

TO: West Linn City Council

FROM: Tim Ramis, City Attorney
John Williams, Deputy City Manager

DATE: September 30, 2020

RE: **Documentary Review of Timeus Administration of West Linn Police Department**

The Council requested that the Office of City Manager and the Office of City Attorney review the documentary history and compile a report on the timeline of critical events from the hiring of Chief Timeus to the settlement of the Michael Fesser case, excluding matters that overlap with investigations by other agencies. The report is intended to provide a chronology of facts and events to assist the City Council and the community in evaluating proposals for future reforms. The Council requested and authorized investigations of these matters by other public and private entities so that a deep well of information will be available to the community and to decision makers who will be responsible for designing and implementing necessary police reforms.

The facts in this report are based on the available documentary history of the time period from 2005 to 2018, which is extensive. Even so, it is not complete and review of this history suggests many questions which can only be resolved by interviewing witnesses and participants in the events. It is our expectation that the investigations being conducted by other agencies and outside entities, as requested by the City Council, will provide much additional factual information based on witness interviews. The report is a work in progress and is presented in draft so that it can be revised as new facts come to light.

The subjects addressed are aimed at providing information on the many questions raised by Council members and the community in the wake of the settlement of the damages in the case filed by Mr. Michael Fesser. A compilation of those questions has been included in an appendix at the end of the report. *Note: per legal, this appendix was not created

1. The Administration of Chief Timeus 2005 -- 2017

A. 2005 Leadership Changes

Over the course of a few weeks in late 2005, the City made critical changes in leadership positions, including City Manager and Chief of Police. Shortly thereafter, a new Finance Director was hired. The City was seeking a fresh start after the City Council, alarmed at a history of failure to perform annual audits, decided not to renew the City Manager Sandy Farley's contract. The City Council was to discover later in 2006 that, due to lack of financial controls and the poor state of accounting oversight, its former Finance Director had embezzled \$1,420,452.00 of City funds. The amount of the theft, and the lack of controls that allowed it,

was verified through a forensic audit.¹ The circumstances were complicated by the fact that the position of Chief of Police was also vacant. Chief John Ellis had resigned in May 2005 following a vote of no confidence by officers.

In response to the situation the City began recruitment processes to fill the positions of Police Chief and City Manager. The Council sought City Manager candidates with experience in financial matter. The position went to Chris Jordan whose experience included ten years as Assistant City Manager in Lake Oswego and budget experience at the federal level. Jordan initiated actions to increase oversight and reinforce the authority of the City Manager: replacing department heads responsible for Human Resources, Finance, Police, and Planning; instituting “at will” contracts for Department Heads; seeking to replace the Council appointed City Attorney with an inhouse attorney under the management of the City Manager and hiring an Assistant City Manager to increase the management reach of the City Manager’s office.

B. Appointment of Chief Timeus

The departure of Chief Ellis required an interim appointment until the position of Police Chief could be filled. Captain Terry Timeus of the Lake Oswego Police Department was “loaned” by the City of Lake Oswego to serve in the interim position. Timeus also applied for the permanent position. At the time that Chris Jordan was appointed, the process of replacing the Police Chief had narrowed the field of candidates to two. One of the finalists was Terry Timeus. Jordan chose Timeus. Chris Jordan later denied bias in favor of Timeus, describing the final decision process as follows:

Jordan said when Timeus came to West Linn as Interim Chief, the City Police Department had very low morale, was understaffed, and personnel just wanted to leave. Timeus changed that beginning with his first staff meeting. “The staff transitioned from depressed outlooks to what we wanted in our police department. He made that much difference.”

Chris Jordan advised he asked for a background check to be done by his then HR Director and was told it was conducted and returned favorable. In addition, he had made inquiry with the Chief of Police for Lake Oswego, Lake Oswego City Manager and Lake Oswego’s HR Director. All three were favorable for Timeus in the West Linn Chief position on a permanent basis. Jordan said he took his HR Director’s word that the background check was completed and did not ask in depth what had been done.²

C. Legal Structure of Management Oversight of WLPD During the Timeus Administration

¹ October 12, 2006 Financial Forensics Letter – Alleged Asset Misappropriation

² March 14, 2009 ASG Background Investigation of Timeus

Oversight of the WLPD is affected by two Charter provisions, one granting authority over the Office of City Attorney to the City Council,³ and the other prohibiting Council interference with the City Manager's administration of departments.⁴ How these provisions have been interpreted, implemented and amended has affected the breadth of oversight of the WLPD that could be exercised by the City Council.

Throughout the years of the Timeus Administration oversight of the Chief of Police and the WLPD was the exclusive province of the City Manager. Under the City's Council/Manager form of government, City Charter provisions gave management control to the City Manager and Managers asserted that it expressly barred the City Council from any level of involvement which could be considered interference with the City Manager.

The provision regarding City Attorney appointment has also been at play. Prior to the appointment of Chris Jordan as City Manager, the Office of City Attorney, appointed by and answerable to the City Council, provided legal counsel to all City departments, but Jordan moved to put a stop to that potential alternative means of Council oversight. He insisted that the role of the Office of City Attorney should be confined to advising the City Council and that day-to-day advising of Departments, including the WLPD, should be done by a lawyer employed and managed by the City Manager.⁵ By **March 2012**, Jordan persuaded the City Council to grant the City Manager this authority. Shortly thereafter he announced that the Office of City Attorney was effectively out of the picture in advising departments and that ninety percent of the legal advising was being done by a lawyer managed by the City Manager.

Oversight of the WLPD solely by the City Manager and his appointed legal counsel continued after the appointment of Eileen Stein as City Manager, continuing from **July 2012**, until **May 2018**. This included the time period of the initiation of the investigation of Mr. Michael Fesser and his arrest. Staff legal counsel resigned to take another position shortly before the City

³ Section 23A. City Attorney. The office of city attorney is established as the chief legal officer of the City. The city attorney shall be appointed and removed by a majority of all incumbent members of the Council.

⁴ Section 21A. No Interference with Personnel or Public Contracting. No City Council member may directly or indirectly, by suggestion, or otherwise, attempt to interfere, influence, or coerce the City Manager in the award of a public contract or the hiring, discipline, or termination of any personnel. This shall not prevent a City Council member from providing input to the City Manager relating to City business or the performance of an employee or department.

⁵ At the time that Chris Jordan became City Manager the duties of City Attorney were performed by an outside law firm retained by the City Council. Among its duties were providing legal guidance to the WLPD. The City and the department were also served by an outside firm specializing in employment law which had a history of coordinating with the Office of City Attorney when its expertise was needed. Jordan sought to immediately control the provision of legal services and oversight to all departments, including the WLPD, by centralizing legal services in the Office of City Manager. He pressed to change the then existing arrangement by proposing a revised organization chart which placed hiring and management of the City Attorney under the City Manager rather than the Council. While this was initially rejected by the Council as undesirable and violative of the Charter, Jordan continued to lobby for control of the City Attorney as part of centralizing management control.

received the Fesser's notice of tort claims early **June 2018**. At that time the Office of City Attorney resumed its former role.

A notable change in charter structure occurred in 2017 affecting the ability of the City Council to provide oversight. A charter amendment changed Section 21A. The amended text maintains the principle of City Council noninterference with City Manager personnel and department administration, but expressly allows the Council to provide input to the City Manager on matters of performance of an employee or department.⁶ In designing a structure for oversight, the Council may now provide comment on performance.

D. Events During Timeus Administration

The following summarizes some of the key events of the Timeus Administration involving litigation and discipline.

March 2014 Complaint from Clackamas County Peace Officers' Association (CCPOA)

This Complaint involved the form of counseling that a represented member received regarding the officer's report writing performance. The represented member, a WLPD officer received a memo of counseling December 2, 2013 related to two arrests of the same individual over the thanksgiving holiday and his arrest report, which had been altered, allegedly without his expressed approval. The complaint charged that an arrest report that had been altered by a WLPD Sergeant Stradley, after it had been approved and submitted for processing. As alleged, the sergeant had either altered the police report without knowledge of the initiating officer or had pressured the officer into changing the report. The complaint also alleged that the involved sergeant may have altered the report because of Chief Timeus's possible association with the particular arrest. The investigation was performed by Craig Stoelk of Stoelk Investigations & Consultation.

Attorney Dan Thenell wrote a complaint to City Manager Chris Jordan on behalf of a few WLPD employees, two months after CCPOA complaint in 2014, which combined were the reason for the 2014 Timeus and Stradley investigations. Thenell also forwarded his complaint to the DOJ. In December 2014, the DOJ concluded that in the course of their investigation of the complaint, they did not find sufficient evidence to proceed with criminal charges.

Stoelk interviewed eight WLPD officers and the president of the CCPOA in his investigation. There were six allegations, one against Chief Timeus that was held unfounded. The other five were against Sergeant Stradley, two were unfounded and three were sustained. The allegations sustained against Sergeant Stradley were that he:

- accessed and altered another employee's work product without authority for doing so;
- violated policy related to the preparation, approval and alteration standards of a police report; and
- failed to review policy materials as required by departmental policy.

⁶ Section 21A was amended to add: "This shall not prevent a City Council member from providing input to the City Manager relating to City business or the performance of an employee or department."

Sergeant Stradley received a Memo of Counseling after policy violations found.

March 2014 Warwick Settlement

Warwick was an animal control officer fired in April 2010 “in retaliation for resistance to sexual harassment and sexual discrimination.” Warwick sought reinstatement in the police department and lost wages along with monetary damages for mental/emotional distress and damage to her reputation.

December 2009 Warwick reported to the HR department she was being treated unfairly and denied training opportunities because she resisted unwanted sexual advances and comments because she was single. She was hired in 2004 when she was 19 years old. The City investigated, bringing in Milwaukie Police Chief Bob Jordan to assist. He found training Warwick received was comparable to other community service officers and did not believe Warwick was denied opportunities because of Warwick’s reaction to sexual banter. He did conclude that one male officer made sexual comments to Warwick at work.

Approximately one month later, the police department opened investigations to see if Warwick and another officer Vince Moreschi [REDACTED] during Bob Jordan’s investigation. Dave Kempas was the investigator assigned. He noted he could not conclude Moreschi was [REDACTED] but Warwick was found to be [REDACTED].

Warwick filed suit claiming [REDACTED] only emerged during the sexual harassment claim; she had received positive performance reports the six years prior. The suit also alleged the department’s failures to discipline officers accused of sexual harassment were evidence the police chief approved of sexual harassment. The City’s counter was that Warwick [REDACTED] for [REDACTED] as WLPD policy is to discharge any employee who [REDACTED] in an investigation.

The City and Warwick reached a settlement agreement over [REDACTED] March 19, 2014. Warwick was paid [REDACTED] for emotional stress damages; her attorney was paid [REDACTED]. Her personnel file was changed to reflect [REDACTED] as of April 10, 2010. All disciplinary letters and memos were to be removed from her personnel file and Warwick was to be given a positive letter of recommendation for her work in the West Linn Police Department, signed by Timeus and Hennelly.

April 2014 Atkeson BOLI Settlement

Atkeson left the WLPD in late January 2013 after being denied sergeant promotion. Atkeson, who was the department’s alternate union shop steward, filed a complaint with BOLI April 25, 2013 alleging he was subjected to a hostile work environment, forced to resign and denied veteran preference points during a promotional process. The BOLI complaint sought compensation for lost wages, reimbursement to CCPOA for representation costs and filing fees, a \$1,000 civil penalty paid by the City to the CCPOA for “egregious and knowing unfair labor practices” and an order that the city comply with the standard detective hiring process going forward. The CCPOA filed a complaint with the Employee Relations Board March 20 2013 and an amended complaint on May 17, 2013 alleging numerous violations of the PECBA, allegations Atkeson was subject to a hostile work environment, forced to resign, discriminatorily denied a

promotion, as well as allegations of unlawful unilateral changes in terms and conditions of employment and interference with union rights.

In fall 2012 Atkeson submitted a letter to Timeus stating “an employer cannot sit back and accept the benefits of an employee’s work without considering the time spent to be hours worked.” Timeus allegedly responded by sending a department wide email directing officers to stop work related activities, such as checking email and preparing patrol cars until after beginning a shift, in compliance with the law. Atkeson claimed this left him and the union as targets of blame. Atkeson further alleged he was told he “had a target on his back” for raising the issue with Timeus and some officers expressed frustration they could no longer volunteer their time outside of scheduled shifts, that “management was aware of the actions and statements of specific sergeants and did nothing to stop its supervisors... from speaking negatively about the union and encouraging a hostile environment against WLPD stewards.”

There were two candidates for the vacancy and the vote was unanimous against Atkeson. Atkeson claimed the hiring process was substantially different and that Timeus “stacked” the oral board with two close friends. The other candidate was not required to obtain a positive recommendation from his supervisor or pass a psychological evaluation before being promoted, both standard practices in the past. Timeus told Atkeson that “he needs to take care of himself and if it means quitting the union involvement, he should because it probably affected the oral board.”

The City and Atkeson reached a settlement agreement April 23, 2014. The City agreed to pay Atkeson \$15,000, to provide training to its sergeants and command staff on the subject of PECBA rights before July 1, 2014, and entered a memorandum of agreement with the CCPOA to agree to require non-bargaining unit employees who wish to compete for bargaining unit positions that provide for premium pay to self-demote into the bargaining before being allowed to compete for such a position.

June 2014 Doolittle Settlement

Doolittle was hired as a reserve officer in Sept. 2002 and promoted to full time officer the following year. Doolittle submitted a letter of resignation June 20, 2014. He was given \$2,000 to go toward the cost of his K9 officer and he was allowed to retain ownership of the K9 officer.

[REDACTED]

2015 [REDACTED] Separation

In 2015, [REDACTED] was put on administrative leave due to several complaints from his peers regarding his relationships and behavior with his peers. While under investigation, [REDACTED] filed a tort claim notice against the City claiming retaliation for previously aforementioned complaint via Attorney Dan Thenell in 2014, whistleblower protections, and unfair labor practices. The investigation proceeded, and the City concluded in 2016 that while [REDACTED] did not commit any unlawful, dishonest or unethical conduct, the relationships in the

September 2017 Stradley Internal Investigation

There was an internal investigation into Lieutenant Stradley relating to his conduct in connection with an incident that occurred on May 16, 2017. The investigation was performed by SS Investigations LLC.

On May 16, 2017, Chief Timeus, who was off duty, and his girlfriend were in an unmarked city police vehicle leaving West Linn Pub where he had just finished dinner and 1 ½ pints of beer. He initiated contact with two on-duty West Linn police officers who were in the same parking lot. During the contact, the two officers discussed the conversation with Timeus and had concern that he was under the influence of alcohol. Between one and four hours later, one of the officers met with their supervisor, Sergeant Rollins, to report the contact with Timeus and their complaint that he was possibly driving while impaired. Sergeant Rollins assured them he would look into the matter.

The following evening, Sergeant Rollins met with his supervisor, Lieutenant Stradley and verbally explained the circumstances the officers brought to his attention. Lieutenant Stradley dismissed the officers' concerns about Timeus being under the influence of alcohol states that Stradley had spoken with Timeus within an hour of the contact with the two officers.

During the next month, both officers left WLPD. One of the officers reported his reason for leaving, one of which was his interaction with Timeus where he believed the chief had been under the influence. That officer was encouraged to share this reason for leaving with Captain Hennelly. Captain Hennelly recognized the circumstance should have resulted in a workplace investigation and he notified the city human resource department.

The results of the investigation were discussed in detail but there were no allegations that required sustaining. The report, however, identified possible policy violations. The report stated that Stradley was aware of the rules and policies but used his own overlay of judgment to interpret what he thought happened and essentially dismissed the complaints raised by the officers. Both Timeus and Stradley offered in their interviews that they felt the events were orchestrated and exploited by a small number of employees who had long term personal and professional grudges against them. The investigator also stated it was apparent that there was a certain level of discord, distrust and animosity between different factions and members within the police department. He noted that some level of discord is common to most if not all police agencies and police managers are expected to address and manage them.

October 2018 Newberry Settlement

Officer Tom Newberry was terminated from employment in February 2017 for racist social media posts. Newberry and the CCPOA filed a grievance stating that he was terminated without just cause. The City denied the grievance which triggered an arbitration process.

The arbitrator found that the department was justified in firing Newberry based on the Facebook posts but also found that the department must bear some responsibility for its failure to take active steps as required by WLPD policy. He found the department should have required Newberry to remove the offending content from his Facebook page, but the department did nothing until contacted by the local media. Through its inaction, the WLPD effectively condoned Newberry's behavior.

Newberry had been placed on administrative leave in July 2016 and Chief Timeus condemned the posts and initiated an in-house investigation. The arbitrator determined that Timeus and several of the WLPD's most senior officers were aware of the posts and at times even "liked" or commented on the posts in question. The arbitrator stated "Although these individuals may not have endorsed the views Newberry expressed on his Facebook page, they were nevertheless aware and did nothing to address the offending content or request that Newberry stop posting such material," he wrote. "It was only after Newberry's Facebook postings received widespread local media attention on July 14, 2016, that the Department took appropriate action."

