

Statement of West Linn Police Review and Recommend Committee

Re: Process and conduct related to the Farley investigation

To: The West Linn City Council and City Manager John Williams
From: The West Linn Police Review and Recommend Committee
Date: June 17, 2024

Your West Linn Police Review and Recommend Committee (PRRC) shares its conclusions with regard to the investigation conducted by Jill Goldsmith and Workplace Solutions Northwest (hereafter the “Goldsmith Report” or simply “Goldsmith”). That firm was contracted to review concerns expressed by certain individuals about the quality of the West Linn Police Department’s (WLPD) investigation of the Dr. David Farley case. Our comments therefore largely address the findings of the Goldsmith report, as pertains to whether WLPD sufficiently followed WLPD’s policies 339 and 615.

Foremost, the Committee members wish to acknowledge what appears to be a severe betrayal of trust and abhorrent abuse experienced by the victims in this case by Dr. Farley.¹ The accounts of abuse, as documented in the material that has been made publicly available, are very disturbing. Like the other members of our community we have been deeply affected by them.

Rationale for Response

When adopting Ordinance 1741 in 2022 to create the PRRC, the Council materials clarified that the purpose of the Ordinance was, in part, to allow the PRRC members to “participate in staff and attorney discussions of complaints, investigations, and disciplinary actions, and to report back to the Council and community on the City’s actions.” Per West Linn Municipal Code (WLMC) 2.275(2),² this statement is not advisory to the City Council; rather, this statement is an objective report of internal discussions the PRRC has had with city staff and WLPD officials regarding the investigatory process itself. This statement will not serve as a rehashing of facts that have been widely reported, nor is it a re-investigation of David Farley. This statement does not contain any information that is otherwise exempt from public disclosure or subject to nondisclosure agreements.

Although the PRRC is not aware of a formal complaint against a WLPD employee at the time of writing, the PRRC has identified several potential complaints based on community concerns and has chosen to treat those concerns accordingly.

¹ The Committee acknowledges that Dr. Farley has not been indicted or prosecuted for any crimes.

² WLMC 2.275(2) provides: “Feedback to Council. The Committee as a whole is not advisory to the City Council. However, Committee members are strongly encouraged to provide feedback to City Council in writing or in person, including opportunities to provide commendation or criticism of either police processes or City management. Such actions will be limited to general topics subject to the nondisclosure agreements within the parameters of applicable law.”

In order to protect the sensitive and confidential nature of much of the information shared with the PRRC, the Committee typically does not make public statements with regard to the disposition of complaints. However, in this case a combination of several factors led to a conclusion by the PRRC that this statement should be made publicly available to the City Council in order to, among other reasons, demonstrate to the community that the PRRC is independently pursuing such concerns as they come to light. These factors include, but are not limited to, the shocking nature of the abuse that brought about these concerns, the broad extent to which this incident has affected West Linn and other area residents, the City's commissioning of an internal investigation, and concerns expressed about WLPD leadership.

The issuance of this statement should not, therefore, be regarded as a precedent that statements will be regularly issued by the PRRC upon the disposition of complaints.

Review of Goldsmith Report and Public Concerns

The PRRC members reviewed and discussed a number of materials, beginning with the Goldsmith Report and continuing with various public statements by stakeholders as well as feedback directly to the PRRC from the community.

The Goldsmith Report raised two fundamental concerns:

1. Policy 339

First, the Goldsmith Report discussed the concern that WLPD Policy 339 was not followed with regard to file maintenance and recordkeeping. The PRRC had policy discussions in this regard that are detailed below.

Per the Goldsmith Report, Policy 339, General Conduct, was not fully followed. Goldsmith observes that this policy contains conduct standards which, if violated, could lead to discipline. In particular, Goldsmith cites Standard 339.5.7 (Efficiency), particularly regarding "discrepancies" between written and recorded accounts and recordkeeping. (See p. 33, *Conclusions #4 & 5 in the Goldsmith Report.*)

The PRRC acknowledges that police reports are summaries that are not intended to be verbatim transcripts, and some differences between recorded interviews and written police reports may be present. Although inconsistencies with regard to matters of fact should not be acceptable, the Goldsmith Report does not describe any misrepresentation of facts in the reports.

