

REPORT:

**TYLER MILLER
AND
THE COLUMBIA 911 COMMUNICATIONS DISTRICT**

Part I

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Investigation conducted by:

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PREFACE

This report was originally commissioned at the behest of the law firm Elliott, Ostrander & Preston, P.C. (“EOP”), which sought a thorough and general investigation of the circumstances surrounding Tyler Miller’s termination from his role with both the Columbia County Sheriff’s Office (herein referred to as “CCSO”) and the Columbia 911 Communications District (herein referred to as “CCOM”). EOP has not participated in the investigation. I understood that my assignment was to conduct a comprehensive and fair review of the facts and circumstances, and to set forth my findings and conclusions. Before commencing the investigation, I did not agree to any conditions, and I made no promises other than to proceed in a fair manner. I had discretion as to the scope and direction of the investigation, which expanded over time to include other ancillary matters that in my judgment were relevant to the entire context.

After the investigation was commenced, but before its completion, Tyler Miller filed suit against Steve Watson, Jeff Dickerson, Steve Salle, Akin Blitz, and Bullard Law, P.C. because the defendant parties were unwilling to agree to toll pertinent statute of limitations pending completion of an investigation or other resolution between the parties.

Bullard Law conducted an investigation and prepared both a report (the “Reeves Report”) and a memorandum (the “Blitz Report”; collectively, the “Bullard Law Reports”) at the direction of CCOM. EOP had questions about the completeness and accuracy of the Bullard Law Reports and so initiated this investigation to provide a more thorough review of available evidence and assess the accuracy of its conclusions. I understood that I was hired in part because I have experience in both complex civil litigation and employment law, as well as significant expertise with criminal investigations arising out of my work as both a deputy district attorney (prosecutor) and a criminal defense attorney.

I conducted numerous interviews, including interviews with members and former members of the following agencies:

- Columbia County Sheriff’s Office
- Columbia County Emergency Management
- Columbia City Police Department
- Columbia River Fire & Rescue
- Columbia 911 Communications District
- Oregon State Police

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- Rainier Police Department
 - Scappoose Rural Fire District
 - Scappoose Police Department
 - St. Helens Police Department
 - Vernonia Police Department

These interviews included at least four current or former chiefs, as well as a number of other people in both management and subordinate positions. I also reviewed thousands of pages of documents, and listened to hours of audio recordings, including of police interviews, and recordings of the public meetings of the Board of Directors for CCOM. I examined minutes taken from the various Board of Director and “workshop” meetings, reports associated with these events, emails from various parties obtained through public records requests, other public records, and independent research as I determined necessary.

The lawsuit referenced above did limit my ability to interview those parties whose conduct was directly at issue or others in management positions still employed by CCOM and Columbia County. In addition, some parties did not wish to participate. Because of legal limitations involved with the pending lawsuit, and having no authority to compel individuals to cooperate, I was not able to interview all parties who may have relevant information.

I have attempted to consider all information as fairly as possible and to withhold conclusions not supported by evidence.

If any party has additional information they believe is relevant to this report, please contact my office as soon as possible so I can make addendums as appropriate. Similarly, if any party feels information contained herein is not appropriately or fairly represented, please contact my office so that I can make corrections as necessary.

TABLE OF CONTENTS

Report: Tyler Miller and the Columbia 911 Communications District	0
Preface.....	1
Table of Contents	3
Executive Summary of Major Conclusions	5
Blitz Finding No. 1:.....	5
Blitz Finding No. 2:.....	6
Blitz Finding No. 3:.....	7
Blitz Finding No. 4:.....	8
Blitz Finding No. 5:.....	9
Bullard Law Reports	11
Introduction.....	11
Description of the Bullard Law Reports.....	11
Responsibilities and Liabilities of CCOM to Watson and Miller Respectively	11
The Reeves Report	13
Purpose	13
Findings with Respect to Steve Watson.....	13
Recommendations of the Reeves Report.....	16
Findings Regarding Miller.....	17
The Blitz Report.....	18
Purpose of the Blitz Report.....	18
Sources in the Blitz Report	20
Timing of the Disclosure	24
Election	28
Other Allegations Against Miller	29
Blitz’s Treatment of Steve Watson	29
Versions of the Blitz Report	32
The Portrayal of Miller as “Meddling”	33
Summary	35
Tyler Miller’s Public Service Background	36
Introduction.....	36
Summary of Service	36
Columbia County Sheriff’s Office	36

Columbia County Communications.....	39
Miller Mendel	40
Miscellaneous	40
Miller’s Community Reputation for Trust and Integrity	44
Introduction.....	44
Summary of Interviews.....	44

EXECUTIVE SUMMARY OF MAJOR CONCLUSIONS

The Blitz Report reached several ultimate conclusions, which were purportedly supported by several other sub-findings as described herein. Those conclusions are considered in light of this investigator's findings based on his review of interviews and documentary evidence as described in detail elsewhere herein.

BLITZ FINDING NO. 1:

MILLER WITHHELD HIS KNOWLEDGE OF STEVE WATSON'S SEXUAL HARASSMENT

- **Allegation:** Miller kept damaging information about Steve Watson to himself until Watson disclosed to the Board that he did not want Miller's assistance on the Radio Project to continue.

- **Finding:** **FALSE**
 - ✓ **Facts:** Miller did not keep this information secret. This investigation revealed that Miller previously disclosed the allegations in 2016 to at least (1) the undersheriff of CCSO; (2) a lieutenant with CCSO; (3) an elected county commissioner for Columbia County; (4) a reserve deputy with CCSO; and (5) a friend. Miller also provided the names of three additional individuals to whom he alleged that he disclosed this information, but those individuals could not be reached or declined to be interviewed. The witnesses who were interviewed describe Miller as conflicted about how to balance the harmful nature of the allegations and the wishes of the victim.

 - ✓ My investigation found that Blitz failed to interview any of these witnesses and made false and unsupported assumptions based on incomplete and explicitly biased information based in part on conversations with people who hadn't interacted with Miller in over 15 years. Blitz never attempted to interview Miller's supervisors or other colleagues.

Blitz ignored the dozens of people who have had nothing but positive interactions with Miller in the context of their shared public service. In so doing, Blitz failed to weigh the solitary accusation against Miller with both Miller's character and his longstanding dedication to improving emergency services in Columbia County.

- ✓ Additionally, Blitz relied extensively on Watson's allegations about Miller, despite his colleague's conclusion that Watson lied during the investigation.
- ✓ In fact, Miller, as the volunteer with outside income, is the person most likely to be neutral with respect to the efficacy of CCOM's provision of emergency 911 services to Columbia County.

BLITZ FINDING NO. 3:

MILLER DISCLOSED HIS KNOWLEDGE OF STEVE WATSON'S SEXUAL HARASSMENT TO RETAIN HIS POSITION WITH CCOM

- **Allegation:** Miller attempted to leverage his knowledge of the sexual harassment allegations against Watson so as to coerce Watson into keeping him involved on the Radio Project.
- **Finding:** **FALSE**
 - **Facts:** This conclusion was ultimately rejected by a Deputy District Attorney from Clackamas County, based on his review of the findings of the OSP investigation. This investigation provides additional information that exonerates Miller from the allegations. Miller's disclosure of the allegations to multiple parties both before and after his confrontation with Watson disproves the accusation that Miller kept the allegations in order to force Watson's compliance with Miller's purported demands.