The arbitrator ruled that Newberry should receive back pay from the date of his firing throughout the date of the final ruling (February 22, 2017 – July 17, 2018).

During former Officer Newberry's investigation, it came to light that Sergeant Kempas (now retired) commented on some of Newberry's Facebook posts. He was also placed under investigation, and it concluded that the Sergeant violated policies and was aware of Newberry's public posts and failed to manage Newberry by addressing his racist public comments. The Sergeant received a disciplinary unpaid suspension. He retired at a later date.

E. Investigation of Chief Timeus

2008 Allegations

On February 11, 2008 a former Lake Oswego officer, who had worked with Terry Timeus in Lake Oswego, presented to the City Manager multiple allegations of misconduct. The allegations were reviewed by Bill Monahan of the City Attorney's office who, in February 2008, recommended an outside investigation of the charges. City Manager Chris Jordan agreed and directed Mr. Monahan to engage the services of Public Liability, Inc. to conduct the investigation. Rod Brown consulted for the company and undertook the investigation. Mr. Monahan did not know Mr. Brown prior to this engagement. The record does not reflect how Mr. Brown, or Public Liability, Inc. was chosen by Mr. Jordan. Because the complainant was not a direct witness to most of the allegations, Mr. Brown conducted interviews with a number of people who the complainant identified as witnesses. Summaries of the interviews were included in the report which sustained two of the seventeen charges.

Allegation 10 Sustained: "Timeus abused his position of authority and as a supervisor, and did not caution nor discipline officers for allowing and watching a possible live sex show while on duty. Officers allowed Public Indecency to be committed, as well as implied Bribery via sexual or extremely passionate activity. Officers unlawfully detained driver and passenger by delaying DUII investigation until Timeus could respond to 'watch.'"

The incident complained about occurred in 2004 when a Lake Oswego Police Officer stopped a vehicle for a traffic offense. The vehicle contained a female driver and a female passenger. The two females were reportedly gay and began performing sexual acts on one another while the primary officer was present with them. Primary officer called second officer to the scene to watch and attempt to contact Timeus so he too could respond. Timeus was unable for response. The driver was arrested for DUII and taken to jail.

The complainant stated Timeus made a statement to the two officers if something like that ever occurred again and they didn't get in touch with him so he could respond, he would terminate them.

It was confirmed the incident did occur and the officers were correctly identified by the complainant. In an interview with Timeus, he did not refute the claim but that he could not specifically remember it, and said he undoubtedly made the statement in jest.

A second part to this allegation complains of unprofessional conduct of several male officers of the Lake Oswego Police Department lusting over a new dispatcher. Timeus was present and supposedly all of them made comments about how "sexy" this female was.

No one interviewed refuted either part of allegation 10. It was the opinion of Rod Brown that the lack of corrective action for the two officers is akin to negligence on the part of the supervisor. The second part of the allegation while unacceptable behavior is not unusual but stated it does not justify the behavior and it is incumbent upon every supervisor to correct such behavior.

Allegation 13 Partially Sustained: "Constantly making sexually inappropriate comments, Gay bashing – degrading comments about [REDACTED]. Showing sexually inappropriate photos to other police officers. Using city resources – computer/internet and printer to view sexually explicit and other personal web sites."

Complainant stated Timeus made grossly inappropriate remarks about homosexuality and used a city computer and internet to view sexually explicit websites. He further stated Timeus make frequent remarks about subordinate male officers needing to perform oral sex on him to get on his good side. Complainant used an example of a photograph of himself kneeling down during a pig bowl football game with his mouth open and Timeus remarked he must be practicing for his next trip under his desk. Complainant also claims Timeus made derogatory comments about [REDACTED], calling her a [REDACTED].

Complainant claims Timeus used a city computer to access inappropriate web sites was regarding Timeus displaying a digital photo from the internet of his ex-wife at a motorcycle rally participating in a wet t-shirt contest.

Timeus stated he had no recollection of making remarks towards complainant, in essence not being able to confirm or refute that it did or did not happen. Timeus denied making derogatory statements about [REDACTED] though he admitted that she was. Regarding the digital photo, Timeus said another officer told him about it and he pulled it up to see what was there, but he did not print or otherwise advertise it.

The first portion of this allegation was not refuted, Timeus denied making remarks regarding [REDACTED], making that portion of the allegation not sustained, and the last portion regarding web site viewing is confirmed through admission and therefore sustained. It was the professional opinion of Rod Brown that the behavior cited is improper and should be corrected. But he stated it was not

so egregious as to warrant anything farther than a corrective comment sent by a senior officer to Timeus about the proper use of city equipment.

When the report was received, the City Attorney's office notified Mr. Jordan of the results and suggested he should see the report because of evidence of unprofessional behavior while Terry Timeus was a member of the Lake Oswego Police Department. Jordan instead asked for a summary of the sustained allegations. Jordan later justified his position, saying, "I don't get stuck in the weeds," and that he relies on contacts like the City Attorney and human resources officials to point him to problem areas.⁷

On May 12, 2008, City Attorney Tim Ramis sent a letter to Jordan summarizing the two sustained allegations and made recommendations.

The letter outlined two specific actions for the City to consider. As Timeus was now in a leadership position for the West Linn Police Department, his behavior is important as a model to the entire department and that he is accountable to the community. Certain acts he was involved in would not be appropriate in his position with West Linn.

The first proposed action item was to reinforce with Mr. Timeus city's expectation that his personal behavior must meet certain standards. It offered an option to include a statement in his next performance review and a modified personal service agreement.

The statement read: "Because Mr. Timeus is under constant scrutiny from the public and the media, transgressions could cause embarrassment for the city if Mr. Timeus is convicted of a crime or engages in acts of 'moral turpitude.' In addition, Mr. Timeus' behavior sets a standard for the entire department. It is the city's desire that that standard be at the highest level."

The second proposed action item was training. It recommended the city might determine appropriate training that might assist in preventing the occurrence of this type of behavior within the West Linn Police Department. Each of the sustained issues could be viewed as opportunities for the city to either introduce or reiterate appropriate workplace behavior with an emphasis on avoiding behavior that offends individuals because of gender or sexual orientation. In addition, city policy on internet use could be reinforced. It further stated supervisory personnel might benefit from training that emphasizes the importance that a supervisor take appropriate action when inappropriate activity takes place, with an emphasis on how the leader can and should be a positive role model.

The letter again invited review of the actual report:

At this point, you have not received a copy of the confidential report. Please advise whether you would like to review our copy or receive a complete copy for your files.

⁷ June 3, 2009, Lake Oswego Review, "They Want To Talk, But Can't."

We are available to discuss the report and any recommendations at your convenience.

Records Requests for the 2008 Report: In late 2008, reporter Lee van der Voo made a formal records request to the City asking for the investigative report. The City denied the request on the basis that it did not possess the report. On January 28, 2009, van der Voo requested review of the decision by the Clackamas County District Attorney under the provisions of ORS 192.502 which grants jurisdiction to resolve records disclosure issues. To authorize defense of the matter the City Manager obtained the support of City Council for the decision to withhold the document. On February 19, 2009, the Office of District Attorney released a decision upholding the decision to withhold the report because “Based upon the record before us we cannot find that the investigative report was ever provided to the City of West Linn. A copy of the report is not currently maintained by the City.” The decision also said that the decision not to receive the report, “has the appearance of being designed to prevent public disclosure of the document contrary to public policy which favors public access to government records.”

The matter generated substantial public notoriety and concern. The Council and City Manager were criticized for the decision to withhold the document and for Jordan’s insistence on not reading it. Jordan and the City Council, however, maintained position of nondisclosure of the report.

The matter did not end with the decision of the District Attorney. In April 2009, van der Voo filed another request with the District Attorney based upon a conversation she had with City Manager Jordan in which Jordan seemed to say he had seen the original report, not just a summary of it. The statement was:

Again it came as a shock to me when I read through the complaints and that’s why we investigated. And, again, there was, there was, no, no reason for us to do anything further after the, after reading through the investigation.

In the course of this second review Mr. Jordan filed an declaration stating that he had not seen the original report and that in his ambiguous statement to Lee van der Voo he did not intend to say otherwise.

To the extent that Ms. Van der Voo asserts that I have read the investigative report, based on the transcript of the October 10, 2008, telephone conference, I deny that I have ever seen or read the investigative report.

The City of West Linn did not receive a copy of the investigative report that was prepared at the request of our legal counsel and a copy of such report is not found in the records or the City of West Linn.” Jordan Declaration pp 1 & 2.

The District Attorney upheld the original decision saying, “The Public Record Opinion Letter of February 19, 2009 stands and will not be withdrawn.”

The District Attorney reviews took place after the election of November, 2008, which changed the composition of the City Council, adding Councilor Teri Cummings. Councilor Cummings made clear she favored the public release of the Timeus report, but her position was not supported by Councilors John Kovash, Scott Burgess and Jodi Carson. Mayor Galle made inquiry to the City Attorney requesting confirmation that the report had been “sealed.” The City Attorney emailed the Council, City Manager and City Recorder advising this was not the case. Instead, he advised, the authority to release the document was in the discretion of the City Council. The Council, except for Mayor Galle and Councilor Cummings supported the City Manager’s position against public release. Over the years Councilor Cummings sought disclosure of the report but she was not joined by a majority of the council.

Release of the document remained in the purview of the City Manager and City Council. On February 19, 2020 the interim City Manager authorized its release on the advice of the City Attorney that it was within his authority to do so.

June 10, 2014 Timeus Investigation by Chris Jordan

Jordan emailed Kathy Peck regarding an allegation Timeus was intoxicated the night of November 10, 2010 at the home of Gert Boyle. Jordan conducted the investigation personally. Jordan interviewed Sgt. Hennelly whose response was “emphatically No.” Sgt. Kempas did not have a clear recollection because he was undergoing a medical procedure the next day. Said he had a vague recollection of alcohol but no clear memory. Officer McKean met with Timeus several times that evening and stated he did not smell alcohol and there were no signs of intoxication. He went on to say whoever made the allegation is lying. Given the above statements, Jordan saw no reason to continue investigating.

July 24, 2014 Timeus Investigation by Workplace Solutions

Investigation that Timeus altered a recruit’s score, the recruit was his girlfriend’s sister, and improper hiring of a reserve police officer. It was found that Timeus did not alter the recruit’s score, rather he made a mistake in the score when he graded it. The mistake was not intentional and he made two other similar mistakes on other tests. It was found that although one of the mistakes was to the favor of a recruit that was the sister of his girlfriend, he reported the correct score to Human Resources and there was no lasting effect or unfairness resulting from his mistakes. Regarding improper hiring of a reserve police officer, two reserve officers were moved into the background check process approximately two weeks after their interviews. The reserve officers we placed into the background check prior to others because their backgrounds would take a day or so as compared to 30-45 required by other candidates. The two reserve officers were moved to this point in the process prior to other candidates but were not given conditional job offers until after all interviewing was concluded.

The June and July 2014 investigations initiated out of the Dan Thenell complaint. The outcome of both investigations into Timeus were unfounded.

July 11, 2017 Timeus Investigation by Washington County DA

Washington County DA was asked to provide independent review over concerns that Timeus drove under the influence of intoxicants the evening of May 16, 2017. It came to the City's attention when Officer Tadlock resigned. He wrote a two page memorandum describing an encounter with Timeus. He was on patrol with Officer Jones and they had stopped for food. The

officers discussed the incident and brought their concerns to Lt. Stradley. Stradley had spoken with Timeus earlier in the evening and did not detect that Timeus was intoxicated. Washington County received statements from Tadlock and Jones and interviewed Lt. Stradley, Timeus and spoke with Acting Chief Hennelly and concluded the state could not prove that Timeus drove while under the influence of alcohol beyond a reasonable doubt.

F. Separation of Terry Timeus

In 2017 an independent investigation was conducted into policy violations by Timeus simultaneously with the Washington County DA's criminal investigation. SS Investigations investigated both Stradley and Timeus' alleged conduct in the complaint, but wrote the finding separately. Stradley's report was completed and he received discipline from City Manager Stein. Timeus' investigation was completed, but the report was not finished when Stein heard Timeus was interested in retiring. The Washington County DA report was concluded, and Stein wrote a conclusion letter to Timeus, but did not receive a finalized investigation report. Stein chose to negotiate his retirement/separation.

Chief Terry Timeus left the employment of the City under the terms of October 19, 2017 Separation Agreement. The decision to negotiate and proceed under a separation agreement was made by City Manager Eileen Stein. Under City Charter Section 21A, the City Manager is empowered to make personnel decisions and the City Council is not. Stein, however, kept the Council informed of the decision and, after the decision the City Council and the City Manager discussed the agreement during City Council executive sessions held on November 20, 2017, December 14, 2017 and February 12, 2018. The record of those executive sessions has been ordered by the City Council to be made public and they are available on the City's website.

Because the circumstances of the agreement may be under investigation, this report contains no other information on this subject, but may be amended in the future.

2. Change In Leadership

Appointment of Chief Terry Kruger

Following the departure of Chief Timeus, the City was once again faced with the situation of searching for a new Police Chief. During the transition period, West Linn Police Department Captain Neil Hennelly served as the Acting Chief of Police. The City retained the recruitment and consultant services of Ralph Anderson & Associates ("Ralph Anderson") out of Sacramento, California, in late 2017.⁸ The search officially commenced in early January 2018 when Greg Nelson of Ralph Anderson interviewed various stakeholders over a two-day period to obtain preliminary information from elected officials, City staff and other community leaders and organizations in order to prepare the Chief of Police position profile.⁹

⁸ Memorandum (City Manager's Weekly Report) dated December 20, 2017 to West Linn City Council, Staff and Readers.

⁹ Police Chief Recruitment Stakeholder Meeting Schedule

The position profile includes general background information on the City of West Linn, the community and the West Linn Police Department.¹⁰ The profile describes the key responsibilities of the Chief of Police position, including “exercises leadership to provide responsive and effective police services”, “preparation and administration of the Department budget”, and “comprehensive professional development of officers and professional staff.”¹¹ The profile additionally lays out some of the known challenges for the position, including retirements, recruitment and retention, and a pending arbitration relating to the termination of a West Linn police officer for “making social media posts that were viewed as offensive by the community and not in alignment with the City of West Linn and the West Linn Police Department”.¹² The recruitment material also set forth the traits and characteristics of the ideal candidate. These traits and characteristics included “[a]n unimpeachable track record of ethical conduct”, “strong appreciation and acceptance of diversity and desire for fostering the principles of inclusiveness” and a “highly communicative and collaborative” leadership style.¹³ All applications for the Chief of Police position were sent to Ralph Anderson’s attention.

Upon the close of application period, Ralph Anderson conducted the initial evaluation of the 47 applicants, including screening interviews and background checks. Based upon the initial evaluations, the candidate pool was narrowed from 47 to 6 applicants. The second round of interviews was conducted on Wednesday, March 28, 2018 through group panel discussions. Twenty-four panelists, consisting of 14 City staff members, three local police chiefs (Oregon City, Woodburn, and Lake Oswego), a fire chief, a union steward and other community leaders, were broken upon into three panels of eight to conduct the interviews.¹⁴ The group panel discussion consisted of a 50-minute interview period. Following this round of interviews, two final candidates were selected: retired Portland Police Bureau Lieutenant Terry Kruger (and Beaverton Police Captain Jeffery Williams).¹⁵

On Wednesday, April 18, 2018, the City held a public reception wherein West Linn residents had the opportunity to hear directly from the two finalists. Former City Manager Eileen Stein described the informal interview session as the chance for the public to view each candidate “speak to audiences and talk on their feet and organize their thoughts quickly”.¹⁶ Each candidate introduced themselves to those in attendance and explained why they were best suited for the Chief of Police position.¹⁷ The candidates also described what their main focus would be during

¹⁰ Chief of Police Recruitment Material

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Panel List

¹⁵ Press Release: West Linn Announces Final Candidates for Chief of Police Position (April 3, 2018)

¹⁶ West Linn Residents Meet Candidate for Police Chief, Pamplin Media, April 25, 2018

¹⁷ Id.

the initial 100 days on the job.¹⁸ Among the rest of the questions, both candidates spoke about equity and inclusion practices in relation to the protection of the public.¹⁹ At the conclusion of the public reception, community members were offered the chance to provide input on each candidate. Of the 19 community members whom submitted comment cards, 15 of them listed Lieutenant Kruger as their preferred candidate.²⁰ Some of comments in support of Lieutenant Kruger included “admired his dedication to his family and his community”, “knows West Linn”, “able to build harmony and teamwork”, and “great ideas of recruitment”.²¹ Those who submitted comments in support of Captain Williams felt he possessed “good communication skills”, appreciated his “personable fluid approach to the community” and that his “experience with dispute resolution was a plus”.²²

The final interviews for the Chief of Police position were conducted by Former City Manager Stein and West Linn Police Department Command Staff. On May 18, 2018, the City of West Linn announced it selected Lieutenant Kruger as the City’s next Chief of Police.²³

¹⁸ Id.

