints about Chief Miller to Jill Herr and Alex Rains. SPOG believes these concerns were never addressed by Ms. Rains and these concerns were not shared with City Council.
  
- August 2020:
  - o Alex Rains arranged a meeting with former Lt. Jim McFarlane away from the City Hall. McFarlane told Ms. Rains of the repeated problems with Chief Miller. The former employee is concerned that nothing appears to have changed. He stated he left the Department for one reason only, Chief Miller. The former employee complained Chief Miller was a very bad boss and not a leader.
  - o Mike Rouches started as the new Lieutenant. His first formal task on his first week was to issue an employee a Letter of Reprimand for three-month-old comments regarding complaining about the names on uniforms. Rouches was not provided the investigation file but was told it was completed by Alex Rains and Chief Miller. The current Lexipol Policy manual requires staff to wear their first initial and last name on their uniforms, as well as all staff of rank are required to have their rank on their uniforms. Rouches did not believe a Letter of Reprimand was appropriate. Alex Rains and Chief Miller insisted the Letter of Reprimand be issued. Chief Miller used this letter a year later to tell Rouches the subject employee was ineligible for any promotion.
  - o In August 2020, St. Helens stopped covering Scappoose Officers because of excess use unless there is an immediate threat to life.
  
  - o Since the Spring of 2019, there have been eight sworn members that have left the department. At least five of these members have indicated that their exit was due to Chief Miller's poor management, lack of leadership, and retaliatory behavior.
  
  - o Most employees are offered an exit interview upon leaving, but when the Finance Administrator, Jill Herr is present, she shares many of the comments that are made in the exit interview with Chief Miller. This creates a reasonable level of concern for retaliation by Chief Miller. It is known that Jill Herr is very closely aligned with Chief Miller personally. The employees who leave know their previous Police Chief will be contacted when they choose to move to other Departments in the future and do not want Chief Miller to speak negatively of them out of spite over their honest feedback provided in the exit interview. Some employees did not complete the exit interviews based on these concerns.

- The City of Scappoose has not had 24-hour police protection for quite some time, and it will be a significant amount of time before Department has the staffing for 24-hour police protection. This is a direct result of Chief Miller losing valued staff due to his management style. Limited staff are available for on-call during each night of the week and to respond to any calls for service. Some of these employees live in different counties and cities, which causes a long delay to the calls for service. The current practice is to rely on the St. Helens Police Department to respond to in-progress emergency calls when no Scappoose Police Officer is working, or due to short staffing. St. Helens routinely sends over a police officer to assist in violence-based calls. This places a burden on St. Helens and degrades their effectiveness in policing their own jurisdiction. All due to the poor leadership of Chief Miller.
- Last year there was a protest in St. Helens. During this protest, the Scappoose Police Department was not requested to assist and even after Chief Miller offered his department's assistance, Chief Miller received no response. St. Helens used outside law enforcement agencies, versus their neighboring department. Most area partnering agencies speak poorly of the Scappoose Police Department due to strained relationships with Chief Miller.

## **II. NO CONFIDENCE IN ALEX RAINS**

On Thursday, August 19, 2021, Ms. Rains met with several SPOG members as a group. That meeting was recorded, and additional concerns were voiced directed by the officer to Ms. Rains about her decision to bring Chief Miller back as an officer. According to my review of the recording, Ms. Rains does not appear to understand the significance of the no confidence vote against Chief Miller. Ms. Rains appears to feign surprise that the vote implicates his abilities as a police officer. If Ms. Rains is truly surprised that police officers who voted to seek removal of their chief would subsequently feel comfortable having that person literally back them up in life or death situations, then she is wholly unprepared to lead an entire city. The audio of that meeting is being sent as an attachment to this letter.

On Sunday, August 22, 2021. SPOG held an emergency meeting to discuss its position on Ms. Rains as the current interim City Manager and future potential City Manager. The association voted unanimously in favor of a no confidence vote against Ms. Rains.

I have discussed Ms. Rains plan to allow Chief Miller to step into a patrol position with two highly respected current and former police chiefs in Oregon. Both indicated the decision to allow a Chief who resigned as the result of a no confidence vote to remain as a patrol officer is a bad decision. I have also encouraged the City to discuss this decision with the City's insurance carrier. It is SPOG's understanding that Ms. Rains has discussed an interim Police Chief with the Oregon Association of Chiefs of Police. Did Ms. Rains ask OACP for input on this issue?

Finally, I am attaching to this letter a long complaint from a current employee that was given to the prior City Manager and former Lt. Rouches' letter to the Council. I will not reiterate their concerns herein. It

August 22, 2021

Page 5

is SPOG's desire that the City Council actively work to improve your police department while there is still time. SPOG does not believe former Chief Miller should be part of the department moving forward.<sup>1</sup> SPOG asked me to express to the City that a majority of current employees of the police department will leave the City's employment if the management issues at the department remain. To be blunt, if Chief Miller and Ms. Rains are not removed from the department, the city will see an exodus of most of the current employees.

With that said, SPOG is looking forward to meeting with representatives of the Oregon Association of Chiefs of Police and the yet to be selected interim police chief on rebuilding the police department that the citizens and business of Scappoose deserve.

Fraternally Yours,



Daniel E. Thenell  
**General Counsel**  
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<sup>1</sup> The continued retention of Chief Miller and Ms. Rain in the face of these complaints will surely set the city up for future claims of negligent retention and training, should a use of force, employment matter or retaliation matter be advanced by a fellow employee or member of the public.