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- ✓ It is only after Miller's whistleblowing that anyone questioned Miller's competency.

BLITZ FINDING NO. 5:

MILLER'S CRITICISM OF CCOM IS INACCURATE AND SELFISHLY MOTIVATED

➤ **Allegation:** Miller's criticism of CCOM is selfishly motivated and has no basis in fact.

➤ **Finding:** **FALSE**

- ✓ Miller has a many-years long and documented history of public service in Columbia County, as a reserve deputy with CCSO, as a volunteer with CCOM, and in providing radio and consulting work for many other regional agencies, both before and after this incident. His dedication to public service is unquestioned by any of his colleagues. He also owns his own software company and has no financial motive to do any work for a government agency.
- ✓ Blitz ignores the elephant in the room, which is this: Is Miller's critique accurate? Or to put it another way, is Blitz's client doing a good job in their provision of emergency radio services in Columbia County?
- ✓ It is beyond the scope of this summary or of the underlying report to draw an ultimate conclusion about the overall quality of services provided by CCOM. It is, however, easy to conclude based upon the documentary evidence and interviews of the end-users, as well as former dispatchers, that CCOM faces significant obstacles and suffers from many shortfalls in its provision of reliable and professional services to police and fire agencies in the county.
- ✓ There are significant radio coverage issues that pose risk to first responders and citizens in Columbia County. While Blitz pointedly ignores this issue, it is almost unnecessary to document those problems, because nobody disputes that there are significant issues – there would be no Radio Project at all if not for these coverage issues.

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- ✓ While accusations are made that Miller is too negative or too public in his critique, there is nothing in the Blitz Report, nothing in the Reeves Report, nor anything in the OSP report that proves *any part of Miller's critique isn't fair or accurate*. Moreover, everyone interviewed for this investigation provided information that supported Miller's critique.

BULLARD LAW REPORTS

Introduction

A primary reason for the commission of this report is to investigate and consider the veracity and reliability of the Bullard Law Reports described below. To this end, I reviewed the Bullard Law Reports individually, compared them with each other, and also considered them in light of other documentary evidence, recorded audio, and new interviews.

Description of the Bullard Law Reports

After Miller and Watson informed the Board the nature of Miller’s disclosures, the Board contacted CCOM’s counsel, Akin Blitz of the law firm Bullard Law on February 14, 2017.¹ Bullard Law then initiated several investigations. The first investigation was an employment investigation conducted for the purpose of determining the veracity of Miller’s disclosure of Watson’s sexual harassment. This investigation was conducted by Liani Reeves, an attorney for Bullard Law. Reeves’ report is dated March 15, 2017, although it was not released to the media until April 20, 2017.² The second report, purportedly initiated just after the completion of the Reeves Report, was framed as a “memorandum” written by Blitz for the purpose of “explain[ing] Tyler Miller’s conduct and motivations.”³

Both reports, although conducted by the same law firm for ostensibly the same general purpose of providing legal counsel to CCOM for employment purposes, use very different methodology and reach distinct conclusions – some of which, despite Blitz’s commentary to the contrary, are completely contradictory.

Responsibilities and Liabilities of CCOM to Watson and Miller Respectively

This report is not a treatise on state and federal employment law, but a few employment-related legal issues are worth highlighting as they add important context to the Bullard Law Reports, which were commissioned by CCOM’s Board of

¹Reeves Report, p. 3; Interview with Henry Heimuller by Oregon State Police; Interview with Rob Anderson by Oregon State Police.

² Reeves Report (title page).

³ Blitz Report, p. 1.

Directors Henry Heimuller and Robert Anderson, who make up the CCOM “Personnel Committee.”

Broadly speaking, employers can be held liable for the actions of its supervisors. In this context, CCOM could be liable if Watson were sexually harassing an employee under his supervision. On the other hand, Watson has certain rights and if CCOM were to terminate his employment, he would have certain procedural protections and if they were violated, Watson could potentially have a claim against his employer, CCOM. Consequently, the investigation performed by Bullard Law into the truth or falsity of the sexual harassment allegations against Watson had dual purposes: (1) to limit CCOM’s liability for any misbehavior on the part of Watson; and (2) to limit CCOM’s liability should it terminate Watson’s employment. It is this cloud of liability surrounding the Executive Director of CCOM that is the driving force behind CCOM’s decision to commission a law firm to perform a relatively expensive investigation.

The investigation did not stop with Watson, however. After concluding in the Reeves Report that Watson should be terminated for the behavior disclosed by Miller, Bullard Law, presumably at the direction of the Board’s Personnel Committee, Rob Anderson and Henry Heimuller, Bullard Law also investigated, purportedly, Tyler Miller.

The above analysis does not apply to Miller for several reasons. First, because Miller was primarily a volunteer. While he did receive some compensation as a subcontractor through Pallans & Associates, he was not an employee of CCOM. CCOM could terminate their relationship with Miller at anytime for almost any reason – with the exception of Miller’s claim that CCOM was only terminating the relationship because of Miller’s possible whistleblowing. If, prior to Miller’s allegations, CCOM had felt any inclination to terminate its relationship with Miller, CCOM could have done so with very little possibility for any liability, because, again, Miller was a volunteer – not the Executive Director.

This analysis is consistent with Reeves’ conclusion, discussed below; that Miller’s motives were irrelevant with respect to CCOM. This raises several questions, first and foremost being why did Bullard Law even prepare the Blitz Report? Why did CCOM’s Board of Directors authorize and spend nearly \$40,000⁴ on a second report that Bullard Law previously deemed irrelevant?

⁴ According to the billing records produced pursuant to a public records request.

THE REEVES REPORT⁵

Purpose

CCOM directed Bullard Law to “conduct an investigation into matters raised by a third-party contractor with the District, Tyler Miller.”⁶ Reeves summarized Miller’s allegations as follows:

1. Watson was having an “inappropriate relationship” with “Employee 2”;⁷
2. Watson previously had an “inappropriate relationship with “Employee” 1;⁸
3. Watson terminated Miller’s involvement with the Radio Project because of Miller’s threatened exposure of (1) and (2);⁹
4. Watson attempted to “improperly influence” Employee 1’s cooperation with the Reeves investigation.¹⁰

Findings with Respect to Steve Watson

Reeves made a number of factual findings with respect to the above allegations as they relate to Steve Watson, which formed the basis for Reeves’ conclusions and her recommendations to terminate Watson’s employment as discussed in the next section. These findings are summarized here to provide context for both (1) Reeves’ recommendations; and (2) the Blitz Report.

- Watson delayed in reporting to his supervisors (the Board) Miller’s disclosure of his knowledge of Watson’s sexually harassing behavior;
- CCOM failed to provide any “meaningful” training about CCOM’s Non-Discrimination and Harassment Policy;

⁵ While there are different versions of the Reeves Report, containing different redactions, this investigation considers the unredacted version as produced by Columbia County pursuant to a public records request.

⁶ Reeves Report, p. 3.

⁷ Reeves Report, p. 3.

⁸ Reeves Report, p. 3 (Reeves leaves out the numerical modifier to “Employee” but I presume she intended Employee 1).