¹⁹ Id.

²⁰ Typed up notes from Community Reception Comment Cards

²¹ Id.

²² Id.

²³ Press Release: Kruger Named West Linn’s New Chief of Police (May 18, 2018)



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October 12, 2006

Charles E. Corrigan
Ramis Crew Corrigan LLP
1727 N.W. Hoyt Street
Portland, OR 97209

Chris Jordan
City Manager
City of West Linn
22500 Salamo Road
West Linn, OR 97068

Dear Mr. Corrigan and Mr. Jordan:

Re: *City of West Linn – Elma Sandoval Magkamit*
Alleged Asset Misappropriation

This letter comprises our work to date pursuant to a fraud investigation. Our work focused on a possible misappropriation of assets of the City of West Linn by Ms. Elma Sandoval Magkamit (“Subject” or “Magkamit”). This investigation was predicated based upon your identification of possible fraudulent checks drawn on the City of West Linn’s primary checking account.

REPORT SCOPE

This report cannot be used for any other purpose than for that which originally precipitated this work. In addition, it cannot stand alone and must refer to the workpaper file for accurate interpretation.

Note that pending and potential civil and criminal actions frame the context of this report. We reserve the right, at our option to update and/or refine this report as we deem necessary or should additional data become available for review.

Our analysis was enhanced by the diligence and dedication of certain key people who merit the gratitude of the Citizens of West Linn. The people include:

- **Ms. Heidi Bowen** – Criminal Financial Investigator, Oregon Department of Justice – Criminal Justice Division.
- **Mr. Christopher Jordan** – City Manager.
- **Ms. Michele Eberle**, Councilor – Audit Committee member.
- **Ms. Jody Carson**, Councilor – Audit Committee member.
- **City of West Linn Finance Department** – Remaining employees.

UNIQUE FACTS AND CIRCUMSTANCES

Every fraud investigation contains unique aspects that shape the context and defines the framework of the assignment. The following ***Unique Facts and Circumstances*** are specifically identified in order to characterize the scope of our work to date.

- City management experienced a multi-year period of turmoil reflected by high turnover (voluntary and involuntary) in key positions.
- The auditors were terminated before the completion of the June 30, 2002 fiscal audit and the audit was not completed for a multi-year period.
- The City's overall control environment was ineffective for a multi-year period as evidenced by the various misappropriations outlined below.
- The City's Finance Department lacked oversight as evidenced by the after-the-fact bank statement and general ledger account reconciliations and related items contained in this report.
- A new accounting software module purchased in 1999 to avoid Y2K concerns has not been fully implemented City-wide.
- At this time, we have not had the opportunity to interview all key witness including the investigation Subject.

ACTIVITY SUMMARY

Our investigation was conducted in accordance with lawful fraud investigation techniques, which included – but are not necessarily limited to:

- Investigation and review of selected finance and operations records for the City of West Linn including:
 - Bank statements (altered and unaltered),
 - Copies of cancelled checks,
 - Bank reconciliations,
 - Audited financial statements,
 - Audit reports,
 - Outside financial consultant reports,
 - Budgets,
 - General ledger activity,
 - Journal entries,
 - Cash receipts journal,
 - Personnel files,
 - Job descriptions,
 - Various accounting & finance electronic files¹, and
 - Other contemporary and archived documentation as deemed necessary.
- Voluntary interviews with current and past department heads, managers and other personnel of the City of West Linn.
- Investigation and review of selected financial records of Elma Sandoval Magkamit.

¹ Many of these files were deleted proximate to the termination of Elma Magkamit. The City managed to restore most of these files for review.

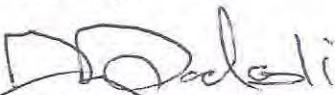
- The actions included elements of, but are not necessarily limited to contemporary direct and indirect forensic accounting methods including:
 - Full-and-false inclusion testing
 - Interview/overlap matrix
 - Computer analysis using IDEA² data analysis software
 - Comparison testing
 - Gap detection
 - Link analysis
 - Etc.
- Communications with the State of Oregon and West Linn law enforcement officials and West Linn attorney.
- Regular communications with the Audit Committee and City Manager.
- Periodic communications with City Council parties.

Based on the results of our fraud investigation, we find that there is sufficient evidence to support the conclusion that \$1,420,452.80 was misappropriated from the City of West Linn's Bank of America checking account and that Elma Sandoval Magkamit appropriated these assets for her personal benefit. The results of our investigation (these actions), if proved in a court of law, could constitute a violation of Oregon criminal and/or civil law.

Note that on September 29, 2006, Elma Sandoval Magkamit pled guilty in Clackamas County Circuit Court, Judge Eve Miller, to 5 charges of Theft 1 and 52 charges of Aggravated Theft 1. Mrs. Magkamit is now awaiting sentencing related to these charges.

This report and supporting detail comprises the written portion of our investigation; we have previously met with the City Manager, Audit Committee, City Council, City Attorney, and other selected parties to verbally communicate the material findings from our investigation as deemed necessary.

Sincerely,



Gregory A. Gadawski, CPA/ABV, CFE, CVA
Principal

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Darrell D. Dorrell, CPA/ABV, MBA, ASA, CVA, CMA, DABFA, CMC
Principal

financialforensics®

² Audimation Services, Inc.

INVESTIGATION SUMMARY

SUBJECT PERSONAL DATA³

- DOB – [REDACTED]
- Husband – Larry C. Magkamit
- Education – University of the East (Manila, Philippines). Bachelor of Science in Business Administration. Certified Public Accountant (Philippines, 9/78)
- Employment History –
 - Staff accountant; SyCip, Gorres, Velayo & Co., CPAs (Manila, Philippines)
 - Bookkeeper; Central Typewriter Exchange (Chicago, IL)
 - Internal Auditor; Red Lions Inn (Vancouver, WA)
 - Accounting Supervisor; City of Beaverton (Beaverton, OR)

KEY BUSINESS DATA

The City of West Linn (“the City”) operates on a June 30 fiscal year. The State of Oregon requires the City and similar public entities to authorize annual independent audits. That last independent audit completed for the City was for the fiscal year ended June 30, 2003. The City operates on an annual budget (for all funds) of approximately \$30,000,000.

The City employees 100 to 150 full-time and part-time individuals depending upon seasonal impacts. Approximately 8 to 10 of these individuals work under the direction of the Finance Department.

The City partially converted to a new accounting software module, HTE, in 1999 due to Y2K concerns. Not all City departments have made this conversion, rather electing to maintain their own ad hoc and independent accounting sub-systems.

CHRONOLOGY OF KEY EVENTS

May 2, 1994 – Elma Sandoval Magkamit begins employment as Accounting Supervisor for the Finance Department of the City of West Linn.

June 1, 1999 – Elma Sandoval Magkamit promoted to position of Finance Operations Manager.

September 27, 2000 – First known suspect check clears bank account.

April 2001 – Former Finance Director departs City employment. Elam Sandoval Magkamit promoted to position of Acting Finance Director on a “temporary” status.

July 30, 2001 – Elma Sandoval Magkamit promoted to position of Finance Director.

³ Obtained from Subject’s personnel files.

February 21, 2002 – Fiscal year ended June 30, 2001 annual audit completed.

August 23, 2004 – Fiscal year ended June 30, 2002 annual audit completed.

February 2005 – [REDACTED] terminated for misappropriation of City funds.

March 28, 2005 – Pauly, Rogers and Co., P.C. issues letter of findings related to City's internal control relating to disbursements.

March 29, 2005 – Last known suspect check clears bank account.

June 24, 2005 – Fiscal year ended June 30, 2003 annual audit completed.

September 16, 2005 – Elma Sandoval Magkamit terminates employment with the City of West Linn.

October 2005 – [REDACTED] disciplined for improper use of City credit cards.

December 5, 2005 – [REDACTED] [REDACTED] [REDACTED] was terminated for misappropriation of City funds.

NATURE OF THE ALLEGED MISAPPROPRIATION

From September 27, 2000 through March 29, 2005, Elma Sandoval Magkamit allegedly embezzled approximately \$1,420,452.80 from the City of West Linn's primary checking account at Bank of America. During the relevant time period, Subject allegedly drafted 58 checks payable to "Magkamit Consulting" or "Larry Magkamit – Magkamit Consulting". All 58 checks were deposited into an account at U.S. Bank held in the name of Larry C. Magkamit and Elma Sandoval Magkamit.

The following table depicts the suspect checks drawn on the City's Bank of America account.

Check Number	Payee	Amount	Date Cleared
16692	Magkamit Consulting	\$ 4,780.00	09/27/00
17314	Magkamit Consulting	4,250.00	10/19/00
17653	Magkamit Consulting	4,970.00	11/07/00
17777	Magkamit Consulting	8,760.00	11/20/00
17867	Magkamit Consulting	8,970.00	11/27/00
18440	Magkamit Consulting	8,892.00	12/26/00
18252	Magkamit Consulting	14,872.00	01/29/01
18803	Magkamit Consulting	14,920.00	02/20/01
19432	Magkamit Consulting	13,876.00	02/26/01
19316	Magkamit Consulting	18,768.00	03/12/01
19516	Magkamit Consulting	19,360.00	03/13/01
19696	Magkamit Consulting	18,886.00	03/20/01
19966	Magkamit Consulting	18,661.00	04/02/01
20066	Magkamit Consulting	17,989.00	04/09/01
20352	Magkamit Consulting	17,975.00	04/30/01
21966	Larry Magkamit - Magkamit Consulting	19,881.00	08/28/01
22416	Larry Magkamit - Magkamit Consulting	18,963.00	09/11/01
21725	Larry Magkamit - Magkamit Consulting	18,935.00	09/21/01
21341	Larry Magkamit - Magkamit Consulting	28,992.00	09/26/01
22717	Larry Magkamit - Magkamit Consulting	17,887.00	09/27/01
23408	Larry Magkamit - Magkamit Consulting	23,055.00	11/16/01
23645	Larry Magkamit - Magkamit Consulting	18,466.00	11/30/01
23949	Larry Magkamit - Magkamit Consulting	24,547.00	12/24/01
24293	Larry Magkamit - Magkamit Consulting	19,737.00	01/22/02
24468	Larry Magkamit - Magkamit Consulting	22,948.00	01/28/02
24572	Larry Magkamit - Magkamit Consulting	15,878.00	01/29/02
24367	Larry Magkamit - Magkamit Consulting	18,658.00	01/30/02
25688	Larry Magkamit - Magkamit Consulting	23,473.00	04/11/02
25804	Larry Magkamit - Magkamit Consulting	27,882.00	04/23/02

Check Number	Payee	Amount	Date Cleared
25905	Larry Magkamit - Magkamit Consulting	22,953.00	04/26/02
27328	Larry Magkamit - Magkamit Consulting	28,733.00	08/01/02
27681	Larry Magkamit - Magkamit Consulting	25,752.00	08/21/02
27477	Larry Magkamit - Magkamit Consulting	23,713.00	08/28/02
28624	Larry Magkamit - Magkamit Consulting	27,833.00	10/24/02
28742	Larry Magkamit - Magkamit Consulting	26,763.00	10/28/02
29067	Larry Magkamit - Magkamit Consulting	28,868.00	11/20/02
29196	Larry Magkamit - Magkamit Consulting	29,398.00	11/27/02
30407	Larry Magkamit - Magkamit Consulting	29,773.00	02/10/03
30651	Larry Magkamit - Magkamit Consulting	29,887.00	02/24/03
30516	Larry Magkamit - Magkamit Consulting	31,107.00	02/27/03
31186	Larry Magkamit - Magkamit Consulting	29,289.00	04/17/03
31387	Larry Magkamit - Magkamit Consulting	30,386.00	04/24/03
32999	Larry Magkamit - Magkamit Consulting	29,931.00	08/04/03
33114	Larry Magkamit - Magkamit Consulting	31,155.00	08/20/03
33510	Larry Magkamit - Magkamit Consulting	31,693.00	08/28/03
33950	Larry Magkamit - Magkamit Consulting	32,112.00	10/07/03
33625	Larry Magkamit - Magkamit Consulting	36,629.00	11/05/03
32759	Larry Magkamit - Magkamit Consulting	34,729.00	11/20/03
31712	Larry Magkamit - Magkamit Consulting	34,413.00	01/20/04
31896	Larry Magkamit - Magkamit Consulting	36,827.00	02/20/04
31797	Larry Magkamit - Magkamit Consulting	35,944.00	02/25/04
31994	Larry Magkamit - Magkamit Consulting	37,363.00	04/28/04
32177	Larry Magkamit - Magkamit Consulting	34,821.00	04/29/04
29994	Larry Magkamit - Magkamit Consulting	36,884.70	09/21/04
26009	Larry Magkamit - Magkamit Consulting	38,922.90	12/10/04
21321	Larry Magkamit - Magkamit Consulting	37,892.00	02/08/05
21322	Larry Magkamit - Magkamit Consulting	36,756.20	03/24/05
21328	Larry Magkamit - Magkamit Consulting	34,694.00	03/29/05

TOTAL

\$ 1,420,452.80

SELECTED INVESTIGATION FINDINGS

Bank Statements

During the course of our investigation, we reviewed bank statements that were present at the City. Some of the bank statements were originals and other bank statements were copies; originals could not be located. In certain instances, it is apparent that the bank statement copies were altered in order to conceal the aforementioned suspect activity.

The noted alterations were rather crude and took the following forms:

- **Wite Out®** – It appears that portions of numbers have been covered with Wite Out® or otherwise concealed so that transactions appear on the statement copy for lesser amounts. For example, the amount \$31,155.00 was altered to appear as \$155.00 by concealing the leading “31”.
- **Cut & Paste** – It appears that transactions from other statements were cut out and pasted over the suspect transactions. Copies would then be made of the altered statement, once again concealing the aforementioned suspect activity.
- **Fold Over** – It appears that statements were folded over, concealing the suspect activity and then copied. The transactions under the fold would not appear on the statement copies.

Bank Reconciliations

We have reviewed selected bank reconciliations for the City’s primary checking account and noted certain errors and/or discrepancies during our review. Most notably, the dollar amount of outstanding checks on the bank reconciliation often did not agree with reports we produced independently from the City’s accounting system. It is difficult to distinguish between error and intent to conceal due to the poor state of accounting oversight.

Additionally, it is apparent that bank account reconciliations were not performed on a timely basis. Bank reconciliations were often done in batch, preparing more than one month’s reconciliation at a time, and they were often done well after the respective month had ended. For example, on October 22, 2002, bank reconciliations were prepared for the months spanning September through December 2001. These bank reconciliations were prepared 10 months to a year after the respective months had ended.

General Ledger

During our investigation, we also reviewed selected general ledger detail. Our analysis revealed several serious findings, the most significant being the untimely reconciliation of key general ledger account balances.⁴ Similar to the after-the-fact bank

⁴ Regular account reconciliations are a foundational control tool. See, for example: Vorhies, James Brady, “Account Reconciliation: An Underappreciated Control,” *Journal of Accountancy*, September 2006.

reconciliations, general ledger account reconciliations were often performed well after the month and/or fiscal year had ended.

We also reviewed the bank activity within the general ledger for an entire fiscal year. Our analysis resulted in the following findings:

- Apparent bookkeeping errors were noted (deposit or withdrawal activity did not agree with underlying source documents) and corrections for said errors were not present.
- Month-end bank activity and other adjustments necessary to tie general ledger to bank reconciliations were not entered on a timely basis. This task is typically completed in conjunction with bank reconciliations. As previously discussed, bank reconciliations were often completed several months after the month-end.
- Month-end bank activity was not recorded for all months.
- No specific entries were present in the general ledger to conceal each unauthorized withdrawal of funds.
- Some cash receipts were either not recorded in the general ledger or deleted from general ledger.
- Certain journal entries appear to under-report cash receipts for the respective period. For example, it is apparent that Court cash receipts were grossly under-reported for the fiscal year ended June 30, 2003.
- Certain adjustments were made after the year-end to “plug” cash account balances so they agreed with the respective account reconciliations.

Given the myriad of uncorrected errors and journal entries made within the general ledger, it would be inordinately cost-prohibitive to ascertain to what extent individual funds or departments may have been affected by the alleged embezzlement. Further, funds spent in such effort would yield very little benefit.

Journal Entries

We reviewed most journal entries spanning the period of suspect activity. Many journal entries did not have the proper supporting documentation. Furthermore, there were many suspect journal entries found in the general ledger without supporting documentation or satisfactory explanation.

Our review of the journal entries confirmed that key accounts, including the bank accounts, were not reconciled on a timely basis. The chronology of the journal entries agreed with the timing of bank reconciliations preparation.

