

## West Linn police: Investigator's Terry Timeus report went unread

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A long-secret 100-page report shows high-level concern about the ex-chief, now under criminal investigation by the feds.

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The examples are numerous.

The time that Lake Oswego police officers invited their then-lieutenant, Terry Timeus, to come watch a live sex show by women they'd pulled over and detained. He was unavailable, but later demanded they call him in any future situations like that.

A claim that Timeus, while a drug cop, had confessed to having sex with an informant — endangering active cases — and probably should have been fired before ever being promoted.

The confirmation that, more than 15 years ago, some on-duty Lake Oswego police officers had used the terms "MILO" or "NILO" — "Mexican in Lake Oswego" and a variation with the n-word. And an allegation — which Timeus denied — that he was one of officers who'd done so.

The list goes on.

These are just some of the takeaways from a newly obtained, never-before-public investigation of Terry Timeus, the former Lake Oswego officer who went on to become West Linn police chief.

The 100-page report, prepared confidentially in 2008, details numerous instances of inappropriate behavior and intriguing statements regarding

even more serious allegations made against Timeus.

West Linn city officials, however, failed to review the report upon its completion. That's despite a highly suggestive memo by the city attorney that characterized its contents, describing the behavior as inappropriate and recommending training, according to interviews and documents.

Timeus left the department in 2017 after he faced allegations of drunken driving. He received a payout of \$123,394.

He could not immediately be reached this week for comment.

But the investigation sheds new light on his employment history as well as the serious allegations, including racism, that were made against him early in his tenure as chief.

Today the long-secret investigation bears increased relevance in light of recent \$600,000 settlement by the city of West Linn concerning Timeus' involvement in sparking an arrest and surveillance conducted without a warrant that led to since-dropped criminal charges against an African American Portland man.

On Wednesday it was announced that Oregon's top federal prosecutor, U.S. Attorney Billy Williams, has launched a criminal investigation into the case.

### **A bevy of allegations**

West Linn hired Timeus as chief in 2005 after he'd risen through the ranks over 18 years in Lake Oswego.

On Feb. 12, 2008, a former Lake Oswego cop named Eric Losness filed a 25-page complaint with the state law enforcement standards agency accusing then-Chief Timeus of 17 instances of unprofessional and even criminal behavior. He said Timeus lacked "moral fitness."

Naming 125 people who he said either were direct witnesses or might be able to substantiate his claims, Losness wrote that he had little to no confidence that West Linn had done a comprehensive background investigation before hiring Timeus. If not, he wrote, then "the City of West Linn should be held accountable."

The city actually had never performed any background investigation, comprehensive or not, before hiring Timeus.

Losness's complaint essentially gave the city an opportunity to do one, albeit three years after hiring him.

The state declined to investigate and instead forwarded the 25-page report to the city of West Linn, which in turn hired former McMinnville Police Chief Rod Brown to investigate. Brown's firm worked primarily for cities and counties who were fighting lawsuits.

Brown's report, dated in April 2008, showed that the two ex-cops who were the source of the bulk of Losness's allegations refused to cooperate with the investigation. Brown considered Losness "embittered" and therefore not credible. Meanwhile, another witness described as highly knowledgeable, Lake Oswego Chief Dan Duncan, refused to say anything, explaining he didn't want to engender a complaint by Losness. Another key witness said he'd talk only to a criminal grand jury.

Based on interviews with Timeus and 15 other witnesses, Brown divvied up the allegations into four categories: sustained, not sustained, unfounded and exonerated.

His definition of "exonerated" was an unusual one, however. While he concluded the allegations were indeed true, they were not in his opinion improper.

## **Cloaked in secrecy**

In a May 12, 2008, memo to then-City Manager Chris Jordan, West Linn's hired city attorney, Tim Ramis, indicated that, while Timeus had engaged in inappropriate behavior while in Lake Oswego, the more worrisome thing was that he also tolerated it among his subordinates.

"It is obvious that Mr. Timeus apparently was not the only Lake Oswego police officer involved in the inappropriate behavior reported," Ramis wrote. "But as a supervisor he was in a position to take corrective steps to prevent future incidents of these types."

In his memo, Ramis urged the city manager to read the full investigation.

But Jordan later would claim he never did, opting instead to leave the report with Ramis.

By doing so, Jordan sought to create a protection around the report.