⁹ Reeves Report, p. 3.

¹⁰ Reeves Report, p. 3; presumably this issue was raised during the course of the investigation and was not part of CCOM’s original request.

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- Watson inappropriately expressed personal feelings towards a subordinate when he knew she was vulnerable;
 - He inappropriately physically touched at least two subordinates on at least three occasion;
 - He lied to Reeves and deceived the Board;
 - There are “significant questions” about Watson’s “judgment, truthfulness, and ability to lead and manage.”¹¹
 - That the “totality of [Watson’s] responses and the information that he purposely withheld from [Reeves] constitutes a violation of the Telecommunicator's Code of Ethics to which he has sworn or affirmed to uphold.

Some of Reeves’ factual findings that support the above conclusions with respect to Watson are as follows:

- Instead of reporting Miller’s allegations, he sought out the individual he believed to be the source and attempted to influence her and so keep the sexual harassment secret and save his own job.¹² Reeves calls this evidence of Watson’s “lack of judgment, concealment, and lack of transparency owed to the Board of Directors as a matter of his executive and fiduciary duty.”
- Watson’s romantic pursuit of his subordinate came during, as Watson described it “a extremely dark period” for her professionally, and he relayed to her that he would try and buffer her from professional harm.¹³ She was “very vulnerable” and was in constant fear of her losing her job.¹⁴
- Watson not only made repeated and inappropriate comments, but held (“grabbed”) her hand on one occasion, and attempted to hold her hand on another occasion.¹⁵
- Watson not only grabbed or attempted to grab a subordinate’s hand in a display of romantic affection, but also made a pass at another female employee.¹⁶ This incident was known by Nancy Edwards, another member of the CCOM

¹¹ Reeves Report, p. 20.

¹² Reeves Report, p. 23.

¹³ Reeves Report, p. 28, 30.

¹⁴ Reeves Report, p. 33.

¹⁵ Reeves Report, p. 31, 32.

¹⁶ Reeves Report, p. 38.

administration.¹⁷ Watson denied this incident. Reeves summarized her findings in this respect as follows:

“Nancy Edwards has supported Mr. Watson. Ms. Dilley did not know that Ms. Edwards had overheard the conversation. I find both Ms. Dilley and Ms. Edwards consistent, detailed, and thoughtful in their reporting. Each is credible and, trustworthy. in contrast, Mr. Watson consistently misled or under-disclosed or professed no recollection. *I do not find him to be credible or trustworthy in his accounts*, and in this particular incident involving his attempt to kiss the female subordinate. employee, I am left with reason to believe that *he intentionally lied* in the course of this investigation. The conduct at the time—which was reported to have occurred over ten years ago—would have likely been a violation of the sexual harassment policy and fairly egregious. *His conduct now in denying the incident and lying is just as egregious if not more so*. He knew that this investigation was undertaken by the Board so that the Board would be fully informed. *His responses to my questions in fact represent deceit to the Board of Directors*”¹⁸

- Reeves states that “it is difficult to find Mr. Watson credible for a number of reasons,” including that Watson had “no problem answering a question in a misleading way or giving an answer that is incomplete.”¹⁹
- Reeves also writes that “I find Mr. Watson's descriptions of his conversations with [victim of the harassment] to be suspect,” “Mr. Watson's self-interests provided good reason for him to withhold and deny recollection,” and “I do not find him to be credible and I do not find his denials and lack of recall believable.”²⁰
- Watson was also accused of engaging in improper behavior with other female employees and “[o]ther witnesses reported specific incidents.” When asked about these other incidents of harassment, “[Watson’s] responses consisted of attempting to split hairs in terminology or outright denials.”²¹

¹⁷ Reeves Report, p. 38-39.

¹⁸ Reeves Report, p. 39 (emphasis added).

¹⁹ Reeves Report, p. 31.

²⁰ Reeves Report, p. 37.

²¹ Reeves Report, p. 38.

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- “[Watson’s ability to effectively lead the District has been severely compromised. Most significant are the questions about his honesty, credibility, and candor throughout the course of this investigation.]”²²

Recommendations of the Reeves Report

At the conclusion of her report, Reeves made the following recommendations with respect to Watson:

- Watson should be immediately terminated for cause on the basis of:
 - Willful and continuous violations of CCOM policy;²³
 - “Failure to exercise proper judgment and responsibility in his interactions with women in the workplace”;²⁴
 - His leadership having become “severely compromised”;²⁵
 - The questions that arose “throughout the course of this investigation” about Watson’s “honesty, credibility, and candor”²⁶

Reeves also notes that, at the apparent time of writing the report (“mid month”) that Watson had submitted his resignation effective at the end of the month (March of 2017). Reeves then considers possible ways to reduce CCOM’s liability as it may arise out of terminating Watson for cause as well as the potential concomitant disclosure of the Reeves report. For example, Reeves suggests the following:

- Request that Watson move up the effective date of his resignation;
- Suspend Watson’s authority as Executive Director for the remainder of his employment;
- Task Watson with working remotely and prohibit him from CCOM premises;
- Change his status to “paid administrative leave.”²⁷

Importantly, each of these alternatives has the same effect: immediate cessation of Watson’s supervisory authority. In addition, three of the four alternatives

²² Reeves Report, p. 42.

²³ Reeves Report, p. 40.

²⁴ Reeves Report, p. 42.

²⁵ Reeves Report, p. 42.

²⁶ Reeves Report, p. 42.

²⁷ Reeves Report, p. 42.

would have the additional effect of barring Watson from CCOM property. The implication is clear: CCOM's continued employment of Watson by CCOM exposes CCOM to liability.²⁸

Reeves never suggests that CCOM should consider asking Watson to withdraw his resignation. Reeves never considers or suggests that there is any alternative to terminating Watson's employment with CCOM. As above, the only alternatives to immediate termination that Reeves considers are those that may decrease or limit the legal exposure to CCOM that may arise from terminating Watson's employment with cause.

Findings Regarding Miller

The issue of Miller's motivation is raised primarily in the context of how Watson might try and defend himself against Reeves' findings and recommendation that he be terminated: "Mr. Watson may pursue several lines of defense. The first is that Mr. Miller's allegations were 'blackmail' to get him to reverse his decision to terminate Mr. Miller's work with the District."²⁹

Ultimately Reeves concludes that these questions are irrelevant to CCOM, stating that whether Miller used coercion was "not pursued at District expense because the ultimate conclusion(s) are of no consequence to the District."³⁰

Reeves does allege that Miller only disclosed Watson's sexual harassment out of an interest in preserving his participation in the Radio Project, but it appears that Reeves ignored certain information contained within her investigation, failed to adequately investigate Miller's motives, and that there was some kind of miscommunication in their interview. Reeves states, for example, "[Miller] was unapologetic about the fact that he only reported the allegations when his personal, self-serving motives and interests would be advanced by trying to keep Mr. Watson from terminating his work on the project."³¹

This statement contradicts other parts of the report, discussed above, wherein Miller states he disclosed Watson's sexual harassment in October – prior to being removed from the Radio Project. It also ignores the text messages provided to Reeves, as discussed elsewhere herein. It is also true that when Miller was interviewed by Reeves, he had no idea that Watson was making these accusations against him, and

²⁸ Cite to a case demonstrating general legal principal as an example.