Check Gap Detection

The alleged mode of embezzlement included the conversion of checks that should have been previously voided. When the City printed its check batches, the second check through the printer was automatically spoiled⁵. The first check was then to be manually voided. Both of these checks were to be entered into the accounting system as voided checks.

It is apparent that some of these unspoiled blank checks (the first checks) were subsequently drafted payable to "Larry Magkamit – Magkamit Consulting" and deposited into the aforementioned US Bank account. Additionally, these checks were not entered into the accounting system as voided checks.

As part of our investigation, we ran a Check Gap Detection Analysis on the check register as entered in the City's accounting system. The purpose of the test is to determine what checks are not accounted for within the check register.

The following is an excerpt of our Gap Detection Report. These are checks that were not in the accounting system. Note that the gaps usually appear in increments of two checks, indicating the spoilage at the beginning of each printed batch. Additionally, some of the first checks (#s 19966, 20066, 20352 and 21341) are checks that were deposited into the Subject's US Bank account.

There were also instances where it appears that groups of blank checks were utilized as they did not follow "two check" spoilage pattern (# 21321, 21322 and 21328). Note that the blank check stock was locked up, but the Subject and other Finance Department personnel had unrestricted access to it.

⁵ Unusable due to nonsense printing on the check, such as "XXXXXXXX". These checks were used to align the printer prior to batch printing.

Magkamit Fraud Investigation

October 12, 2006

Missing Check #s	Payee	Amount	Date Cleared
19966 19967	Magkamit Consulting	\$18,661.00	04/02/01
20066 20067	Magkamit Consulting	\$17,989.00	04/09/01
20181 20182			
20284 20285			
20352 20353	Magkamit Consulting	\$17,975.00	04/30/01
20433 20434			
20530 20531			
20619 20620			
20735 20736			
20843 20844			
20925 20926			
20997 20998			
21094 21095			
21184 21185			
21319			
21321	Magkamit Consulting	\$37,892.00	02/08/05
21322	Magkamit Consulting	\$36,756.20	03/24/05
21323			
21324			
21325			
21326			
21327			
21328	Magkamit Consulting	\$34,694.00	03/29/05
21329			
21330			
21331			
21341	Magkamit Consulting	\$28,992.00	09/26/01
21342			

Daily Cash Activity Worksheets

During our investigation of Subject's computer records we discovered Excel-based "Daily Cash Activity" schedules. It appears that these reports were utilized to track all daily cash inflows and outflows for the City's primary checking account. It appears that these reports were relied upon for current bank balances as the general ledger accounts were not reconciled in a timely manner. In essence, this was equivalent to keeping a second set of books. If all of this bank account activity was recorded in the general ledger on a timely basis, then there would have been no need for the Daily Cash Activity report.

The following is an example of a Daily Cash Activity report for the month of November 2002. The objective of the Daily Cash Activity report is to track the bank activity and resulting account balance. Therefore, all transactions, including suspect withdrawals, must be accounted for or else the account could be overdrawn.

Magkamit Fraud Investigation
 October 12, 2006

Bank of America
 Daily Cash Activity
 November-02

Receipt Date	Deposit Date	Receipt Numbers		Key Bank Credit Card	B of A Deposit	From LGIP	From Others	NSF Checks	Check Numbers	Accounts Payable	A/P Voids	Payroll	To LGIP	To Others	Balance
		From	To												
Balance Forward															626,432.27
11/1	11/1			426.74	52,593.34		522,990.00								626,432.27
11/4	11/4			675.52	59,322.65										1,202,015.61
11/5	11/5			158.94	37,289.61		189,859.25	(7.80)	28950-29064	(312,339.08)					1,261,338.26
11/6	11/6			444.96	46,430.86				29065-29066	(1,336.00)					1,156,140.24
11/7	11/7			345.47	18,090.61									(15,193.58)	658,554.72
11/8	11/8			242.93	11,361.00										669,916.72
11/12	11/12			17,806.61	128,729.70	400,000.00			29069-29193	(561,174.11)				(60,064.30)	609,852.42
11/13	11/13			152.05	44,925.00			(376.62)						(14,588.43)	607,264.01
11/14	11/14			531.59	9,672.63		751.33	(322.06)						(2,774.05)	604,489.96
11/15	11/15														614,684.81
11/18	11/18				7,443.19				29194-29195	(5,916.33)					618,600.90
11/19	11/19			451.08	18,873.14				29198-29288	(597,728.29)				(15,366.69)	462,234.21
11/20	11/20			226.63	14,732.67	400,000.00								(2,774.06)	459,460.15
11/21	11/21			450.70	8,279.85									(14,441.80)	445,018.35
11/22	11/22			18,229.94	14,449.91	200,000.00								(59,527.72)	385,490.63
11/25	11/25			943.99	28,431.60									(606,093.97)	439,066.93
11/26	11/26			236.56	77,155.90	500,000.00									438,773.50
11/27	11/27			308.92	35,967.12	200,000.00			29291-29432	(235,943.63)					471,599.30
11/27	12/2			17.50	33,257.90										471,599.30
Bank charges															
				41,650.13	647,006.68	1,700,000.00	693,800.58	(1,455.50)		(1,714,437.44)	0.00	(288,707.70)	(400,000.00)	(790,839.59)	471,599.30
Fees															
Interest (408.91)															
Service chg 685.47															
MC - Oct (13.59)															
MC - Nov (2,947.93)															
MC - Oct 3,445.01															
MC - Oct (1,213.22)															
471,146.13															

In November 2002, we noted that two of the Accounts Payable disbursements were overstated to account for the suspect checks. In summary, the total of Accounts Payable per the Daily Cash Activity report was more than the actual disbursements as recorded in the general ledger.

Transaction Date	Accounts Payable on DCA Report	Accounts Payable per General Ledger	Variance
11/06/02	312,339.08	284,073.08	28,266.00
11/19/02	597,728.29	567,728.29	30,000.00
			<u>\$58,266.00</u>

This overstatement of \$58,266.00 equals the total of the two suspect checks that cleared the City's account in November 2002.

Check Date	Check Number	Amount
11/12/02	29067	28,868.00
11/19/02	29196	29,398.00
		<u>\$58,266.00</u>

A similar pattern was noted in other Daily Cash Activity reports that we reviewed.

SUBJECT'S BANK ACCOUNTS

We have reviewed the Subject's bank statements for US Bank account X-XXX-XXXX-9145 for the pertinent time period. This account is held in the name of Larry C. Magkamit and Elma Sandoval Magkamit. With the exception of a few deposits⁶, the suspect checks match deposits made into this account (in deposit amount and time proximity).

INTERNAL CONTROLS

This engagement was not intended to provide assurance, or any other form of opinion, on the internal controls of the City of West Linn. Accordingly, we did not audit, review or provide any level of attestation regarding the internal controls of the City of West Linn under professional accounting standards.

We did review selected controls and procedures as deemed pertinent to our investigation. Furthermore, we have discussed any identified internal control concerns with Management and the Audit Committee.

End of Document

⁶ A few of the deposits on the bank statements are greater than the amount of suspect checks. Given the amount of the variances and account history, it appears that additional currency may have been included in these deposits.



Advanced Strategies Group

2441 NW Pinehurst Drive
McMinnville, OR 97128
97128

Position –Chief of Police
City of West Linn, OR

Pre-Employment Background Investigation

Applicant:

Timeus, Terry Dean

DOB: [REDACTED]

Drivers License# [REDACTED]

Address [REDACTED]

Lafayette, OR 97127

Telephone [REDACTED]

(W) 503-656-3519 direct

Final Report Date: March 14, 2009

Notation:

This background investigation report has been conducted and completed while Terry Timeus is in his third year as Chief of Police for West Linn. This delayed background is unique and raised questions from those contacted, but when I explained the importance to the City of West Linn, Chief Timeus and the Police Department in particular, everyone understood and approved.

I refer you to Rod Brown's interview in this report which states he conducted inquiry into allegations made toward Terry Timeus. His statement summarizes those findings. His report is not incorporated in this document.

PRELIMINARY INFORMATION:

Terry Timeus has been the West Linn Police Chief for the last 3 years. Timeus was "executive on loan" serving for several months as Interim Police Chief to West Linn from his employer, Lake Oswego PD. Timeus competed for the permanent position and was hired in November 2005.

This background is being conducted to fulfill the normal hiring practice of the City of West Linn and subsequently meet the Oregon Administrative Rules of Department of Public Safety Standards and Training, which requires a police officer hired is subjected to a full background inquiry.

Prior to his work at West Linn, Timeus was the Captain at Lake Oswego PD, which is the second in command of the Department. During his 19 years at Lake Oswego PD Timeus began with patrol duties and moved through detectives, special assignments, controlled substance task forces, Lake Oswego PD's public information officer and other related duties. His past supervisors state that he excelled in each role.

Timeus began his police career at Reedsport Police Department as a patrol officer. His Police Chief at the time, Steve Evans, still calls Timeus his rising star.

APPLICATION BACKGROUND FORMS REVIEW: Timeus' Personal History Questionnaire was completed in a neat and thorough manner. The spelling, punctuation, grammar, and writing style was complete. All requested information was provided in sufficient detail.

APPLICANT INTERVIEW:

Terry Dean Timeus, Chief of Police
22825 Willamette Drive
West Linn, Oregon 97068
503-655-6214

I initially met Terry Timeus through an exchange of phone conversations and emails (February 25, 2009). Timeus was aware that I would be conducting his background investigation. Timeus was receptive and a willing participant in setting up the email exchanges and document transfers. Although he balked at my request to complete the extensive personal history form in a short turn around, he said he would give it his best effort, and it was timely.

On March 2, 2009 at 1:00PM I met with Timeus in his office at West Linn Police Department. Timeus was dressed in professional suit and tie stating he splits his work week between civilian dress and police uniform. His office is functional, clean, and professionally organized with a few award plaques and recreational pictures.

Timeus was professional, cordial and responsive to all my questions, even the very personal ones about his private life. He did state his dismay on having to go through a background investigation 3 years late, but followed up with a statement of understanding.

Timeus describes himself as "not politically astute or at least does not play politics very well" but I found him to be very personable and always "on" the game. Timeus is very effective at reading his environment and responding accordingly. I know this to be an essential skill for leadership success. In police work this skill is generally learned during advanced education or in many cases while "working the street" and most often while performing undercover duties. Timeus has little advanced education. I do not say this as a negative because I found Timeus to be professional and learned in this skill.

I reviewed Timeus' personal history background with him. As we went through his listed references, I stated these must be his "like me lots list" and he said of course and he could also provide the "I don't like him" list. I said ok please give me those. He said Rod Brown already has that list and Brown has already investigated what they have to say. Timeus said of what was alleged there were two issues that were founded: One was he did not stop old style "bad cop humor" and the other was one of the guys pulled up a picture of [REDACTED] [REDACTED]

████ modeling for a motorcycle store. Stating it was not porn but he indicated it was a little racy. He said he did not want to give me names of the persons who made the allegations or further information but Rod Brown had them if that was important to me.

Timeus described his prior two marriages. The first marriage was to █████ for 8-12 months. He has not seen █████ for many years and does not know where she could be found. He married █████ in 1992 (lasting 10 years) and had two children. █████ is a Clackamas County Sheriff's Deputy, and he only sees her in connection with the kids. Timeus says he does not think either one would have negative things to say about him. The most █████ would say is that he yelled when he was angry. Timeus says he and █████ share custody of their two children. He has been very active with the children but says now in their teenage years they are more involved with their interests and he sees them less frequently.

Timeus advised he has been in a long term relationship with █████ since the summer of 2005. She has a cleaning business for residential and commercial customers in McMinnville.

GENERAL INFORMATION:

Timeus indicated in his Personal History Questionnaire that he has applied for a number of positions and those applications include:

- | | | |
|----|-------------------------------|---------------|
| 1. | Reedsport Police Department | Hired |
| 2. | Albany Police Department | Didn't finish |
| | process | |
| 3. | Klamath Police Department | Didn't finish |
| | process | |
| 4. | Lake Oswego Police Department | Hired |
| 5. | Portland Police Department | Not |
| | Selected | |
| 6. | West Linn Police Department | Hired |

EMPLOYMENT HISTORY:

- | | |
|----------------------|--|
| 05-11-05 to Present | West Linn Police Chief |
| 01-02-86 to 03-09-87 | Lake Oswego Police Department |
| 11-15-83 to 01-02-86 | Reedsport Police Department |
| 08-00-81 to 06-00-83 | C-2Utility Contractors – TV Cable, Eugene, Or |
| 11-20-79 to 08-10-81 | 4-Corners Car Wash – Asst. Manager- Eugene, Or |
| 05-25-79 to 08-28-79 | Sandy's Backhoe Service – Laborer – Gold Beach, Or |

CIVIL LITIGATION AND INTERNAL AFFAIRS COMPLAINTS:

Profession related: None were acknowledged by Timeus or prior supervisors and none were found.

Personal Life: Two Divorce proceedings.

CRIMINAL:

Request for and review of criminal background information is the responsibility of the prospective employer. Timeus did not report having had any form of criminal history or arrest record. (Note: Timeus submitted a printout dated 02-26-09 showing no entries in drivers record or criminal convictions in Oregon or National computer checks.)

Timeus reports he had a 1982 Traffic citation/conviction for expired vehicle license \$14 fine.

MILITARY:

No military service.

EDUCATION BACKGROUND:

9-80 to 6-83	Lane Community College	110 credit hours	no degree	crim/justice
9-76 to 6-79	Gold Beach High School		Diploma	gen/study
9-69 to 6-76	Riley Creek Grade School		yes	gen/study
9-67 to 6-69	Gold Beach Elementary		yes	gen/study

CREDIT REPORT FINANCIAL:

When I interviewed Timeus he provided me his credit history showing all accounts current and no late payments. Timeus affirmed he was current on all accounts and had good credit.

Collections History Table

Date in Collections	Collections Agency	Status	Date	Balance Due	Note
0	NA	NA	NA	0	NA

EMPLOYMENT RESPONSES TO PERSONAL HISTORY QUESTIONNAIRE:

The below listed questionnaires were returned from current and past employers or co-workers/supervisors who were not listed as personal references.

I was successful in my efforts to interview agency leadership from each of Timeus' prior police agencies and the City of West Linn management. They are as follows:

1. **Lake Oswego PD**
 - a. **Daniel Duncan, current Chief**
 - b. **Helen Bicart, most recent Chief**
 - c. **Les Youngbar, past Chief**
2. **Reedsport PD**
 - a. **Steve Evans, Chief when Timeus worked at PD**
3. **West Linn**
 - a. **Chris Jordan, City Manager**
 - b. **Jeri Knudson, HR Director**
 - c. **Gene Green, Public Works Director**
 - d. **David Davies, Building Department**
 - e. **Tina Lynch, City Recorder**
4. **Clackamas County**
 - a. **Craig Roberts, County Sheriff**
 - b. **John Foote, District Attorney**
5. **Others listed below**

PERSONAL REFERENCES

The following references, provided at my request by Terry Timeus, were sent a comprehensive questionnaire to be completed relative to their knowledge and opinion of Terry Timeus and his suitability to be the Chief of Police for the City of West Linn.

1. **Daniel K. Duncan**

Chief of Police – Lake Oswego

380 A Avenue

PO Box 369

**Lake Oswego, Or 97034
503-635-0250**

I met with Chief Duncan on 3-03-09 at 3:00PM in his office at Lake Oswego Police Department. Duncan was promoted to Police Chief from within the ranks and supported Timeus moving to West Linn PD.

Duncan considers Timeus a friend; they have been in police work together for 24 years, with some of that as peer officers patrolling the streets, then as supervisors and then Duncan supervising Timeus. Timeus helped create the first controlled substance unit at Lake Oswego PD. The unit was a combined unit with officers from area PD's. After a few years Timeus was assigned to the larger area controlled substance unit, ROCN and the local unit was disbanded. Duncan continued in his PD duties and did not have much contact with Timeus then. When Timeus returned to work duties at Lake Oswego PD he was promoted to the rank of Corporal.

Duncan knows Timeus worked undercover at ROCN stating ROCN was a very effective unit working some big and dangerous targets. He recalled one case where Timeus was in the rear seat of a Limo with the suspects and Timeus had one of the suspects pull a gun, put it to Timeus' head and threaten to kill him for being a cop. Timeus talked his way out and later arrested the suspects. Duncan recalled when Timeus returned to Lake Oswego PD patrol duties, enough time had passed, he needed retraining on procedures but Timeus made the adjustments and moved on in his career.

Both Duncan and Timeus continued to receive promotions with Duncan at higher ranks than Timeus. They continued their friendship and Duncan would from time to time give him a "little friendly advise" like to stop some of his comments when it was better to remain quiet. Duncan said Timeus just did not pay enough attention to is audience. He would make comments when it would better serve him and others to listen. Duncan said, Timeus finally understands and it is good to see him as a leader now without the negative of his comments.