When the Lake Oswego Review — sister publication of the Portland Tribune and a member of Pamplin Media Group — requested the report in 2009, West Linn claimed that, because no one other than Ramis had read it, it remained protected by attorney-client privilege and inaccessible to the public.

The Clackamas District Attorney's office at the time upheld the city's refusal to disclose the report on appeal, but said the city's handling of the investigation "has the appearance of being designed to prevent public disclosure of the document contrary to public policy which favors public access to government records."

Last week, the Portland Tribune again requested a copy of the report and followed up with an appeal to the Clackamas County District Attorney.

On Tuesday, at a public hearing dominated by concerned community members, West Linn Council President Teri Cummings vowed to push for its release.

On Wednesday, Ramis released the document, rejecting the Tribune's appeal as unnecessary and saying the report's prompt disclosure reflected West Linn's adherence to Oregon's pro-disclosure records law.

West Linn "has responded in its usual timely fashion," he wrote.

### **Councilor sought release**

Cummings, the council president, first took office in West Linn even as a three-part series was published by the Tribune, the Lake Oswego and West Linn Tidings in 2009. The series revealed some of the Losness complaint's allegations and reported in detail how Timeus had helped land a friend a job at the Lake Oswego Police Department after he'd been forced out of his previous job due to sexual assault allegations deemed truthful by his then-employer, the Washington County Sheriff's Office, after an investigation. The victim, a local dispatcher, went public with her story, confirming one of Losness's allegations.

Cummings, who says she was disturbed at some of the complaints she'd heard about Timeus' department over the years, said she wishes she'd been able to see the report earlier. She said it amounted to the background report the city failed to do before it hired Timeus in 2005, before she took office.

"Words can't express how much I've been wanting to see this," she said in an email Wednesday.

### **Some allegations proven**

Among the allegations that Brown said he confirmed:

A live sex-show put on by two women who were pulled over on suspicion of drunken driving prompted the responding officer to call for his partner, who then urged their lieutenant, Timeus, to come, too. Timeus was unavailable, but allegedly said if they didn't invite him to similar stops in the future, they'd be fired.

Timeus confirmed the 2002 stop — as did the Tribune, using a records request. He said that while he didn't "specifically" remember the quote attributed to him by Losness, "he undoubtedly made the statement in jest," according to the report.

Brown, for his part, concluded that failing to admonish the two cops amounted to supervisorial "negligence" by Timeus.

Losness also accused Timeus of "gay-bashing," including making homophobic remarks to him, while also using a city computer to look up, print out and share with coworkers a provocative photo of Timeus's ex-wife participating in a wet T-shirt contest. He said he looked up the viewing history on a computer shared by Timeus and found it filled with pornographic or sexually inappropriate websites.

Timeus, asked about the allegations, denied making homophobic statements to Losness but confirmed he had looked up the photo of his wife.

Brown deemed the allegation partially substantiated since Timeus denied making homophobic statements.

### **Timeus sometimes "exonerated"**

Brown deemed five of the 17 allegations "exonerated," meaning the investigator considered them either true or based in fact, but not improper. They included:

Timeus, while a captain at Lake Oswego, had a sexual relationship with

a non-commissioned community service officer who technically was not under his command. While it showed a "potential lack of judgment," Brown wrote, the relationship had "no impacts" on their job performance.

In another exonerated claim, Losness had said Timeus was racist and once told one of his officers that "NILO" stood for a racial slur "...in Lake Oswego."

In his interviews, Brown confirmed that some officers said the term NILO had been used, but not in years. So had a similar acronym for "Mexican in Lake Oswego." They assured him such talk had not occurred in the "recent past" and would not be tolerated, Brown wrote.

Timeus, for his part, told Brown he'd heard the term, but denied ever using it.

### **Maybe true, maybe not**

Brown found three allegations to be "not sustained," meaning he could not confirm nor deny them.

One such incident occurred while Timeus was assigned to the now-defunct federal Regional Organized Crime and Narcotics task force, or ROCN, in the early 1990s.

Losness said that Timeus had shown up at a downtown Portland hotel with an informant he'd been sleeping with, only to get into a confrontation with a gay clerk, in which he flashed his badge while off-duty — prompting a complaint to Lake Oswego from the Portland officers who showed up.

Kim Klussman, a Clackamas County lieutenant and self-described friend of Timeus who'd worked at Lake Oswego, told Brown that Timeus had

told him precisely the same story, even admitting that he'd flashed his badge at the hotel clerk while haggling over the room cost, and also made "comments about homosexuals" to the clerk and one of the responding Portland cops.