²⁹ Reeves Report, p. 40.

³⁰ Reeves Report, p. 4 (emphasis added).

³¹ Reeves Report, p. 20-21.

so had no opportunity to address them.³² Last, there is no consideration of Miller’s contributions to Columbia County through his public service, his reputation within the community, and how those factors might reflect upon any evaluation of his motives and intent.

The only conclusion that mattered to Reeves is that Miller’s allegations were founded and that Watson hereafter presents significant liability to CCOM.

THE BLITZ REPORT

The Blitz Report takes a very different and contradictory approach than the Reeves Report, as discussed below.

Purpose of the Blitz Report

After reading the Reeves Report, it is impossible not to wonder why the Blitz Report exists at all. The Reeves Report considers Miller’s motivation in making the sexual harassment disclosures and the related question of whether he only made those disclosures after Watson terminated Miller’s continued involvement in the Radio Project. Reeves concluded these questions were irrelevant to CCOM, stating that whether Miller used coercion was “not pursued at District expense because the ultimate conclusion(s) **are of no consequence to the District.**”³³ Someone, presumably the Board’s Personnel Committee, made up of Board Members, Henry Heimuller and Robert Anderson, apparently disagreed, and the District and the taxpayers paid nearly \$40,000 to purportedly investigate this issue that was “of no consequence to the District.”

Blitz states that the reason for his report is that Scott Reilly, owner of Communications Northwest, a regional communications and radio vendor, “raised questions and it became evident that Tyler Miller's actions as a reserve deputy sheriff and/or as a C911CD volunteer or contractor warranted supplemental inquiry.”³⁴

First, Blitz does not provide any information as to why or in what context Reilly had any contact with Blitz. Blitz does not state what these questions were or whether Reilly brought them to Blitz or why he might have done so. Reilly’s name does not appear in the Reeves Report. On its face, it is also not clear why Reilly’s statements

³² Interview with Miller, Tyler, October 2, 2018.

³³ Reeves Report, p. 4 (emphasis added).

³⁴ Blitz Report, p. 1.

would warrant any kind of further investigation, beyond, perhaps, asking for Miller's response.

It is also notable that after Watson left CCOM, his next employer was none other than Scott Reilly and Northwest Communications.

Second, with respect to Miller's volunteer service for the Columbia County Sheriff's Office, this appears on its face irrelevant to CCOM and it is CCOM who paid for the report. Government agencies, as a general rule, are loathe to pay another's bill. It is also dangerous ground, as an attorney, to be performing legal work that has not been commissioned by a client. Blitz does not explain why it is that Blitz would purport to investigate any aspect of Miller's volunteer service for the Columbia County Sheriff's Office or why the Personnel Committee for CCOM would be interested in paying for that investigation that has "no consequence" to CCOM. The waters become especially muddied because (1) Tyler Miller subsequently ran for election against Rob Anderson, a member of the CCOM Board's Personnel Committee, which presumably asked Blitz to investigate Miller; and (2) the Blitz Report was leaked to the media just prior to the ballots being mailed.

Also, at this point in time, Miller's subcontractor work had already been terminated. If CCOM wished to end Miller's volunteer work, all CCOM had to do was say so. There was no apparent purpose in commissioning a second investigation to investigate a now former volunteer with no current working relationship with CCOM.

Last, there is the issue of timing. The Reeves Report is dated March 15, 2017, states that it is now "mid-month" in reference to Watson's stated intent to resign.³⁵ Reeves also states that she interviewed Miller "last" and this interview occurred on March 6, 2017.

Blitz, however, states that it was only after this report was completed that Reilly raised whatever questions he raised that led to the Blitz Report. Blitz also states that his initial report was completed *prior* to learning on March 21, 2017, that Miller intended to run for CCOM's Board of Directors.³⁶ Consequently, Blitz alleges in his report that his report was not initiated until March 15, or just prior, and that his initial report was completed, at the latest, on March 20, 2017.

Although the Reports mention Miller's later disclosure of Watson's behavior to members of the Board, the Reports ignore the importance of this disclosure happening in the first place and also the timing of the disclosure.

³⁵ Reeves Report, p. 42, fn 55.

³⁶ Blitz Report, p. 1.

Given all of the above, and given that the Personnel Committee (comprised of Heimuller and Anderson) initiated the Bullard Law Reports, and given that all these events happened right around the time that Miller announced his intent to run for Board Member Rob Anderson’s seat, one might question the legitimacy of the existence – and the electoral timing – of both the Blitz Report and its subsequent release to the media.

Sources in the Blitz Report

In evaluating the strength of Blitz’s conclusions, it is important to consider the source of his data. Blitz made decisions about who to speak to and who not to speak to. Without speaking to Blitz himself, it is difficult to determine why he made the choices he made, but it is still helpful to examine those decisions and how they subsequently influenced the composition of his final report.³⁷

➤ **Sally Jones**

As Blitz notes, Sally Jones is the former director of CCOM. What can be read between the lines, but which Blitz never makes explicit, is that the extent, is that Jones’ experience with Miller was almost entirely in the late 90s and early 2000s, when Miller was either still a high school student or a recent graduate. Her information, in other words, is approximately 20 years old. Blitz recounts Jones’ description of Miller mysteriously disappearing and reappearing to “pick[] on folks again,” but only in a footnote does Blitz begin to spell out the timeline and thus Jones’ basis for knowledge: “I did not clarify specifically but understood Sally Jones to describe [Miller’s] return to Columbia County as occurring after her retirement.”³⁸

This begs the question of why Blitz speaks to Jones in the first place. Given Miller’s longtime service in the public safety community of Columbia County over the last 10 years, why was the input of the long-retired Jones sought out at all? And why was this the first information presented in the Blitz Report?

³⁷ It is also important to note that this report suffers from certain hurdles not present during the Bullard Law investigations. Specifically, the Bullard Law investigations were in the context of an employment investigation commissioned by the employer in which Bullard Law could, to some degree, compel the employees to speak with the investigators. In addition, there was no pending lawsuit as there was during this investigation, which also placed certain restrictions on the ability of this interviewer to speak with certain people.

³⁸ Blitz Report, p. 3, fn. 5.

It also appears from Jones' comments that she harbors animus towards Miller stating, according to Blitz, that Miller "knew just enough to be dangerous and was spouting off to everyone who would listen."³⁹ Miller "harassed," "attacked," "contravened" "pick[ed] on" and was a "pain in the ass."⁴⁰ Blitz repeats her opinions as facts, ignoring that, as above, her information is approximately 15 years old, and appears grounded in the fact that Miller *as a student in high school* wrote a public critique of her agency, a grudge Jones has apparently nursed for decades.