Duncan says just because they were friends doesn't mean everything Duncan did or required to be done was appreciated by Timeus (or others under his command). Timeus would let him know his displeasure, but he was respectful; and Duncan was pretty sure Timeus talked with his peers about some things he was unhappy about but in a normal way. Duncan did not describe Timeus as a "stir the pot" kind of personality, but if Timeus had something to say he would say it. Duncan said Timeus was sometimes high energy and just needed to be doing something – with a chuckle Duncan stated (with an endearing tone) Timeus was kind of like a "BB in a box" sometimes – he would just hit all the walls, rattle around and then move on.

When I asked if Timeus had any personal financial issues he responded this way:

- Not too long after Timeus came to Lake Oswego PD Timeus lost his car, he had to give it back, and Duncan did not know if it was repossessed or not.
- Timeus married twice and twice divorced. Each time Timeus would park his pick-up and camper in Duncan's back yard for a while till he financially recovered.
- Stated he believes Timeus is doing fine now, recently buying a nice house. He has his "toys" (boat, race car) and has been with a woman for several years and they appear to be doing well.

I asked Duncan about any domestic issues related to Timeus and he stated:

- Timeus is a romantic, you may not see that but he is and that may have influenced his choice in taking a partner.
- In both marriages, the partner was not a good match for Timeus. It was not comfortable to be around the partners.

- Timeus has two daughters from his second marriage and he loves them very much.
- Duncan does not know of any reports or complaints of domestic violence.

I asked Duncan if Timeus ever lost his temper or got angered. Duncan replied that Timeus has a slow fuse and added "have I seen him mad? Sure. But that is not a trait."

Duncan was supportive of Timeus' career and promotions under past Lake Oswego PD Chief's Youngbar and Bicart. When Duncan became Chief, Timeus progressed to Captain (#2 position).

I asked for Timeus' greatest strengths and weaknesses and Duncan responded:

- Greatest strengths were and are his work ethic, ability to think "outside the box" and his caring for others.
- Greatest weaknesses are knowing his audience before he speaks. Duncan (with satisfaction) said, I think Timeus finally understands the importance and has changed.

Duncan was the Lake Oswego PD Chief when West Linn City lost their Police Chief and they needed an interim chief. Duncan advised he made the decision to send Timeus (his Captain) to West Linn to help them out and give Timeus an opportunity. Timeus performed well and Duncan supported Timeus in his efforts to get hired as the permanent Chief at West Linn. Duncan and Timeus mostly see each other now at area meetings and the relationship remains good.

2.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3.

[REDACTED]
[REDACTED]
[REDACTED]

(requests confidentiality if possible)

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Non-Listed Reference Interviews

1. Chris Jordan

West Linn City Manager

22500 Salamo Rd

West Linn, Or 97068

503-657-0331

I met with Chris Jordan on 3-03-09 at 10:30AM in his office. The Chief of Police reports directly to the City Manager Position. Our meeting was professional, personal, expedient and I appreciated how he conducted business. I explained my approach to conducting this background check, that would be independent, thorough, credible, and expedient as possible; and I would report to the City Attorney. Chris said he understood and appreciated the work that was being done.

Notation: Timeus came to West Linn first as an interim chief of police while being employed by Lake Oswego PD. Chris Jordan was working in Lake Oswego city administration at the same time Timeus was working at Lake Oswego PD. Jordan says they didn't have direct dealings with each other or not of significance to remember. Jordan did not have any specific duties with Lake Oswego PD.

At the time Timeus was applying to be the permanent West Linn Chief, Chris Jordan was on loan from Lake Oswego to West Linn as acting City Manager. Timeus had already made it through interviews and was one of two final candidates when Jordan arrived.

Jordan advised he asked for a background check to be done by his then HR Director and was told it was conducted and returned favorable. In addition to the background he made inquiry with Dan Duncan, Chief of Police for Lake Oswego, Doug Schmitz, then Lake Oswego City Manager (now in Los Altos as city manager), and Janice Deardorf, HR Director of Lake Oswego (cell 503-539-0708). All three were very favorable for Timeus in the West Linn Chief position on a permanent basis. Jordan volunteered that he just took the HR Directors word the background was completed and did not ask in depth what had been done.

Jordan says when Timeus came to West Linn as Interim Chief, the City Police Department had very low morale, was understaffed, and personnel just wanted to leave. Timeus changed that beginning with his first staff meeting. Jordan stated "The staff transitioned from depressed outlooks to what we wanted in our police department. He made that much difference."

Jordan continued "Timeus is a cop and that is always first with him – and we needed a cop and a leader, someone the officers would follow. When I hired him I knew he lacked COP experience and I had some concerns about that, but he has proven himself time and again. He took us through transition and I no longer have any doubts or concerns." At this point I asked Jordan for his view of weaknesses that Timeus could improve upon. He thought and said, I don't know of any, I can usually give you that on anybody that reports to me but I can't think of any right now.

Jordan said that Timeus handles stress very well and described a recent murder suicide that happened in the parking lot of the PD, stating Timeus witnessed the murder from his office window and responded. Jordan said Timeus called him about an hour later and said that I had better come on down. That event was tragic and he performed with professionalism. Jordan advised if he went through that experience he would need some time off. He offered time off to Timeus who replied it wasn't needed, saying this is what I train for and kept right on working.

As we finished our discussion I asked if there was anything else he would like to say. The following is a summary:

"Timeus is always a cop first, but he knows there is more to his job than just chasing the bad guys. There is a community involvement and he likes that part and I think he likes it here in West Linn, a smaller community. Stating West Linn is not like Portland PD, with all the metro issues, but he could be a leader in that environment as well, maybe not the Chief mainly because that is administrative and he would not like that, but any rank below the Chief.

2.

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. John Foote,

District Attorney, Clackamas County

807 Main St., Room 7

Oregon City, Oregon 97045

503-655-8431

I met with John Foote on 3-03-09 at 1:00PM in his office at the county court house. Mr. Foote advised he looked over the reference form I sent to him and found he had such limited knowledge of Timeus that his answers would be mostly "don't know".

Foote related the following observations:

- Foote first recalls knowing of Timeus during Foote's time working for the Multnomah County District Attorney's office as a prosecutor. He thought Timeus was working as a Detective in ROCN (Regional Organized Crime Narcotics Task Force) but Foote doesn't recall any work with Timeus (about 20 years ago).
- When Foote was the DA in Clackamas Co. the first time, he recalls the Timeus' name, but his staff attorneys worked with the cops and he worked with the Chiefs.
- On Foote's reelection to DA in Clackamas County in 2001, he was in a similar situation until Timeus became Acting Chief in West Linn.
- After Timeus' appointment as Chief they were in meetings together and worked on some committees together. Foote stated Timeus is hard working. They developed a use of force policy/procedure for the county as the law required.
- Mr. Foote has a personal policy not to get involved in other agencies operations or issues unless they are a matter that by law should be brought to the DA's office for review or action.
- Foote sees Timeus once or twice a month in area Chief's meetings or Criminal Justice Counsel. Foote believes his DA's office and West Linn PD work well together and that is the important thing.

4.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7.

[REDACTED]

Requests confidentiality if possible

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

8.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

8. Craig Roberts, Sheriff

Clackamas County

12800 SE 82nd

Oregon City, Or

503-655-8218

On 3-09-09 at 12:00 noon I contacted Sheriff Roberts at his office.

Sheriff Roberts only had a few minutes to meet so our discussion was limited. Sheriff Roberts in essence gave the following information:

- Roberts said he has no direct knowledge into the personal life of Timeus so he cannot comment.
- Roberts directed his comments to his and Timeus' professional relationship and that which he has direct knowledge. Roberts believes Timeus has performed his police duties in a professional manner, currently at West Linn and while a Police Officer at Lake Oswego PD. As West Linn Chief, Timeus has worked to do what is "right" in running his department.

9.

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

10.

[REDACTED]

[REDACTED]

11. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12. Rod Brown, CEO

Advanced Strategies Group

2441 NW Pinehurst Drive

McMinnville, Or 97128

971-241-5526

On March 6, 2009 at 3:00PM I conducted a telephone interview with Rod Brown.

In substance, this is Rod Brown's statement:

On February 12, 2008 a complaint was made about West Linn Police Chief Terry Timeus. The complaint document listed 17 acts, or omissions ranging from improper officer judgment, violations of department policy or potential criminal conduct.

(Note: Of the 17 allegations; one was related to his current position as Police Chief of West Linn. The rest are related to time Timeus was employed by Lake Oswego PD. The complaint was filed with the following entities: Oregon Government Standards and Practices, City Attorney of West Linn, West Linn City Manager, Oregon Department of Justice, Department of Public Safety Standards and Training, and (possibly) the Oregonian Newspaper.

On February 10, 2008 Rod Brown was contacted by West Linn City Attorney Tim Ramis which resulted in a contract with Brown to conduct an inquiry into the listed allegations. Brown stated that each allegation articulated an occurrence or series of occurrences and included purported witness, potential witness, persons involved, victims, and others involved or having various degrees of knowledge.

As I interviewed Brown we verbally discussed all 17 allegations. Brown explained the investigation he conducted into each of these allegations and articulated his findings and final opinion. Two of the 17 allegations have limited discussion in this document as they were substantiated in whole or part.

Allegation #10 (stated to have occurred in 2004) was wholly sustained. Allegation #10(a) originated from a traffic stop of a vehicle containing two females for suspected DUII. The Lake Oswego officer making the stop called in a second Lake Oswego PD officer for cover.

During this stop the two ladies apparently tried to influence the officers' decision. The two ladies were reportedly gay and while the officer was with them they began to grope and undress each other and perform sexual acts on one another. The primary officer called for back-up for cover as well as watch. An attempt to call Timeus was made so he could also watch. Timeus was unavailable for contact. The primary officer finally arrested the driver for DUII and transported her to jail.

The allegation claims that Timeus later told the two officers, if something like that ever occurred again and they did not get in touch with him so he could respond he would terminate them. Brown was able to confirm this incident did occur and that the two officers were correctly identified by the plaintiff.

Brown conducted a subsequent interview with Chief Timeus he did not refute that he made the alleged statement to the two officers, but said he could not specifically remember it. Timeus' stated: basically if he did say that, he undoubtedly made the statement in jest.

A second part to allegation 10(b) complains of unprofessional conduct of several officers of Lake Oswego PD involving certain male members of the department lusting over one of the new dispatchers in communications. Timeus was reportedly present during the comments about how sexy this female was. No one Brown interviewed refuted this part of the allegation.

It is Browns opinion: Allegation #10(a&b), both parts, were Sustained.

Allegation # 13 Brown called It a shot gun complaint as many were unrelated to one another.

#13(a) In this portion of the allegation the plaintiff complains that Timeus made frequent remarks about "subordinate male officers needing to perform oral sex on him to get on his good side". To support this allegation plaintiff was given a photograph of the plaintiff during a pig bowl (football game) where he was kneeling down to get the football and his mouth was open. During a shift briefing Timeus remarked that the plaintiff must be practicing for his next trip under Timeus' desk. Another example cited by the plaintiff was comments made by Timeus during a shift briefing when he observed the plaintiff eating a banana and Timeus stated that he, Timeus "was getting turned on" and said the plaintiff could practice on him. There were others present during the briefing that could confirm the remarks but Timeus said he could not remember.

13(a) was sustained.

Another part of allegation #13(b) claims that Timeus made comments about [REDACTED] calling her a [REDACTED]

#13(b) was not sustained, as Timeus flatly denied making any derogatory comments about [REDACTED] and no others could corroborate the statement.

#13(c) part of the allegation claimed that Timeus used a Lake Oswego PD computer to access inappropriate websites. The specific incident cited by the plaintiff was a digital photo of Timeus' ex-wife at a Motorcycle rally in Sturgis South Dakota where she was purportedly participating in a wet T-shirt contest. Timeus said he was told about the ex-wife photo and did in fact find it on the computer and look at it but did not print it or share it.

13(c) Sustained. Timeus stated he used the department computer for said purpose.

In discussing these allegations with Rod Brown I asked him if he would provide me with a written synopsis of his internal investigation which would include his opinion of the nature of the allegations and the person making them.

Below is the verbatim synopsis prepared by Rod Brown:

Synopsis of Internal Investigation, Losness v Timeus et al

The 17 allegations contained in the complaint submitted by Eric Losness in February, 2008 to City Manager Chris Jordan spanned a period of time of approximately 20 years. They imply conduct ranging from nothing, i.e. no official improper conduct other than it was something Losness personally disagreed with, to unprofessional conduct and commission of criminal activities. While the initial perception of sustainability of events according to the number of potential witnesses provide by Losness seemed to be overwhelming, further inquiry showed the majority of those names to be included as mere speculation on the part of Losness that one of the "might" know something because of varying degrees of relationships between the named person and the principals of the investigation. In other words the majority of the names provided by Losness had no foundation for providing any meaningful information to further the inquiry into the events alleged.

Losness relied upon two people as the primary basis for most of his allegations – [REDACTED] Both [REDACTED] left the Lake Oswego Police Department under less than desirable circumstances and therefore would be expected to have a slanted perspective regarding one or more command persons in the Lake Oswego PD. Nonetheless, my attempts to interview [REDACTED] met with resistance and they would never permit an interview to occur. Any information that was attributable to them as the source was therefore deemed to be unverified and/or unreliable.

My opinion of the complainant, Eric Losness, is that I think he really believes what he is saying. His reliance upon the statements of [REDACTED] is probably jaded

because of what he wants to believe. The interviews with Losness suggested he is a person who is 1) embittered by the loss of his employment as a police officer with the City of Lake Oswego; 2) is seeking revenge against the Lake Oswego Police Department and certain members who he thinks are either responsible or susceptible to allegations; 3) had already lost formal remedies for revenge through a loss in litigation favoring the defendants (City of Lake Oswego) when his case was outright quashed in a motion for Summary Judgment, 4) seeking alternative retribution by filing a complaint against Timeus; and 5) is very susceptible himself to believing rumors and innuendos espoused by other who are equally in dislike of the police department and certain personnel.

During my interviews with Timeus I found him to be forthright with his responses. He was obviously upset by the allegations as would be normal of most any person being accused of wrongful behavior which they believed to be unwarranted.

Only one of the allegations made by Losness occurred during the period of time with Timeus as the Chief of Police for the City of West Linn (allegation #16). That allegation was concluded to be exoneration.

I asked Rod Brown this specific and direct question: On the basis of his investigative work and in his opinion, had Terry Timeus ever used unlawful controlled substances or violated any statutes of the Oregon Criminal Code. Brown's response was quick and a firm "No".

Opinion:

I conducted the interview of Rod Brown in an objective manner, asking for clarification and requiring justification for each of the conclusions Brown rendered on the 1-17 allegations and their subsections.

In my view, Brown took a liberal and tolerant approach to finding some of the allegations sustained, almost taking the approach that if the allegation could not be disproven, that allegation had greater strength of truth. In my opinion, the allegations were given the appropriate level of inquiry and in the end I am supportive of Brown's investigative determinations and findings.

Conclusion

This background investigation is a comprehensive examination of Terry Timeus' career as a police officer.

Outstanding performance as a Police Officer:

In all of my interviews of persons that had or have direct knowledge of Terry Timeus as a police officer working the street and interacting with the public on patrol or investigating complaints or crimes, they described him in outstanding terms.

As Timeus got his promotions, he continued his high quality police performance but struggled with knowing how to interact with "his audience". He continued to use the same style of

sarcasm and quick wit in the same way as when he was at a peer level and failed to realize the supervisor/subordinate change in relationship. This part of his communication style was not limited to subordinates as it crept over into his other relationships. His past Chief's and upper command peers at Lake Oswego all counseled him with limited results. Chief Duncan believes Timeus finally realizes it and has grown beyond this deficiency. Friends still comment that he is better but not cured. Some believe this is a self esteem protection while others believe he is just a jokester and people just need to get to know him better.

Timeus was frequently referred to as a "cops cop", well respected, a person that can lead because his officers trust him and will follow. Timeus receives great loyalty from lower ranks, peers, past and present supervisors; and he gives it back. This loyalty is not something that is demanded by him, it is something that is freely and generously given. Common police terms used describe him this way include "he has my back, if he was my back up I did not worry, I could count on him" or similar terms.

Domestic partner choices that impact his professional duties and responsibilities:

A Chief of Police is the public image of penal law and its warden. If a community is to feel safe and secure the Chief must live a professional and personal life that exemplifies that image. It is a matter of public trust.

The Chief leads their police officers who have the authority to remove personal freedoms through detention and or arrest. They are entrusted to respond in the most critical of life threatening circumstances. They have the authority to use deadly physical force when appropriate. They are trusted with confidential information and the authority to investigate citizens for alleged crimes and to be the front line of justice; to protect and serve. This right and privilege does not come without expectations that police operate within their lawful authority and that they neither exceed nor abuse it. Terry Timeus has not violated this trust in his professional capacity. In some person's opinion, he walks a fine line in his personal life.