Klussman, a former Lake Oswego police union head, "said he was surprised that Timeus was not terminated from Lake Oswego over this incident," Brown wrote. "He viewed Timeus as being very lucky in retaining his job."

Klussman, like others interviewed by Brown, said Timeus was kicked off the ROCN task force. Those interviewed include the former head of ROCN, who said Timeus had become "sloppy" and "too comfortable."

Timeus, for his part, denied being kicked off the task force, saying he'd left to apply for a promotion. He said a woman he'd dated while on the task force then became an informant for the group, but he'd stopped dating her by then. He denied any incident at a hotel.

Another allegation pertaining to the task force was that Timeus was suspected of watching pornography at homes where they executed search warrants, and also allegedly was suspected of stealing drugs, money or other property. Also, that he used the task force's equipment to spy on his then-wife to see if she was cheating.

Timeus denied stealing anything, misusing surveillance equipment or watching pornography.

While the matter was not proven or disproven, a Lake Oswego Police Detective reported that an Oregon State Police officer who was on the task force told him those allegations. The OSP investigator did not deny any of Ferguson's account, but told Brown he would only comment if subpoenaed to testify before a grand jury.

Several officials who were part of ROCN, however, told Brown that if

any of that were true, they'd remember it.

Other allegations also were not proven, and which Timeus denied:

- Vindictive behavior toward subordinates who held him to account.
- Frayed relationships with distrustful colleagues.
- A drinking problem and a steady penchant for offensive humor, including sexually degrading comments to subordinate officers.

After reading an initial version of this article, the attorney whose client, Michael Fesser, won a \$600,000 settlement from West Linn called its summary of the report "an incredibly disturbing account of an egregious pattern of conduct."

Lawyer Paul Buchanan added that "There were so many huge red flags about Chief Timeus for so many years. It is shocking that West Linn chose this person to lead their police force, and that they allowed him to remain in that role for more than twelve years.

"This report also raises the question: Why was none of this information revealed in the course of our litigation against West Linn?"

### **More training needed**

Based on the 2008 investigation into Timeus, Ramis, the West Linn city attorney, recommended to the then-city manager, Jordan, that the then-chief and other top police managers undergo training "that emphasizes the importance that a supervisor take appropriate action when inappropriate activity takes place within the department."

Such training, Ramis wrote, should have "an emphasis on how the leader can and should be the positive role model."

He also suggested the city consider actions "such as reinforcing with Mr. Timeus that city expectations are that his personal behavior meets certain standards" or include a letter in his next performance review. He also suggested modifying Timeus's contract to reflect behavior standards.

### **Investigator praises Timeus**

After the Tribune and other local papers published some of the questions around Timeus' conduct in 2009, the job of defending him fell to Brown, the investigator the city had brought in for an outside look.

Brown's investigation had brought with it potential liability, as it would show whether the city had erred in hiring Timeus — possibly adding claims of city negligence to subsequent lawsuits.

But Brown had dealt with tricky situations before, and he was experienced in local law enforcement.

Brown, a former chief in McMinnville, had been criticized in 1998 for first denying that his officers had strip-searched dozens of middle-school girls while hunting for drugs, before issuing a public apology.

After leaving McMinnville, Brown specialized in conducting investigations to defend cities and counties against workers' comp and liability claims.

In 2007, the year before he was hired by West Linn, the Eugene Police Department hired him to investigate whether its officers failed to act on multiple allegations about an officer later found to have used his badge to coerce sex from a dozen women over a six-year span. Brown's report, defending the department's handling of the matter, was blasted by several prominent Oregon victims' attorneys who called it a whitewash.

For consulting purposes, Brown later partnered with Gladstone Chief Jim Pryde. Pryde retired in 2015 amid increasing criticisms after years of turmoil, including the conviction of one of his cops for murdering his spouse.

In 2009, questioned about Timeus by a Lake Oswego Review reporter, Brown described the man he'd investigated as a good chief.

"Do I think Terry Timeus is qualified to be a chief? Absolutely," Brown said. "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."

*Lee van der Voo is an independent journalist whose previous reporting on Timeus for the Lake Oswego Review and Portland Tribune was recognized in 2009 by a national award from the group Investigative Reporters and Editors*