Miller was not the only target of a Jones grudge. Chief Mike Greisen of the SRFD described being on her "blacklist," after he failed to give her a favorable review in consideration for her lack of responsiveness to Chief Greisen's complaints about radio coverage in his district.⁴¹

When Rick Whitehead took over from Jones as executive director, he recalls meeting with CCOM's employees both individually and in groups to examine the current state of affairs within CCOM and to listen to their input.⁴² Whitehead states that what he learned was that the past director, Jones, would yell and belittle them "and was a dictator."⁴³

One possible explanation for why Blitz presents this decades-out-of-date airing of grievances as the first source of information about Miller's "relationship with the district" is that it is simply first in time; perhaps Blitz intends to present a chronological, start-to-finish description of the relationship and Jones' summary is a description of the nascency of this association. Another possible explanation is that Blitz is employing the technique of "primacy," which is the concept that ideas presented at the beginning of a presentation are more resonant and persuasive than those presented in the middle. Blitz may be, in other words, setting the stage for his audience by presenting Jones' words first, because they are the most critical of Miller and the most inflammatory.

➤ **Jeannine Dilley**

Blitz recounts that Dilley⁴⁴ asserts Miller was "speaking with police chiefs, fire chiefs, other user representatives and the newspapers."⁴⁵ Notably, the report makes

³⁹ Blitz Report, p. 2.

⁴⁰ Blitz Report, p. 2.

⁴¹ Interview with Greisen, Mike, July 9, 2018.

⁴² Interview with Whitehead, Rick, July 2, 2018.

⁴³ Interview with Whitehead, Rick, July 2, 2018.

⁴⁴ Executive Director of CCOM immediately preceding Watson.

⁴⁵ Blitz Report, p. 4.

no mention of any efforts made to speak with any of these individuals, who presumably could have spoken to the nature of that contact and, more importantly, to Miller's public service accomplishments for Columbia County. Blitz also relays through Dilley Miller's critiques of the CCOM and its vendors: "He accused District staff and radio consultants and vendors of being 'not responsible, not using due diligence and not maintaining the radio system.'"⁴⁶ Dilley refers to Miller as an "enem[y]" who should be kept in the loop only to "see what he knows" and "most of all, to stop the negative conversations and the negative press. Tyler's agitation was harmful in the public opinion polls."

Like Jones then, Dilley is critical of Miller's involvement, apparently because Miller publicly criticized CCOM in some capacity. Both Jones and Dilley are explicitly critical of Miller simply because of Miller's criticism. Notably, Blitz does not relay any opinions from either Jones or Dilley that relate to Miller's *competence*, only to his public criticism. Miller's competence will be discussed in greater depth elsewhere but to suffice it to say that if it is true that Miller is incompetent, as Blitz later concludes, then it is also true that former director Dilley advocated keeping an incompetent malcontent close to CCOM for the sole purpose of limiting bad publicity.

Given the Reeves Report, which verified the accuracy of Miller's accusations about Watson, one might fairly wonder at this point whether Miller's critique of CCOM also had merit. One might wonder whether the heads of CCOM were lashing out against Miller out of self-preservation and of not wanting to be publicly criticized. The bigger issue might be whether Miller is correct in asserting that "the District's money is not properly spent, and that it's been a shoddy system from the beginning."⁴⁷ Blitz, though, does not address these issues here, and instead simply relays Jones' and Dilley's opinions about Miller as fact. It is, after all, hardly novel for a public agency to be subject to public criticism, and some might say this type of criticism is a necessary and important feature of American governance.⁴⁸

Blitz concludes his section on Miller's relationship with CCOM by stating "Neither Sally Jones nor Jeannine Dilley could offer any explanation or insight as to what has motivated Tyler Miller's persistence and pursuit of District involvement and interference."⁴⁹

⁴⁶ Blitz Report, p. 4.

⁴⁷ Blitz Report, p.4.

⁴⁸ "Without debate, without criticism, no administration and no country can succeed – and no republic can survive." John F. Kennedy, Address before the American Newspaper Publishers Association, April 21, 1967.

⁴⁹ Blitz Report, p. 4.

This statement by Blitz is remarkable, first because after at least acknowledging that Miller has been involved and volunteering with public safety agencies in various capacities, including as a volunteer reserve sheriff's deputy, it apparently still does not even occur to Blitz that Miller might be motivated by his desire to serve the public, e.g., perhaps Miller's public service is motivated by his desire to serve the public. Blitz ignores the most obvious possible explanation, which is that Miller is sincere in his criticism, and that the criticism is made in the hopes of improving the emergency communications network and services in the place where Miller was born, raised and presently resides. This is in direct contrast to the Reeves Report, which states that "[a]s a reserve deputy and member of the Columbia County law enforcement community, [Miller] has developed a special interest in the C911 communications system and has a passion for seeking improvements to the radio system in particular."⁵⁰

It is also remarkable because Blitz has made no effort to speak with anyone other than people who are most likely to be biased against Miller because of their leadership role within CCOM, and those who avowedly consider Miller an enemy. If Blitz had interviewed any of Miller's supervisors at CCSO, or any number of first responders within Columbia County, or reviewed any part of Miller's service record, Miller's motivations would have been plain. Yet another alternative would have been to simply ask Miller, but Blitz never did.

Miller's motivations are a critical issue. They directly relate to Blitz's purported purpose of assessing whether Miller attempted to "extort" Watson and CCOM by relaying the accusations of sexual harassment. Miller's intent is, in fact, the very distinction between coercion and innocent conduct. As above, however, Blitz makes little effort to assess Miller's motivations beyond speaking to those who already consider him an enemy because, based on their own admission, his criticism of CCOM.

The effect of these collective statements is to present Miller as a malevolent force who "harasses and attacks and picks on", and who "disappears and reappears without reason to again harass and attack", and who does all of this without any apparent reason or motivation.

It is after laying this groundwork that Blitz then purports to address the motivation for Miller's disclosure.

⁵⁰ Reeves Report, p. 8.

Timing of the Disclosure

A crucial issue in the evaluation of the propriety of Miller's disclosure to Watson is the timing of that disclosure. Blitz states his conclusions regarding Miller's disclosure and motivations in the Blitz Report:

“Tyler Miller's motivation for making the allegations was his self-interest. He had been aware of the rumors and circumstances for over two years, and had said nothing. Then, on January 26, 2017, prior to a Board meeting at which Tyler Miller's working relationship and compensation status was to be discussed, Tyler Miller brought up to Steve Watson allegations of conduct of a sexual or sexual harassment nature in the context of telling Steve Watson that it was a mistake to terminate his work with the District. (Report@ 13). Thereafter, Tyler Miller pursued the threat of exposing the allegations in emails and meetings with Steve Watson all calculated to obtain a paid position at the District.⁵¹”

These assertions should be addressed separately:

- “He had been aware of the rumors and circumstances for over two years, and had said nothing.”

First, Blitz calls the substance of the accusations “rumors and circumstances,” apparently forgetting or ignoring that his own associate, Reeves, found Miller's accusations well-founded. In fact, Reeves considered the “rumors and circumstances” so damning that she recommended Watson be immediately terminated.

Even putting aside Bullard Law's own factual findings that Miller's accusations were accurate, Miller's information was not, by definition, “rumors.” Miller's source – without dispute – was the victim herself. When Miller confronted Watson, he did so based on the victim's statements made to him about Watson's words and actions visited upon her personally – and Blitz makes a choice to reduce that information to “rumors.” This choice minimizes (1) Miller's factual basis in confronting Watson; (2) the egregious nature of Watson's workplace behavior; and (3) the reliability and credibility of the victim's accusations. Blitz did this without speaking to Miller, Watson, or the victim, and in so doing completely contradicted his law firm's other report.