Trust can be violated by actions or perceived actions in ones private life, and that is the issue being raised. Public trust can be at risk when as a police officer makes decisions that are contrary to professionally accepted practices and or the public expectations.

The following information is about the perception of how Terry Timeus has made decisions about his domestic partners or his dating relationships. This is a sensitive area to discuss because we all have a right to our private lives, who we choose to associate with or get married to is a private matter. The purpose in bringing this issue forward is to articulate what has been stated to me by past Lake Oswego Commanders and by others including current friends. I will list the relationships discussed and state related comments:

First Marriage:

- [REDACTED]

• [REDACTED]

Second Marriage:

• [REDACTED]

Dating Partner:

• [REDACTED]

Current Partner:

• [REDACTED]

Alcohol use:

Timeus self-admitted to his officers via email that he had an alcohol use issue when working for Lake Oswego. Terry sought treatment through AA and was clean and sober for a lengthy period of time.

Some of his past administrators during occasional visits have witnessed his use of alcohol and state they are concerned liberal use may be returning. Clearly through discussions with interviewed friends, those that themselves have little tolerance for alcohol use say he is conservative in his consumption. This may be an issue of how Timeus acts when he reads his environment.

Internet search on Terry Timeus:

- No adverse internet postings found;
- No civil or criminal litigation was found.



Background Investigator
Advanced Strategies Group
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FONT



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MORE STORIES

Crossing the Line • They want to talk, but cant

👤 Lee van der Voo 📅 Wednesday, June 03, 2009

Is West Linn investigation 'designed to prevent public disclosure?'



by: ,

(https://pamplinmedia.com/images/news_graphics/124406903475909300.jpg)

Final story in a three-part series

Local police chiefs have at least one more thing in common.

Both Terry Timeus, chief of police in West Linn, and Dan Duncan, who heads the Lake Oswego Police Department, said they would like to talk about Eric Losness, but can't.

Like an unknown number of other union-protected police officers in Oregon, Losness signed a nondisclosure agreement with the city of Lake Oswego in April 2006 in exchange for \$29,301.03 and his resignation from the police force.

Now, anyone with access to his personnel information is prohibited from talking about his eight years as an officer in the Lake Oswego Police Department.

Duncan and Timeus now imply that Losness has used those legal protections to marshal malcontented former officers from the Lake Oswego Police Department into making a complaint to state officials about former colleagues. Losness' complaint, filed with the Oregon Department of Public Safety Standards and Training Feb. 11, 2008, is designed to discredit Timeus and the Lake Oswego Police Department, Duncan and Timeus said.

WEST LINN'S REPORT

• [Click here to read a summary of the West Linn investigation.](#)
(/documents/efiles/police investigation summary -- 5-08.pdf)

'This document, to me, has no credibility,' said Duncan. 'The person who wrote this document has no credibility with me. I think there are bits of truth probably throughout it but as far as the negative connotations, the immoral, illegal, unethical portions, I don't believe they happened.'

'I think this is disgruntled ex-employees that are trying to throw (aspersions) on prior fellow officers and the Lake Oswego Police Department because they have no other recourse than to do this. And I think they know that this will be kind of one-sided since

we can't really speak openly about them and some of the issues while they were employed here,' he said.

Losness disagrees that his motivation was to discredit anybody and said he felt that filing the complaint was the right thing to do.

He said he resigned from his job because of pressure from management after 'nickel and dime' internal investigations - arriving minutes late to calls, having too many ride-alongs in his patrol car and parking badly minutes before a drunken driver's vehicle struck his patrol car.

While Losness said he was bored with police work before he left it and that his lack of enthusiasm was probably evident in his performance, he resents being pressured to leave the department while other officers accused of serious misconduct, like Timeus, a former Lake Oswego Police Department captain, and current Lt. Darryl Wrisley, thrived.

'I had always talked to these other people that felt nobody would take charge and try to do something like this, even though everybody I talked to thought something ought to be done,' Losness said.

His 25-page complaint to state officials read like the plot of a rogue-cop movie.

Amid charges of racism, gay bashing and sexual escapades by Timeus, his narrative told tales of former detectives for a regional drug task force partying on a yacht with prostitutes, drugs, filet mignon and the sponsor for the television show COPS. The

SPECIAL SERIES

This story is part of a series examining conduct by local police officers. On Feb. 11, 2008, a former Lake Oswego police officer, after a feud with the city, filed a formal complaint with the Oregon Department of Public Safety Standards and Training. The complaint took aim at Terry Timeus, now chief of police in West Linn, and Darryl Wrisley, a lieutenant in the Lake Oswego Police Department. West Linn hired an investigator who found little reason for concern. This newspaper's investigation of the same complaint, however, found that officials in the Washington County Sheriff's Office determined Wrisley sexually assaulted a woman while on duty as a deputy there in 1992. It also found that Timeus, a long-time friend, helped Wrisley to salvage his career while the law enforcement community buzzed with talk about the incident. The name of the alleged victim is printed with her permission.

complaint also included information that Wrisley may have been fired from a law enforcement job following allegations of sexual assault in the early 1990s.

Documents obtained by this newspaper through a public records lawsuit found there was merit in that latter claim. An internal investigation by the Washington County Sheriff's Office did find that Wrisley, a former deputy for the county, assaulted a former dispatcher, Kay Vandagriff, in her home Dec. 11, 1992.

Wrisley was fired in response to the incident but later reached a settlement in which he agreed to resign in exchange for \$20,000 and a settlement that sealed Vandagriff's allegations. Wrisley was also arrested on charges of assaulting his wife and drunken driving July 8, 2000 while employed with the Lake Oswego Police Department but again kept his job.

Documents and interviews with current and former law enforcement officers and officials show how Wrisley was able to remain a police officer. He did so not only with help from a police officers' union and laws that make it hard to fire police but with assistance from well-connected friends, including Timeus - then a corporal in Lake Oswego - and Duncan, who was a patrol sergeant at the time.

Losness said he had mixed feelings about the finding.

'I feel vindicated and proud that I reported what I knew was right, but it's kind of mixed, because I can't get back the last four years of my life. There are no winners here,' he said. 'I've been carrying that bad experience around with me and I feel like I finally let it go. But, for a long time, I didn't.'

It took an investigation by this newspaper to unearth problems. More than a year ago, the Oregon Department of Public Safety Standards and Training referred Losness' complaint to the city of West Linn.

Citing limited jurisdiction and a policy to defer complaints to the officer's employer, the agency tapped West Linn City Manager Chris Jordan for a response.

'Designed to prevent public disclosure'

That response probed potential wrongdoing by Timeus, but did not make any inquiry into Wrisley's prior history since Wrisley was employed with another city.

Instead, the inquiry led a city-paid investigator, Rod Brown, to query roughly 125 potential witnesses and spend 45 days dialing for interviews, recording face-to-face meetings and sifting through files to determine whether Timeus ever broke any laws or violated city policies.

But since a lengthy report summarized Brown's findings in May 2008, no one but West Linn's attorneys has ever seen it, city attorneys and city officials say.

Not Jordan, according to his statements. And not any of the people tasked with running the city of West Linn - its mayor Patti Galle, its former mayor Norm King and seven elected city councilors who have held office since the investigation began.

The report was instead handled by city attorneys Tim Ramis and Bill Monahan, both from the Lake Oswego-based law firm Jordan Schrader Ramis.

Under laws that protect attorney work-product from public disclosure, the duo directed the inquiry and delivered only a two-page memo to city officials in response.

The memo concluded that two of the allegations made by Losness were either 'substantiated' or 'partially substantiated.'

In the memo, Ramis and Monahan noted that the following allegation from Losness' complaint was sustained: 'Timeus abused his position of authority and as a supervisor, and did not caution, nor discipline officers for allowing and watching a possible live sex show while on duty. Officers allowed public indecency to be committed, as well as implied bribery via sexual or extremely passionate activity. Officers unlawfully detained driver and passenger by delaying DUI investigation until Timeus could respond to 'watch.'

The memo also stated that the following allegation by Losness was partially sustained: 'Constantly making sexually inappropriate comments, gay bashing - degrading comments about his own sister, who is homosexual. Showing sexually inappropriate photos to other police officers. Using city resources - computer, internet and printer to view sexually explicit and other personal Web sites.'

In an interview with this newspaper, Brown said he was not permitted to discuss the circumstances leading to his conclusions. He said the majority of the complaint appeared to be derived from second- and third-hand sources, honest but attributable to police department lore.

'I believe Mr. Losness absolutely believed everything that he was saying, I think he was sincere in his beliefs, but there were very few of the allegations that were made that could be directly attributable to Mr. Losness as being the first person, the direct source of information, so therefore I had to go out and try to find the direct sources of information,' he said.

His overall conclusion found Timeus to be worthy of his current job.

'Do I think Terry Timeus is qualified to be a chief? Absolutely. Do I think Terry Timeus is doing a good job as a chief? Absolutely. Do I think the issues that are alleged have current validity? Absolutely not,' said Brown.

'The allegations here are targeted at very few individuals. You have to ask yourself why just these individuals when you know the same culture was systemic - not just in a particular police department - it was systemic throughout the industry,' he said.

Brown's inquiry exonerated Timeus on five of the allegations, did not sustain three and concluded seven others were unfounded.

In their memo, Ramis and Monahan note that while no other behavior violated 'a statute, ordinance, policy or rule,' city officials might consider certain acts by Timeus inappropriate while he was employed in Lake Oswego.

They suggested adding language to his employment contract to reinforce expectations of personal behavior. They also suggested the city offer training to Timeus to correct any problem areas and offer training to all police with an emphasis on offensive behavior based on gender or sexual orientation.

Though Jordan was asked whether he wanted to review a copy of the report, he said he did not.

'I don't get stuck in the weeds,' he said, adding he relies on contractors like the city's attorneys and human resource officials to point him to problem areas.

As long as no one in West Linn ever reads the report, the document will remain out of public view.

Though Oregon law prevents disclosure of internal investigations involving police officers if those investigations do not yield discipline and if they are not considered to be in the public interest, the city took no chances. Its use of an attorney made certain that, should any wrongdoing be found, the investigation would still be kept quiet.

The Oregon Legislature adopted new laws June 20, 2007 specifically banning the practice of using government lawyers to hide investigations of public employees. But West Linn's approach skirted those rules because, according to Jordan, the document was never read by a city official or used to take action or make policy.

The Clackamas County District Attorney's Office, asked by this newspaper to order the release of the report, legally could not. In a letter saying so on Feb. 19, senior deputy district attorney David Paul expressed concern.

'... The manner in which this matter was handled has the appearance of being designed to prevent public disclosure,' he wrote, noting public policies in Oregon favor public access to government records.

'It doesn't pass the smell test'

Officials in West Linn say they only want to keep their police chief safe from critics like Losness, who appear intent on discrediting Timeus despite his successful efforts at righting a badly damaged police department.

For proof Losness' complaint was motivated by anger, they point to his application to the city of West Linn for a police officer's job after Timeus became chief there.

'Mr. Losness, after he left employment here, tried to get his job back here and Mr. Losness also applied to be a police officer in the city of West Linn under Terry Timeus, who is a chief, and my question to Mr. Losness would be, 'Why would you expose yourself to a network of immoral and unethical supervisors to do so, if that were the case?'" said Duncan.

'It doesn't pass the smell test,' he said.

Duncan instead attributes motivation for the complaint to bad blood between Losness and the Lake Oswego Police Department, in part for the dismissal of several police officers after he took the helm of the department in 2003.

'When I was first hired, everybody was held to the same standard and some folks didn't want to be held to that standard and they are no longer employed,' said Duncan.

Early on in his tenure, Duncan said that it 'seemed like it was every other day' that he was dealing with serious allegations of officer misconduct and supervising internal investigations.

His efforts to clean up the police department involved a reorganization aimed at streamlining policies, communication and consistent standards for behavior.

The push led to the accreditation last year of the police department by the Oregon Accreditation Alliance, an organization run by the Oregon Association Chiefs of Police. Lake Oswego became the 21st police department in Oregon to earn the distinction, meeting 107 qualifying standards and passing a two-day assessment that included interviews, a tour and close inspection of department records.

But it also led to firings, resignations and early retirements.

Though Duncan would not speak directly about internal investigations in the department since he took the helm, interviews with former officers indicate that Timeus was tapped to lead more than one internal investigation aimed at cleaning up problems.

Timeus, who rose laterally through the department with Duncan, was a trusted colleague and one of two captains serving under Duncan. Hired six months apart, the two men were detectives at the same time and have been friends since. They still hunt and fish together, Duncan said, and he formally recommended Timeus for the chief's position in West Linn.

Interviews with former law enforcement officials, including Losness, indicate that Timeus led at least one investigation probing bad behavior by Losness and at least three officers quoted or named as witnesses in the complaint made to the Oregon Department of Public Safety Standards and Training.

'Unfortunately I wish I could sit here and we could discuss the whole thing,' said Duncan, but labor laws prevent commenting about any problems with prior employees.

Duncan denied there was any reason for concern about the allegations made by Losness, including Brown's findings regarding the possible sex show.

Duncan said a similar incident occurred - police reports indicate that two women performed for officers while trying to avoid an arrest - but that officers handled the situation appropriately.

Asked whether he thought a former city manager's decision to retain Wrisley after his arrest in 2000 blurred standards for police behavior, Duncan said he did not think so.

He praised Wrisley's professionalism and work ethic in a follow-up letter to the newspaper.

'He must be doing a pretty good job'

In West Linn, officials there have voiced concern about Wrisley since this series began but continue to stand by Timeus as their chief.

He was the top choice for the West Linn job, unanimously selected by an interview board after the police department suffered a period of critical instability under the leadership of John Ellison, who resigned May 11, 2005 after a vote of no-confidence from officers and a scathing review of his performance by an outside consultant.

Prior to Timeus' hire, the department suffered from such severe morale problems it was down to 23 officers of a needed 30.

'The feedback was not good. Looking at a strategic plan that was put together, it seemed to be a top-down plan,' said Scott Burgess, a city councilor in West Linn who was also on the city council at that time.

Intent on hiring the right chief, the interview board chose Timeus, who made morale-building an early goal. Since his term began, Timeus has kept police officer jobs filled, recruiting two highly skilled officers from the Portland Police Bureau and re-hiring officers who had previously left.

Jordan said Timeus' recruitment of trained officers is saving taxpayers tens of thousands of dollars. Morale in the police department is so improved, Jordan said, that the police union recently rolled its old contract terms for another three years.

'A lot of police union contracts end up in arbitration. Not ours,' said Jordan. 'From my perspective, all I can do is take a look at our chief and say he must be doing a pretty good job.'

In his inquiry into Losness' complaint, however, Brown noted that the city of West Linn made a critical misstep in Timeus' hire: The city never conducted a background check of Timeus prior to making him chief, an issue Jordan blamed on the city's former human resource director, who has since been fired.

'We've gone back and done such a thorough background check it's probably more thorough than anything that's ever been done,' he said. 'That came back clean.'

Jordan, who was assistant city manager in Lake Oswego when Timeus worked for the Lake Oswego Police Department, said he had no knowledge of the 1992 charges against Wrisley or how Timeus may have been involved. But he said hiring an officer in Lake Oswego would not have hinged on the single recommendation made by Timeus as a corporal.

'I have zero concern about Terry Timeus' ability to recruit good police officers for the police department. Whatever recommendations he made on behalf of a friend 17 years ago are irrelevant at this time,' said Jordan.

Losness, however, felt otherwise. As he worked through a series of jobs, eventually finding a career with a graphics company, he said watching Timeus become chief of police in his hometown was salt in a wound.

'It was really discouraging to see certain people thrive when other people were never even given an opportunity. I genuinely felt kind of ashamed to see a side of that,' he said. 'I would say it's up to the people of West Linn and Lake Oswego if there's more to be done. I'm only one person and I don't want this to be about me. If they want to accept that these people work for their city, that's their choice.'

Some issues

Since this newspaper first reported that the Washington County Sheriff's Office found Wrisley assaulted Kay Vandagriff in her home while on duty in 1992, elected officials in Lake Oswego have declined to comment directly on the situation.

Lake Oswego Mayor Jack Hoffman made a statement at Tuesday's city council meeting praising Duncan for his professionalism throughout this series and said he had full confidence in Duncan as chief. He charged former employees of the police department for trying to undo Duncan's achievements.

Hoffman said he would meet with City Manager Alex McIntyre next week to discuss a response to this series and preview next steps for the city council.

Donna Jordan, a city councilor in Lake Oswego who is not related to West Linn City Manager Chris Jordan, said the city council is expecting input soon and will likely be involved in any revision to hiring policies or other changes in the police department.

'I'm concerned that we have some issues that probably need to be clarified but I am not sure they are as intense' as reported, she said.