However, the PRRC did determine that more rigorous standards and requirements regarding recordkeeping and report writing would nevertheless improve community confidence in the WLPD. Therefore, the Committee noted room for improvement with regard to preserving and

retrieving files, logging and responding to all citizen phone calls or contacts in a timely manner, and providing robust written police reports.

2. Policy 615

Second, the Goldsmith Report discussed the concern that WLPD Policy 615 was not followed with regard to the provision of a “qualified investigator.”³

While there was some question concerning investigator Detective Christenson’s lack of specific formal sexual abuse training and certification, the PRRC generally acknowledged the relatively small size of the WLPD as well as Det. Christensen’s previous experience and work history. Importantly, the policy is clear in using the term “should” and not “shall” that a specific type or level of training is not absolutely required by the operative policy.

As such, the PRRC did not feel that Policy 615 was violated with regard to Det. Christenson’s qualifications. However, as discussed further below, the Committee has further recommendations with regard to ongoing training.

3. Public Input

Public input focused on a number of aspects of the investigatory process, not limited to allegations regarding the lack of formal training of the investigator, poor recordkeeping, the failure of the WLPD to secure evidence from David Farley, and general dissatisfaction with the quality of the investigation as it ultimately failed to yield an indictment.

In regard to these items, the PRRC determined that while policy discussion on some of these items might be warranted, no information was presented to the Committee that suggested the failure to secure an indictment was the result of any conduct or omissions of Detective Christensen or any other West Linn police officer. As mentioned previously, the Committee is not aware of any information suggesting any concern or criticism of the investigation by the District Attorney’s office.

An additional piece of public feedback alleged that the WLPD failed to comply with the State’s mandatory abuse reporting laws (ORS Chapter 419), but the Committee did not believe that the allegation had merit. Again, the District Attorney’s office was involved throughout the

³ Policy 615.3 provides:

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable

(ORS 147.401).

investigation; the PRRC has not received any information to suggest that office believed the mandatory abuse reporting laws were applicable.

Policy Discussions

The PRRC discussed whether certain instances of the word “should” in WLPD Policy 615.3 might be prospectively changed to “shall” so as to create a binding instruction to utilize only “qualified” investigators in sexual assault cases. However, given concerns about the relatively small size of the WLPD, as well as differing types of “qualification” (e.g: certification vs experience) and the need for flexibility in order to swiftly and effectively respond to investigatory needs, the Committee felt the existing language was appropriate.

There was consensus in the need for more robust and more specific training going forward with regard to interview practices and competency around sexual abuse and misconduct investigations. Despite the Committee’s agreement that WLPD Policy 615.3 should remain permissive instead of mandatory, the Committee also agreed that the WLPD should strive to ensure that the future investigators nevertheless meet the goals of the policy.

The PRRC did determine that more rigorous standards and requirements regarding recordkeeping and notekeeping would improve record and retention processes and greatly assist with reviews such as this one, as well as improve community confidence in WLPD processes. The Committee determined, however, that the gaps in recordkeeping identified in the Goldsmith Report had not constituted a violation of Policy 339 (Standards of conduct) that warranted any disciplinary action by WLPD.

Regarding public comments implying that a lack of indictment in this case was due in large part to failures committed by WLPD, there was discussion regarding the then-existing statutes and the absence of language addressing medical sexual assault. That language has now been included under the creation of the crime of Sexual Assault by Fraudulent Representation (ORS 163.429.)

Although outside the scope of the PRRC, the Committee discussed that a more thorough analysis of the systemic shortcomings surrounding this case could be performed by other bodies through review of the related Grand Jury transcripts, as well as interviews of the Oregon Medical Board personnel involved in the initial investigation.

Conclusion

The PRRC recognizes that the sum total of this investigation was imperfect.

There were some failures in adhering to WLPD Policy 339. The committee recommends improvements in the area of recordkeeping, following up on phone calls and other contacts with police, and the writing of accurate and detailed police reports. Additionally, the Committee

recommends that WLPD make every effort to provide greater training in conducting investigations of sexual abuse cases. These areas can and should be addressed.

This Committee cannot change the outcome of this case, nor is it within our scope to try and do so. However, we are gratified that many systemic shortcomings have already been corrected, particularly with the creation of the crime of Sexual Assault by Fraudulent Representation. It is our hope that this will clear a path to justice for future cases.