⁵¹ Blitz Report, p. 5.

Second, Blitz concludes that Miller “said nothing.” He cites no source for this conclusion. Indeed, had he, or anyone, asked Miller, he could have provided a list of nearly a half-dozen people he had previously confided in, including his immediate CCSO supervisors, the Undersheriff, his friend, and a county commissioner.⁵² Though less important, because Miller did disclose, it is also not clear how Blitz determines the non-disclosure timeline of “over two years,” an inexplicable expansion of the conclusion in the Reeves Report that Miller was in possession of the relevant information for “over a year.”⁵³

Blitz also ignores other evidence at his disposal, including text messages between the victim of Watson’s sexual harassment and Miller wherein Miller offers to help and suggests alternative means of disclosing the harassment in order to force Watson to stop his behavior in March of 2016. The victim declines Miller’s offer and states that she has a plan. The text messages show Miller’s willingness to be personally involved and disclose the allegations in a way that would not benefit him at all. This is not illustrative of an individual who is sitting on a secret until at such time he can personally benefit from the information, but Blitz makes not mention of these texts in his report.

- “Then, on January 26, 2017, prior to a Board meeting at which Tyler Miller's working relationship and compensation status was to be discussed, Tyler Miller brought up to Steve Watson allegations of conduct of a sexual or sexual harassment nature in the context of telling Steve Watson that it was a mistake to terminate his work with the District. (Report@ 13).”⁵⁴

Here Blitz repeats Watson’s allegation that Miller first confronted Watson on January 26, 2017. He cites as his only factual support, p. 13 of the Reeves Report, which states “*According to Mr. Watson, immediately preceding this meeting Mr. Miller first brought up the allegations involving ██████████ and ██████████.*” (emphasis added).⁵⁵ So in fact Blitz was relying solely on Watson’s own statements, while masking that reliance through a citation to the Reeves Report.

⁵² Interview with Hald, Dustin, May 17, 2018; interview with Moyer, Andy, October 11, 2018; interview with Kellie Smith, June 4, 2018; declaration of Alex Tardif, July 13, 2018; declaration of Michael Razavi, July 9, 2018.

⁵³ Blitz Report, p. 5; Reeves Report, p. 20. Reeves does not make clear her determination for this time frame.

⁵⁴ Blitz Report, p. 5.

⁵⁵ Reeves Report, p. 13.

A (slightly) closer reading of the Reeves Report, reveals that Miller disputed Watson’s allegation. On this dispute about whether Miller first confronted Watson in December or in January, Reeves refuses to draw any conclusion, instead stating:

- “Mr. Miller alleges to have first raised these issues with Mr. Watson directly on or about December 20, 2016.”⁵⁶
- “Mr. Miller provided a text message to ██████████ dated December 20, 2016 at 8:19am that reads: ‘I know you didn't want me to, but I confronted Steve about his harassment to you and also told him many people know of his affair with ██████████’ This lends some support for Mr. Miller's alleged date. However, ██████████ notes state: "Jan 26 2016 Tyler texts me with news of disclosure." This lends some support for Mr. Watson's date.”⁵⁷
- “Mr. Watson and Mr. Miller have different dates as to when the allegations were first raised. The date is not particularly significant to the underlying allegations.”⁵⁸
- “I make no determination on whether the decision to terminate the work was retaliation for making the allegations or whether the allegations were made.”⁵⁹

Given the above, when Blitz states that Miller first confronted Watson on January 26th and cites the Reeves Report as his sole support, it strains credulity. Either Blitz was unfamiliar with the substance of the Reeves Report and so misleads his readers unintentionally, or Blitz had another agenda and knowingly misrepresented the Reeves Report.

This also ignores the lack of investigation conducted by either Reeves or Blitz into whether Miller had previously disclosed this information or his other efforts to do so, as well as their failure to address this matter directly with Miller.

Moreover, it ignores the limited investigation that was performed and the information that was collected, such as the text messages provided to Reeves by Miller which documented that Miller had disclosed to Watson his knowledge of Watson’s misconduct as Miller alleged, on December 20th, 2016, and later told the victim that he had done so – which Reeves noted in her report. Text message from

⁵⁶ Reeves Report, p. 21.

⁵⁷ Reeves Report, p. 21, n. 34.

⁵⁸ Reeves Report, p. 21.

⁵⁹ Reeves Report, p. 21.

Miller to ██████, December 20, 2016; text message from Miller to ██████, December 22, 2016 (“Oh do you think steve [sic] told him, well it’s because Tyler called me out on sexual harassment to females, my affair with ██████...”).⁶⁰

While Blitz makes much ado of an email sent from Miller to a vendor, because of the insulting language Miller uses in reference to Watson, Blitz ignores Miller’s statement that “[Watson] ended my contract because I confronted him for some things.” While possibly self-serving, this statement still supports Miller’s assertion that he confronted Watson prior to being cut out of the Radio Project, rather than the other way around.

Blitz then concludes, without citation of credible evidence or apparent factual support, that Miller “pursued the threat of exposing the allegations in emails and meetings with Steve Watson *all calculated to obtain a paid position at the District.*” Blitz Report, p. 5 (emphasis added).

Any examination of a crime necessarily includes an exploration of possible motives, especially when the crime hinges on the intent of the criminal actor. Here, Blitz concludes that Miller’s illicit motive was financial. While the Reeves Report is hardly exhaustive in its summary of Miller’s public service, it does state that Miller volunteered between 50 and 80 hours a month for nearly six years.⁶¹ This is 5,000 hours of volunteer work, or the equivalent of nearly 2 to 3 years of full-time work. In addition, both reports make cursory mention of Miller’s independent business, which Blitz alleges \$146,000 in sales for 2016. In actuality, the sales from Miller’s company are several times that amount as are Miller’s profits.⁶² Miller’s billable rate is \$200 an hour when performing billable work for his company, while the work he did for CCOM was either on a volunteer basis or at a rate of \$55 per hour.⁶³

Neither of these facts are, on their own, consistent with the conclusion that Miller was motivated by money. In fact, what these facts show is that Miller (1) donated an enormous number of hours of his time to Columbia County over a significant period of time without any compensation; and (2) has an independent source of six-figure income. CCOM Board Member (and current president), Sean Clark, stated even at the first moment that Miller’s proposal was presented to the board, “I could look at it like this is Tyler pushing for a job but I also happen to know

⁶⁰ Text message from ██████ to Tyler Miller, December 22, 2016.

⁶¹ Reeves Report, p. 8.

⁶² Interview with Miller, Tyler, October 2, 2018.

⁶³ Pallans charged approximately double this rate, as did Day Wireless.

he's fairly successful at what he does, I don't know that he's necessarily looking to come work for a public agency and take time away from his livelihood.”⁶⁴

There is also evidence, ignored by Blitz, that the idea of making some kind of payment to Miller for his many hours of work to improve the radio system was raised by others within CCOM. For example, there are text messages stating that [REDACTED], who was the operations manager at CCOM (among other roles) stated it “really bothers her” that Miller wasn't being paid.⁶⁵

Blitz also, as above, incorrectly concluded that Miller had this information on Watson for more than two years. This raises the question of why Miller after years of public service and thousands of hours, and without any evidence of ever trying to obtain a paid position or any evidence of needing a paid position, suddenly became so desperate for a paid position that he attempted to extort Watson in early 2017.