Jordan said she is familiar with the kind of nondisclosure agreements signed by the city because similar agreements have previously allowed schools to cover up misbehavior by teachers.

'I think they are finally figuring out that those kinds of things don't work, that they do come back to bite you if the person is the wrong kind of person to begin with,' Jordan said.

Wrisley, who signed a nondisclosure agreement with the Washington County Sheriff's Office sealing Vandagriff's allegations in 1993, now runs the firearms department at the Lake Oswego Police Department. He is credited with reviving the department's K-9 unit with two dogs in January 2008. A year ago, he attended the Executive Leadership Institute in the Hatfield School of Government at Portland State University to acquire management skills.

Because an officer with his background could create problems for prosecutors if called to testify in court, Clackamas County District Attorney John Foote said his office would launch its own, independent inquiry into Wrisley's prior arrest and the alleged assault on Kay Vandagriff, likely within a month.

The liability problems Wrisley could cause for the police department have already been at issue. In Portland, a federal prosecutor revoked a subpoena for Wrisley in a case against a dope dealer in February 1993, concerned the sexual assault allegations by Vandagriff would compromise the prosecution of a marijuana grower and dealer. The case against the man was instead dropped.

Wrisley's history has also been brought up in another case involving the city of Lake Oswego. At the time of Wrisley's arrest for the alleged assault on his wife, the city was defending a police brutality suit involving a group of officers who responded to calls about a man directing traffic on Pilkington Road Sept. 3, 1998 at the time.

According to the lawsuit, the officers - including Wrisley - followed a mentally ill man suspected of directing the traffic. They entered his home, then fought with him inside. A court later determined the officers had no legal right to enter the house without a warrant, but issues about whether the man was improperly dealt with after he assaulted police inside the home were still winding their way through legal channels.

After Wrisley's arrest, an attorney for the plaintiff sought records regarding his October 2000 suspension from the police department. The case was settled eight months later for \$80,000.

While Wrisley continues in his position as lieutenant, Vandagriff said she is glad that the Washington County Sheriff's Office investigation of his alleged assault on her has finally come to light.

'I never knew that the sheriff's office believed me. It was just reassurance that I did everything right back then,' she said. 'It was nice to know and have reassurance from the county that they did believe me and they stand by it.'

Vandagriff now runs a liquor store for the state of Oregon and lives a quiet life with her husband. She did not know that Wrisley had become a police officer after leaving the sheriff's office until she was contacted by a reporter earlier this year. Though Vandagriff initially declined to be interviewed for this story, she changed her mind.

'There's a reason this came up and as long as I'm alive to give some substance to it and some validity, then that's what it's all about. And it's still about the same things. It's still about the victims,' said Vandagriff.

To prepare for this series, she said she talked with her boss and several co-workers about the 17-year-old allegations against Wrisley and also told her son, now grown.

'It was definitely worth it if it helps anyone else to know they are not alone,' she said.

Related stories in the series:

May 21 story: Crossing the Line (http://www.lakeoswegoreview.com/news/story.php?story_id=124285702401332900)

May 28 story: Crossing the Line • 'Cocaine cowboys' avoid scrutiny (http://www.lakeoswegoreview.com/news/story.php?story_id=124345061967628400)



Memorandum

Date: December 20, 2017

To: West Linn City Council, Staff and Readers

From: Eileen Stein, City Manager

Subject: City Manager's Weekly Report – December 21, 2017

Schedule

- There is a work session scheduled for Tuesday, January 2nd due to Monday being New Year's Day. The agenda includes a look into the first quarter of 2018 for Council meetings and agenda priorities.

Information Items

- West Linn GO Bond Renewal. The polling is underway and TPL/FM3 is scheduled to make a presentation on the polling results at your January 8th meeting. On January 2nd, I will seek further direction about work sessions needed to review the polling results and make a final decision on the bond project list in time for adoption of a resolution calling for the election on February 12th.
- Use Agreements for Robinwood Station and Old City Hall. I will be making a report on the status of these at your January 2nd work session.
- Police Chief Recruitment. Ralph Anderson and Associates (Sacramento) was selected to conduct the recruitment for the new Police Chief. Greg Nelson will be the Primary Contact and will be in town on January 3rd and 4th to interview various stakeholders in order to prepare a profile for the position. The time slot for the City Council is January 3rd from 11 to 12:15. Please save the date and time.
- Willamette Main Street Plan Next Steps. Now that the Willamette Main Street concept plan work is completed, the proposed improvements can be integrated into the Transportation System Plan (TSP) and associated street SDCs. To be included in the TSP, the plan will have to go through a formal land use hearing process of the TAB, Plan Commission, and City Council with public hearings and plan input by outside agencies (such as ODOT and TVF&R). In addition, general cost estimates will need to be produced to be included in the TSP and certain costs and tables in the TSP will likely need to be revised to incorporate the project much like the Highway 43 appendix to the TSP. Since this area is also in the Historic District, review by the HRB is required. Finally, modifications to the CDC will also likely be required in key tables and sections relative to this area for future developments/redevelopment. Based on the above, a consultant will likely be needed to process the TSP modification and Planning staff will need to move it through the formal hearing process.
- Tanner Ridge Subdivision Status. Public Works is finalizing approval of our review of the off-site improvements to Tanner Ridge subdivision. This includes completion of Parker Road in the curve near Tanner Creek Park and Rosemont Road from Salamo Road to Wild Rose Drive. Both of these streets will be under construction from January 2018 to May 2018. Project plans and details will be

posted to the city website after the project pre-construction meeting at the beginning of January. As a joint developer/city project, both sides of both roads will be completed with full sidewalks, bikeways, and road improvements. These improvements include the first installation of cycle tracks (on Rosemont Road) in the city. City staff will be coordinating public notification and outreach on the project.

- Youth Council Day in Salem. Youth Council Day is being hosted in Salem on Feb. 9 from 9 a.m. to 4 p.m. Courtney will be inviting, and encouraging, the West Linn Youth Advisory Council students to attend. We would also like to invite the Council to attend this inaugural event, which is being coordinated by the League of Oregon Cities, the City of Happy Valley and Willamette University. If you would like to attend, please let her know by Jan. 5 so she can provide the appropriate information to the event coordinators
- Citizen Advisory Group Recognition/Clackamas Cities Dinner. I'm seeking direction on the details for the recognition event for citizen advisory group members. The training for new members is, so far, scheduled for January 29th.

That's it for this week. I wish you a very Merry Christmas and Happy New Year!

Respectfully,

Eileen

Police Chief Recruitment Stakeholder Meeting Schedule

January 3

9:00	City Manager and HR Director		City Hall
10:00	Department Heads		City Hall
11:00	City Council/Judge Mayor and Judge – 30 mins Brenda and Rich – 30 mins Terri and Bob – 30 mins		City Hall
12:30	LUNCH		
1:30	Officers	PD	Admin Conf. Room
2:30	Admin	PD	Admin Conf. Room
3:30	Command Staff	PD	Admin Conf. Room
4:30	Lieutenant	PD	LT's office

January 4

8:00	PSAB, WL Alliance	PD	Satter Room
9:00	School reps, TVFR	PD	Satter Room
10:00	Community Living Above, Faith-based	PD	Satter Room
11:00	Rotary, Lions, Chamber	PD	Satter Room
12:00	Lunch review with City Manager		

Note: Captain Hennelly had a phone call with Greg on 12/20 to provide input.

Chief of Police

City of West Linn, Oregon





The Opportunity

The City of West Linn offers an outstanding career opportunity for a talented, committed, and engaging leader to become the next Chief of Police for the West Linn Police Department. Consistently ranked as one of the safest and most desirable places to live in Oregon, West Linn offers outstanding schools, quality of life, and unbeatable regional attractions. The Chief will lead a well-resourced agency, operating from a new facility, and staffed with officers truly dedicated to community service.

The Community

West Linn, Oregon, is located approximately 10 miles south of Portland along the Willamette River in Clackamas County. Bordered by the beautiful Willamette and Tualatin rivers, farmland, and natural areas, West Linn is known as the “city of hills, trees and rivers,” where residents enjoy scenic views of the Willamette Falls and Mount Hood and are in close proximity to many of Oregon’s greatest attractions such as the Cascade Mountains, Oregon Wine Country, the Columbia River Gorge, and the Oregon Coast. The City has a total area of approximately 8 square miles, a population of 26,859, and a median household income of \$92,342.

The community takes great pride in its heritage formed around the Willamette Falls at the end of the Oregon Trail, as well as numerous annual events including Movies and Music in the Park, The Great West Linn Outdoor Adventure, an Ugly Holiday Sweater Dash, a Community Tree Lighting, annual Street Dance, Locks Festival, and an Old Time Fair. West Linn is situated at the junction of the Willamette and Tualatin Rivers, providing a venue for a number of waterfront activities. Mary S. Young Park and Willamette Park are just two of West Linn’s 32 stunning parks, both of which are

used year-round by fishermen, and, in the summer months, by swimmers and picnickers. The City’s parks and library consistently rank among the best in the region.

West Linn enjoys high ratings for livability and safety. Awards and recognitions in 2015 include making the list of *Money Magazine’s Best Places to Live 2015*; *Family Circle Magazine* named West Linn as one of the top 10 cities to raise a family; *Only in Your State* ranked West Linn as the safest and most peaceful place to live in Oregon; and West Linn was named the third safest city in the state by *Value Penguin*. Vibrant neighborhoods, community involvement, and award-winning schools make West Linn one of the finest residential areas in the state.

The schools serving the City of West Linn have a reputation for exceptional quality and high standards. West Linn High School is ranked 5th in the state by *US News & World Report Best High Schools*. District SAT scores are among the highest in the state, and approximately 90 percent of all high school graduates go on to attend college.

The City of West Linn

Incorporated in 1913, the City of West Linn employs a Council-Manager form of government with a Mayor and four Councilors, who act as the board of directors of the City of West Linn municipal corporation. West Linn is a full-service city with a biennial budget of nearly \$94 million. The City’s finances are stable as a result of careful forecasting and budgeting. There are 12 departments employing 130 FTE’s that include: City Management, Human Resources, Finance and Municipal Court, IT, Facility Services, Public Works & Engineering, Community Development, Police, Streets, Water, Wastewater & Stormwater, Parks & Recreation, and Library. Fire protection is provided by Tualatin Valley Fire & Rescue (TVF&R).

The West Linn Police Department

The West Linn Police Department is a service-oriented Agency whose mission is “We are committed to providing superior police services by enhancing the quality of life to the West Linn community through dedication, collaboration and innovation.” The Department is staffed with 31 sworn officers and six professional support staff. The Council has established a seven-member Public Service Advisory Board as a citizens advisory committee to partner with the West Linn Police Department as a cooperative and supporting conduit to the community. Reporting to the Chief is a Captain that oversees Administration, a Detective Sergeant and 2 Detectives, and a Lieutenant that oversees the Patrol Division which is staffed with five Sergeants and 19 officers. The department annual budget is \$8 million.

The West Linn Police Department prides itself on providing superior service to its citizens and is held in high regard by members of the community. In turn, the community has made tremendous investments in the Police Department, including a

new facility completed in 2014, along with excellent equipment and training opportunities for its staff.

The Position

This at-will position is a key member of the City Manager's Leadership Team and provides day-to-day management of the Police Department.

Key responsibilities of this position include, but are not limited to, the following:

- Exercises leadership to provide responsive and effective police services that are consistent with the City's goals and policies and meet the expectations of the community.
- Coordinates activities and projects with other departments, governmental agencies, the schools, City Council, and the community to ensure open and responsive communications and appropriate service.
- Oversees preparation and administration of the Department budget and is accountable for budget decisions and overall budget performance.
- Develops contacts with community members and other governmental and law enforcement agencies as appropriate to evaluate, plan, monitor, and improve service delivery.
- Responsible for comprehensive professional development of officers and professional staff. The Chief bears overall responsibility for the recruitment, selection and hiring, performance planning, management and appraisal, coaching, counseling, training, and appropriate use of the progressive disciplinary system.
- Coordinates law enforcement services with LOCOM, Clackamas County, the State of Oregon, and other cities and counties to

address specific needs; evaluates the feasibility of combined services.

Challenges and Opportunities

The next Chief of Police will be presented with a number of known challenges and opportunities:

- Key among these challenges and opportunities will be a number of anticipated retirements. The Captain has a pending retirement and the Lieutenant recently left the department for a promotional opportunity with the Oregon Police Academy in Salem. These departures will create key opportunities for the new Chief to build an effective leadership team with a clear and communicated vision.
- In 2017, a West Linn police officer was terminated after making social media posts that were viewed as offensive by the community and were not in alignment with the City of West Linn and the West Linn Police Department. The case is in arbitration. The West Linn Police Department continues to work to reinforce its commitment to the community following this event.
- Like many police agencies in the United States, the West Linn Police Department is facing challenges with the recruitment and retention of its sworn staff. Interestingly, many of the qualities that make West Linn such an attractive place to live and work, present additional challenges in this area. With very low crime, and a high proportion of service calls from the community, some officers seeking a more fast-paced environment are restless. The next Chief will be presented with the need to engage officers in sufficient training to keep skills sharp, create a thriving culture in the Agency, and ensure the Agency is recruiting service-oriented officers at the ground floor. Succession planning and external assignments also play a role in addressing these issues.



The Ideal Candidate

The ideal candidate will have a demonstrated track record of successful leadership in a municipal police department, including extensive community engagement. Specific attributes that are particularly linked to the success of the next Chief of Police include:

- An unimpeachable track record of ethical conduct and commitment to place the highest importance on ethical conduct within the West Linn Police Department.
- A persistent desire to personally engage with the community, as well as to seek ways to increase the West Linn Police Department's community engagement efforts. The City of West Linn is a tight knit community and the next Chief should expect to continually engage various aspects of the community, face-to-face when at all possible.
- While the community of West Linn is not culturally diverse, its diversity is increasing and there exists a strong appreciation and acceptance of diversity and desire for fostering the principles of inclusiveness. The next Chief of Police should have values that are similarly aligned and promote those values throughout the Agency.
- The next Chief of Police's leadership style should be highly communicative and collaborative, with an ability to motivate members of the Agency toward a clearly communicated vision. The Chief should have a servant leadership style, always seeking to first meet the needs of the officers and support staff before his/her own. Both the citizens of West Linn and the members of the Agency will appreciate a Chief that is occasionally seen working alongside the officers in the field. The Chief should coach, inspire, and motivate – and not simply manage.
- The Chief should expect to fully integrate within the City Manager's Leadership Team and assist in achieving Council goals and citywide initiatives, policies and projects.
- A progressive attitude, along with a desire for learning and continued improvement will help the next Chief of Police in ensuring that the West Linn Police Department is not only providing superior service, but providing service in a manner that is contemporary and leverages the advantages of modern technologies.

Minimum Qualifications

Education: Requires graduation from a four-year college with a degree in law enforcement or related field.

Experience: Five years progressively responsible experience in police services, with a minimum of three years in a senior level administrative position is required.

Any satisfactory equivalent combination of experience and training as determined by the City Manager may be substituted for the above.

Must possess a DPSST management certificate within one-year of appointment.

Compensation and Benefits

The annual salary range for the Chief of Police is \$102,018 to \$139,239. Placement within the range is negotiable and dependent upon qualifications (DOQ). The City offers an outstanding benefits package which includes retirement benefits provided by the Oregon Public Employees' Retirement System (PERS).

To Be Considered

This is a confidential process and will be handled accordingly throughout the various stages of the process. References will not be contacted until mutual interest has been established. Interested candidates should apply by **February 26, 2018** for optimum consideration. Electronic submittals are strongly preferred to apply@ralphandersen.com and should include a compelling cover letter, a comprehensive resume, and five professional references.

The position is considered open until filled with a review of resumes scheduled for the week of March 15, 2018. Interviews are tentatively scheduled for the week of March 26, 2018. Ralph Andersen & Associates will conduct the initial evaluation of submitted materials to determine the best overall match with the established criteria as outlined in this candidate profile. The evaluation and selection process may consist of a supplemental questionnaire and/or written exercise(s) to further evaluate relative experience and overall suitability for this position.

Interested candidates are encouraged to contact Mr. Greg Nelson at (916) 630-4900 with confidential inquiries and questions regarding the recruitment process.



The City of West Linn is committed to equal employment opportunity as a way to recruit, hire, and retain the most qualified employees.