Blitz presents his conclusions as factual findings arising out of fair investigation, but in fact, the Blitz Report raises more questions than it answers.

Election

Blitz makes conclusions about Miller's motives in running for office that are similar to his conclusions with respect to Miller's motives in disclosing the allegations against Watson. Blitz states:

- “It is reasonable to conclude that Tyler Miller's purpose in filing may be to gain leverage over the Board which would encourage the Board to lure him, and failing that, to seek a seat on the governing body of the District.”⁶⁶

Blitz again fails to even acknowledge the possibility that Miller is simply dedicated to the improvement of the emergency communications district in Columbia County and having been ousted for disclosing the well-founded sexually harassing behavior on the part of CCOM's Executive Director, Miller sought the only other means of exerting positive influence over the direction of the organization – through an uncompensated position as a member of the Board.

Blitz follows this with the assertion that Miller may have committed a felony by misrepresenting his home address in the papers he filed for the purpose of running for election. Had Blitz asked Miller, he would have found that not to be the case and that

⁶⁴ Board Workshop Minutes, December 22, 2016.

⁶⁵ Text message, [REDACTED] to Miller, that May 17, 2016.

⁶⁶ Blitz Report, p. 18.

Miller had even previously consulted an attorney in this area of law to ensure that he was acting in good faith with the law.⁶⁷

Other Allegations Against Miller

Blitz further considers whether Miller committed various civil torts and criminal offenses, including the civil tort of intentional interference with economic relations, whether he breached a duty owed to Pallans & Associates, and whether Miller committed the crimes of (1) official misconduct in violation of ORS 162.415; (2) misuse of confidential information in violation of ORS 162.425; (3) obstruction of governmental administration in violation of ORS 162.235; (4) coercion, in violation of ORS 163.275.⁶⁸

Blitz further speculates about, among other things, who owns the radios in Miller's home, whether Miller has permission to monitor radio traffic, and whether any of the radios are configured to transmit. There is no apparent basis in evidence or law for believing any of these activities are crimes and it appears that OSP reached the same conclusion.

Blitz also states that an anonymous letter sent to DPSST originated with Miller, despite there being no evidence of its author.⁶⁹ It is not clear why Blitz makes this assumption, but it ignores, again, several key findings of the Reeves Report, namely, that there were several victims of a repeated pattern of sexual harassment perpetrated by the Executive Director, and several other witnesses of this conduct.⁷⁰ Considering that and the high turnover within CCOM, as discussed elsewhere herein, and there are likely many candidates for who may have sent the letter.

Blitz's Treatment of Steve Watson

The Reeves Report concluded that Miller's motivations were irrelevant, because the allegations as relayed by Miller were both truthful and damaging. Nevertheless, this appears to be the primary focus and purpose of the Blitz Report – to paint Miller in as bad a light as possible and then speculate about whether this

⁶⁷ I have spoken with Miller and also reviewed a written legal opinion provided to Miller by counsel on this subject.

⁶⁸ Blitz Report, p. 22.

⁶⁹ Blitz Report, p. 11.

⁷⁰ Reeves Report, p. 38-39.

somehow obviates Watson of responsibility for his own actions towards his subordinate.

Blitz, in reference to Watson’s “trust, confidence, honesty and integrity,” states that “[t]hese questions were never at issue until Tyler Miller engaged in directed, threatening and coercive communications with Steve Watson.” This statement is startling for a number of reasons.

First, Blitz is referring here to the lies that Watson told Blitz’s own investigator for the purpose of saving his own job, as if Miller somehow coerced Watson into lying to save Watson’s own job. In fact, Watson chose to lie to cover up his own misconduct, including misconduct not reported by Miller but by other CCOM employees.

Blitz’s own investigator determined that Watson had exhibited a “pattern of behavior towards women [that] create[d] potential liability for the District” and whose conduct was so “severe and outrageous in nature” that it created a “hostile work environment,” and that there were examples of this behavior going back ten years.⁷¹ And yet Blitz states that Watson’s “trust, confidence, honesty and integrity” was “never at issue”. I suspect that there are women who worked for CCOM who would disagree with that statement. Lies told to cover up egregious and longstanding misconduct are not the fault of those who expose the misconduct.

Blitz is somehow making the argument that if Miller is a bad actor, Watson somehow did not engage in all of the misconduct that Reeves found he did engage in. Blitz pointedly ignores the sexual harassment and the hostile workplace environment that Watson created by making sexual advances upon his vulnerable subordinates. As Reeves notes, Watson’s sexual predation in the workplace exists completely independently of anything that Miller says or does.

Blitz does at least mention that Watson’s deceit raises significant *Brady* concerns.⁷² Blitz states that “Watson's conduct throughout the course of the investigation, including his contacts with Employee 1 and his responses to inquiries, included behaviors that fall into the category of Tier 1 dishonesty.”⁷³ Blitz then devotes most of his discussion as to why the Board might be able to overlook this behavior before concluding that “[t]his rule and procedure is not applied until and

⁷¹ Reeves Report, p. 34, 38-39.

⁷² *Brady* is a landmark case decided by the U.S. Supreme Court that stands for the general proposition that in all criminal prosecutions, the state has the obligation to disclose exculpatory information to the defense. *Brady v. Maryland*, 373 U.S. 83 (1963).

⁷³ Blitz Report, p. 23.

unless DPSST is notified that the employer dismissed the public safety professional, or a job separation occurred to escape an investigation and discipline process.”⁷⁴

Perhaps this explains Blitz’s otherwise unusual decision to decline Watson’s offered resignation, because it would avoid triggering this Department of Public Safety Standards and Training (“DPSST”) requirement and likely revocation of Watson’s telecommunicator/public safety certifications from DPSST.

It is difficult, if not impossible, to view the Blitz Report as anything other than a hail-Mary defense of Steve Watson by throwing as much mud at Miller as possible. The Blitz Report fails to make even one single mention of Watson’s sexually harassing and predatory behaviors in the workplace as documented in the Reeves Report by no less than four independent witnesses. Moreover, the version of the Bullard Law Reports released to media substantially redacted those details that relate to Watson, but left in harmful allegations about Miller.