<i>Willamette</i>	<i>Rosemont</i>	<i>Chambers</i>
Panel A	Panel B	Panel C
Greg Nelson	Julie Morris	Elissa Preston
Ken Worcester	Neil Hennelly	Shane Boyle
Kathy Mollusky	Doug Erickson	Courtney Flynn
Peter Herring	John Williams	Lauren Breithaupt
Toni Tracy	John Huntsman	Oddis Rollins
Jim Band	Jim Ferraris	Don Johnson
David Baker	Kevin Mills	Dana Free
Dylan Digby	Lance Bicket	Megan Thornton
8	8	8
	Total	24

- Greg Nelson
- Eileen Stein
- Doug Erickson
- Neil Hennelly
- Lauren Breithaupt
- Shane Boyle
- Ken Worcester
- Kathy Mollusky
- Megan Thornton
- Dylan Digby
- John Williams
- Courtney Flynn
- Elissa Preston
- Julie Morris
- Toni Tracy
- John Huntsman
- Oddis Rollins
- David Baker
- Peter Herring
- Kevin Mills

City of West Linn
Chief of Police

Interview Schedule

Wednesday, March 28, 2018

(50-minute interviews with a 10-minute transition)

Location			
City of West Linn City Hall			
Interview Time	Panel 1 Willamette Room	Panel 2 Rosemont Room	Panel 3 Chambers
8:30 – 9:00 a.m.	Panels Convene		
9:00 – 10:00 a.m.	Candidate A	Candidate B	Candidate C
10:00 – 11:00 a.m..	Candidate B	Candidate C	Candidate A
11:00 – 12:00 p.m..	Candidate C	Candidate A	Candidate B
12:00 – 12:30 p.m.	Lunch (to be provided) in Chambers		
12:30 – 1:30 p.m.	Candidate D	Candidate E	Candidate F
1:30 – 2:30 p.m.	Candidate E	Candidate F	Candidate D
2:30 – 3:30 p.m.	Candidate F	Candidate D	Candidate E
3:30 p.m.	Panel Deliberation		

Interview Panelists

Name	Position	Accepted
Eileen Stein	City Manager	Yes
Doug Erickson	Library Director	Yes
Neil Hennelly	Captain	Yes
Lauren Breithaupt	Finance Director	Yes
Shane Boyle	IT Director	Yes
Ken Worcester	Parks Director	Yes
Kathy Mollusky	City Recorder	Yes
Dylan Digby	Assistant to the City Manager	Yes
Megan Thornton	Assistant City Attorney	Yes
John Williams	Community Dev. Director	Yes
Courtney Flynn	Citizen Engagement Coord.	
Elissa Preston	HR Director	Yes
Julie Morris	HR Generalist (panel facilitator)	Yes
Toni Tracy	Assistant to the Chief	Yes
John Huntsman	Officer - Union Steward	
Oddis Rollins	Sergeant - Management Rep	Yes
David Baker	Public Safety Advisory Board, Neighborhood Assoc. President	Yes
Peter Herring	WL Alliance for Inclusivity	Yes
Kevin Mills	WLHS Principle	Yes
Lance Bicket	Batallion Chief	Yes
Olie Jolstad	Community Living Above	Yes
Jim Band	Oregon City Police Chief	Yes
Jim Ferraris	Woodburn Police Chief	Yes
Don Johnson	Lake Oswego Police Chief	Yes
NOT AVAILABLE:		
Pam Pierce	Community Living Above	No
Lance Calvert	PW Director	No
Kim Yamashita	Sandy City Manager / Former Police Chief	No
Kathy Selvaggio	WL Alliance for Inlcusivity	No

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kyamashita@cityofsandy.com



CITY OF West Linn

FOR IMMEDIATE RELEASE
May 18, 2018

Contact: Courtney Flynn
cflynn@westlinnoregon.gov (503)742-8609

Kruger Named West Linn's New Chief of Police

Terry Kruger has been selected as the West Linn Police Department's newest Chief of Police.

"I am pleased to announce Mr. Kruger as the West Linn Police Department's newest leader," City Manager Eileen Stein said. "As a longtime law enforcement professional, a 25 year resident of West Linn and a community minded individual, Mr. Kruger surfaced as the ideal candidate for the position."

Kruger will begin with the City on June 4. His annual salary will be \$125,000.

Kruger was selected for the position following an extensive interview process, a thorough background check and a police psychological evaluation.

The interview process spanned more than two months and 47 candidates. The first round of interviews for the Chief of Police position brought forth six candidates who were interviewed by group panels, which included members of the community. From there, the top two candidates were selected for final interviews. The final process involved interviews with the city manager and police department command staff. In addition, a public reception was held where the two finalists answered questions before an audience of over 50 people who were invited to share their comments about the candidates.

Kruger retired from the Portland Police Bureau in 2016, after nearly 28 years of service. A native Oregonian and graduate of Willamette University, Kruger has extensive experience training officers in multiple disciplines and has served as Team Leader for the Special Emergency Reaction Team (SERT) operators, fire medics, tactical K-9s, intelligence officers and explosive disposal unit officers as part of the Tactical Operations Division.

As a Lieutenant for the Portland Police Bureau Central Precinct, Kruger served as Shift Commander and Acting Caption for Portland's most diverse precinct, supervising 145 sworn personnel and six non-sworn members. While assigned to Detectives, Kruger oversaw the homicide, felony assault, bias crimes, cold case, missing person and polygraph units. He was twice selected as the Adjutant to the Chief of Police, serving two separate Chiefs. While in the Chief's office, he additionally supervised the bureau's communications unit and served as liaison to the business community. Kruger has presented before City Council, attended meetings with the Mayor and represented the Police Bureau in City Manager meetings. He is a recipient of the Bureau's Distinguished Service Medal for his career.

Details on a swearing in ceremony will be announced at a later date.

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FONT



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West Linn residents meet candidates for police chief

 Patrick Malee  Wednesday, April 25, 2018

Hourlong reception prompted finalists to go in-depth on skills, experience



Beaverton Police Captain Jeffrey Williams said the West Linn police chief job seemed tailor-made for him given his experience working in both Beaverton and Forest Grove.

(<https://pamplinmedia.com/images/artimg/00003607495601.jpg>) The two finalists to become West Linn's next police chief — retired Portland Police Bureau Lt. Terry Kruger and Beaverton Police Capt. Jeffrey Williams — agree that effective police work can't happen without visibility and involvement within the community.

They put that philosophy to the test at a public reception held Wednesday, April 18, at the West Linn Police Station. For just over an hour, the candidates stood before several dozen residents and City staff members and answered five prepared questions from the City that were intended to showcase the skills and vision they would bring as West Linn's new police chief.

"We'll put our candidates through the paces tonight," City Manager Eileen Stein said before introducing Kruger and Williams. "Police chief is a very visible position in a community, and being able to speak to audiences and talk on their feet and organize their thoughts quickly is part of the skillset for a police chief."

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([https://reach.adspmg.com/ck.php?](https://reach.adspmg.com/ck.php?oaparams=2__bannerid=10665__zoneid=739__cb=9052931b28__oadest=https%3A%2F%2Fcli.re%2FJv2WqW)

[oaparams=2__bannerid=10665__zoneid=739__cb=9052931b28__oadest=https%3A%2F%2Fcli.re%2FJv2WqW](https://reach.adspmg.com/ck.php?oaparams=2__bannerid=10665__zoneid=739__cb=9052931b28__oadest=https%3A%2F%2Fcli.re%2FJv2WqW))

Kruger — a 25-year West Linn resident — served in the Portland Police Bureau for 28 years before retiring in 2016 as police adjutant lieutenant. In that role, he was the adjutant for two chiefs of police while supervising the communications unit and serving as a business liaison.

Williams has served with the Beaverton Police Department since 2011. As captain, he currently manages oversight of the department's patrol, traffic, training and administration divisions.

WLPD Capt. Neil Hennelly has served as acting chief since Terry Timeus retired last fall, but plans to retire in June and thus did not apply for the permanent role.

West Linn received 47 applications for the position and interviewed six candidates before narrowing the list to two.

At the reception, Kruger and Williams were first asked to introduce themselves and describe why they would be well-suited for the position. Speaking first, Kruger said he was born into a policing family and retired from the Portland Police Bureau early due to health issues within his family. Two years later, he hoped to re-enter the law enforcement world and bring his natural skills to West Linn.

"This job is all about dealing with people and understanding where they came from and how they got there," Kruger said. "I have strong common sense, and sometimes that seems anything but common. And it has helped me to take situations that for others were spinning out of control and wrap my arms around them, calm things down, slow things down and make thoughtful decisions." (<https://pamplinmedia.com/images/artimg/00003607495588.jpg>)



TIDINGS PHOTOS: PATRICK MALEE - Longtime West Linn resident and Portland Police Bureau veteran Terry Kruger said health issues within his family forced him to retire before he was ready, and he's eager to rejoin the policing world if selected as West Linn's chief.

Williams said his interest in law enforcement began in elementary school, and his commitment never wavered. After starting his career in Forest Grove before moving on to Beaverton, he felt his experience was perfectly suited for a place like West Linn.

"When I saw this (job) announcement, I felt like it was written for me," Williams said. "I really felt like the experiences I had in Forest Grove, a community of similar size, really prepared me, and then the depth of my experiences when I went to Beaverton. (I felt) that I could bring a lot and that I would understand what it took to build relationships in a community of this size and be effective as a police chief."

Asked what their focuses would be during their first 100 days as chief, Kruger and Williams agreed that communication both internal and external would be crucial.

A D V E R T I S I N G | Continue reading below

"I think it will be important to talk to people inside the organization to find out what things are important to them, what their motivators are — what things about the department they're proud about so we can come up with some plans and some visions which align with some really great things that already exist in the organization," Williams said. "In the first 100 days, it will be important to assess the organizational wellness of the department."

"Change in any organization brings with it rumor, anxiety — it brings with it a bunch of distractions," Kruger said. "So my first order of business will be to address those distractions and those rumors ... the way to do that is to meet with everybody."

Kruger and Williams said they would also meet externally with neighboring law enforcement and emergency response agencies, as well as the West Linn-Wilsonville School District, citizen advisory groups and local organizations like the West Linn Rotary and Chamber of Commerce.

The candidates were also asked how they would address problems related to officer retention.

"These are tough times for law enforcement nationally, as a profession ... there's not a lot of positive light being shone on law enforcement at this time," Kruger said. "We need to be looking for the right candidates for West Linn, that's really critical here. You don't want some 21-year-old kid that's expecting car chases and bank robberies and foot chases all the time. That's not what he's going to find here and after a few years he's going to be enticed by some shinier object like a salmon to a spinner, and he'll leave."

Williams said it would be important to have every member of the department think like a recruiter, while also creating an environment where talent can be promoted from within.

"Some of the things I'm most proud of both in Forest Grove and Beaverton are the people for whom I was responsible supervising are now the supervisors and leaders of those organizations," Williams said. "I very much think it's important to develop talent within the organization and then promote from within whenever possible."



Dozens of residents, City staff members and police department employees gathered for the public reception April 18.

(<https://pamplinmedia.com/images/artimg/00003607495612.jpg>)

Finally, Williams and Kruger were asked how they would work to promote equity and ensure that people of all backgrounds felt protected.

"When segments of community feel they don't have access to the police department, that can cause physical ailment to the community," Williams said. "We are not doing our job if we only have 80 percent of the community willing to tell us what's going on in the community, or if only 70 percent trust us with their safety."

He added that language barriers can be particularly burdensome, and that he would take inventory of the language services available at the department.

Kruger emphasized department culture and accountability.

"The really big thing is creating a culture internally within the organization where we see the value of people, all people," Kruger said. "There is one race — it is the human race — and we are a part of it. Creating that culture internally, it starts with me."

Stein is expected to announce her hire within the next several weeks.

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Typed up notes from Community Reception Comment Cards 4.18.18

Terry Kruger

1. I have known Terry for over 20 years and have admired his dedication to his family and his community. Terry has volunteered over the years in many capacities in the West Linn community and would be a great Police Chief.
2. I live next door to Terry and have for the last 5 years. Before meeting him I was not a “pno” police person. Terry has single handedly changed my mind. I know he will be able to build harmony and teamwork among people like my former self. The current active duty officers and the community at large. With regards to his experience his resume speaks for itself. I also believe that hiring a resident of WL speaks volumes about your commitment to the community and giving locals comfort that upward mobility in WL is possible. I have so much more to say but will not force you to endure any more of my hand writing...
3. More confident/experience seem to have a set plan for first 100 days. I would want all of our officers to be like him. Seems to understand West Linn.
4. I really like this candidate. He knows West Linn and he spoke very well. Very good speaking in front of a crowd. He talked about his officers and had specific answers which I appreciated.
5. Terry is very experienced which makes a community feel safe and taken care of. Plus is from West Linn.
6. Concrete plans, people oriented, understands West Linn, ready now, knowledgeable
7. Covered the first 100 days well. Great ideas of recruitment – out of the box ideas – I liked how comments flowed through his answers. Community involvement is very important. Spoke very well, confident, lots of practical experiences shared that will benefit WL. I would like to see him as the next chief of police at WL.
8. His knowledge of WL from many aspects is extremely beneficial. He has a presence, is firm but compassionate. Either person would work, but Terry has my vote.
9. I would be proud to have Terry Kruger as our Chief.
10. Self confident, understands policing and working with the community. Knows the West Linn community and it's needs. Not a micro manager, and will allow police to make decisions, community outreach is positive. Confident.
11. Steady. Sincere. Obvious deeply of commitment that police and community partner. Personal commitment to respect everyone from suspect to bystander. Collaborative emphasis. This guy could handle complexity of West Linn.
12. Terry lives in West Linn. He knows West Linn city. His children went to our schools. He pays all our (shared) obligations etc etc. I do hope that these credential alone are a plus for him to be our Chief. He is love my most of us knowing him. At these time of politics and circumstances, Terry Kruger fills “these” very important shoes! God Bless

13. Appreciate that he is so steady, committed and would be a stable presence in West Linn. I found his speeches to be more engaging and direct. I like that his first 100 days focused a lot on staff.
14. Very good candidate. He perhaps has the edge
15. Knowledgeable to our community's needs. Much better grasp of our agency needs and a plan to improve them. Fantastic background to face the problems we have yet to deal with in West Linn. Spoke with authority. A leader.
16. Seemed little bit closed off by having to be behind podium, as opposed to be open. Didn't address mental health (illegible). Didn't address diversity (illegible). Seemed too prepared with answers. Terry's experience is great but could limit openness to new programs (illegible)
17. Knowledgeable, but not good fit for West Linn
18. Mr. Kruger has a lot planned in his first hundred days that seems untenable. He uses a lot of buzz words. His experience is more big city (ie. Portland) and I'm not certain how that'll work in W. Linn.
19. 2nd choice. Need to be informed he cannot discriminate due to age.

Jeff Williams

1. No comment
2. No comment
3. Nice seems happy to be in the community. Seems less confident than Mr. Kruger
4. He seemed to speak in broader terms and I didn't feel was as confident. That bothered me.
5. No comment
6. No comment
7. Nervous in a small crowd. Had great ideas about recruiting. Wasn't familiar with the different areas of West Linn. Wasn't aware of parking issues at WLHS. WFD rush hour, etc. I seemd like answers were textbook not genuine. Didn't answer Question #5 at all.
8. He seems very knowledgeable about programs and ways to involve himself into the community. Kind also compassionate (see #8 above)
9. No comment
10. Has great experience in small community as well
11. Interested in job and community. Less confident in front of us. Not solid in his personality projection. West Linn is a sophisticated neighborhood – criminals and population – Jeff might not be (illegible)
12. No comment
13. Seems very knowledgeable and experienced. There would be a learning curve for working in West Linn and wonder how long he would stay committed. (Additional note at the bottom read: Two great candidates – nice work!)
14. Also a good candidate. Either would be an excellent choice. (see #14 above)

15. Very friendly & approachable. Comes from a life of service. Involved in his current community. Surprised he hadn't done mere homework on our (illegible) needs. More (illegible) "nice guy" approach. Like that transfer well it's a (illegible) that may need to make tough choices.
16. Ability to stand in open (illegible) He's more open to people, ideas, etc. Addressed mental health better. Addressed diversity. His youth to (illegible) is a pro not a con. I think Jeff is the best candidate
17. Personable, exudes integrity, good communication skills, excellent ideas for community, inclusion and leadership. Good fit for West Linn.
18. I really appreciate Williams' personable fluid approach to the community. Based on what I heard Williams has a better command presence, a better understanding of budget, relationships, and retainment/recruitment. Not as tactical but that isn't needed so much here. I like the fact he is a veteran!!!
19. I LOVE his emphasis on SERVICE. Very positive approach. Experience with dispute resolution a plus.

15/19 (79%) In favor of Kruger, 4/19 (21%) In favor of Williams. Six did not comment on Williams.



CITY OF West Linn

FOR IMMEDIATE RELEASE
May 18, 2018

Contact: Courtney Flynn
cflynn@westlinnoregon.gov (503)742-8609

Kruger Named West Linn's New Chief of Police

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"I am pleased to announce Mr. Kruger as the West Linn Police Department's newest leader," City Manager Eileen Stein said. "As a longtime law enforcement professional, a 25 year resident of West Linn and a community minded individual, Mr. Kruger surfaced as the ideal candidate for the position."

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Details on a swearing in ceremony will be announced at a later date.

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