Chart 1:
The Treatment of Steve Watson in the Reeves Report
as Compared to the Blitz Report

Blitz Report	Reeves Report
<p>“All recognize that the Executive Director must remain qualified and certified by DPSST. In this context, all are aware that trust, confidence, honesty and integrity are central to any such ultimate consideration. These questions were never at issue until Tyler Miller engaged in directed, threatening and coercive communications with Steve Watson.” Blitz Report, p. 22.</p>	<p>“This investigation has revealed that there are significant concerns about Mr. Watson's inappropriate interactions with women in the workplace and that his credibility and willingness to be complete and accurate is highly questionable. This raises serious concerns about Mr. Watson's judgment, truthfulness, and ability to lead any public safety agency.” Reeves Report, p. 39.</p>
<p>“Certainly, Steve Watson's service, expertise and value to the District are widely if not universally recognized.” Blitz Report, p. 24.</p>	<p>“... Watson consistently misled or under-disclosed or professed no recollection. I do not find him to be credible or trustworthy in his accounts.” Reeves Report, p. 39.</p>
	<p>There are multiple examples of his failure to exercise proper judgment and responsibility in his interactions with women in the workplace. His ability to effectively lead the District has been</p>

⁷⁴ Blitz Report, p. 24.

	severely compromised.” Reeves Report, p. 42.
	“[Watson’s] pattern of behavior towards women creates potential liability for the District.” Reeves Report, p. 41.
	A hostile work environment is not created by mere words or stray comments or remarks. The conduct must be severe and outrageous and nature and subject the person to humiliation or embarrassment. I find that Mr. Watson's conduct towards Employee I was in violation of C911 policy, constituting "Harassment" and creating a "Hostile Work Environment." Reeves Report, p. 34 (internal citations omitted).
	The “totality of [Watson’s] responses and the information that he purposely withheld from [Reeves] constitutes a violation of the Telecommunicator's Code of Ethics to which he has sworn or affirmed to uphold. Reeves Report, p. 39.
	Watson demonstrated “lack of judgment, concealment, and lack of transparency owed to the Board of Directors as a matter of his executive and fiduciary duty.” Reeves Report, p. 24.
	“I do not find him to be credible or trustworthy in his accounts . . .” Reeves Report, p. 39.
	“I do not find him to be credible and I do not find his denials and lack of recall believable.” Reeves Report, p. 37.

Versions of the Blitz Report

No analysis of the Blitz Report would be complete without consideration of the fact that several different versions of the Blitz Report have been created and disseminated to various parties. These versions include:

1. A redacted version given to the Spotlight Newspaper by unknown parties and presumably redacted by Blitz or his colleagues. Although on September 17, 2018, I asked the Spotlight Newspaper’s editor and reporter listed in

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- the byline for the relevant story, regarding the circumstances as to how Spotlight came to obtain this version. I have not received any response.
2. A differently redacted version produced pursuant to an open records request, presumably redacted by the government agency which produced it (Columbia County).
 3. A significantly less redacted version produced pursuant to an open records request, presumably redacted by DPSST.
 4. An unredacted draft version, dated March 24, 2017, which was sent by Blitz to DPSST in October of 2017, and produced by DPSST pursuant to an open records request.

These different versions of the Blitz Report raise a number of questions, some of which are addressed in pending litigation brought by Miller. First, why did Blitz make the redactions in the version received by the Spotlight Newspaper? Did he send it or cause it to be sent to the Spotlight? Why? Second, why are those redactions different than the redactions in other versions and are there any inferences that can be fairly drawn from those decisions? This issue is addressed in the referenced litigation. Last, why did Blitz send an earlier draft version, dated March 24, 2017, to DPSST instead of the final version dated April 20, 2017? He sent the draft in October of 2017, well after the final version was complete.

The Portrayal of Miller as “Meddling”

- “Meanwhile, Tyler Miller submitted multiple public records requests. He emailed Liani Reeves and emailed and pursued a course of interactions with Board Member Rob Anderson. He pursued and persisted and emphasized demands for public records related to his threats to Steve Watson and the underlying facts, internal communications related thereto, and the investigation not yet completed and not yet presented to the Board of Directors.”⁷⁵

There is no dispute as to the facts here. Miller’s requests for public documents are also public documents. Miller’s efforts to communicate with Reeves and provide his side of the story and his efforts to communicate with Board Members are also documented. There is no consideration, however, that Miller might be simply trying

⁷⁵ Blitz Report, p. 3.

to present his version of events, while simultaneously collecting whatever public documents might support him. Blitz apparently resents Miller's efforts to collect these public records, because the investigation was not yet complete.

Blitz concludes that:

- “The appearance is that [Miller] has meddled and interfered with this employee and her relationships at the District. It appears that he interjected himself to influence and use Employee 1 for his personal benefit and gain as part of his strategies to undermine, discredit and retaliate against Steve Watson because he regards him as responsible for the work stoppage and funding impacts, his alienation from the District and the decision that the District would not hire him.”⁷⁶

This is ironic in that Reeves concluded that it was Watson who was meddling and interfering with ██████ (“Employee 1”) for his own personal benefit (to limit his own liability for his own misbehavior).⁷⁷ In fact, it is only after Watson approached ██████ in her office to attempt to limit her disclosure of Watsons’ misconduct – and ██████ called Miller in tears – that Miller disclosed Watson’s sexual harassment to the Board. Blitz does not allege that Miller actually contacted ██████ – as Watson did – only that Miller attempted to collect relevant public documents, to which every member of the public has a right, and to communicate with those parties responsible in some way for the investigation. It appears that Miller wanted to be heard and to preserve his reputation and that he did so through legitimate and public methods.

Board Member (and current president) Sean Clark, who was relatively new to the Board, had a very different take than Blitz or Heimuller.⁷⁸ Even after Miller’s disclosure, Clark denied that Miller had any ill-intent for the radio program when he spoke with OSP investigators. Clark also expressed, in direct contrast to Blitz who apparently wishes Miller had never disclosed, that he only wished the Board had the truth about Watson prior to elevating him to the executive director position.⁷⁹ Ultimately, Clark wasn’t sure why Miller disclosed when he did, but suggested that

⁷⁶ Blitz Report, p. 9.

⁷⁷ Reeves Report, p. 3.

⁷⁸ See interview with Whitehead, Rick, July 2, 2018, (when asked if he thought CCOM could be ‘fixed’: “Personally, I think if someone were allowed to clean house and get a new board of directors that hadn’t been there manipulating everything for 25 years . . .”)

⁷⁹ Note that pursuant to the Reeves Report, the Board did have information that Watson had made a pass at a subordinate employee, p. 38-39.

it might have to do with friendships Miller had made and “just wanted to see justice served for somebody that was wronged.”⁸⁰

Summary

Reeves recommended Watson be terminated immediately for egregious and long-standing violations of CCOM policies against sexual harassment and for creating a hostile work environment, as well as poor judgment and for lying in the course of the investigation and otherwise attempting to impede the investigation. She also stated that Miller’s motivations were relevant only so far as Watson might make accusations of Miller in order to save his own job. Nevertheless, another taxpayer funded report was commissioned on the basis that somehow Miller was responsible for Watson’s misconduct and lies. The Blitz Report appears to have ultimately led to Miller’s termination from CCOM and CCSO and a referral to OSP for a criminal investigation.

The Blitz Report, however, relies on little more than the word of Watson – already determined by Blitz’s own colleague to be deceitful and unfit to lead – and the opinions and gossip of those with avowed grudges against Miller arising out of perceived slights. No effort was made to determine when Miller first confronted Watson (October, 2016) whether Miller previously disclosed his knowledge of the sexual harassment (he did), Miller’s reputation among the first-responder community (it is excellent), and whether he had any motive beyond friendship and the improvement of radio communications in Columbia County (he did not).

All of this is consistent with former CCOM Executive Director Rick Whitehead’s experience with Blitz and Heimuller. Blitz states in his report that Whitehead “resigned for personal reason.”⁸¹ Whitehead recollects his decision very differently, describing being taken out to a restaurant by Blitz and Heimuller in 2011 and being told that he could either resign or be forced out through “a work plan you won’t like.”⁸² Whitehead says about Blitz that he “made a lot of money off the center and was used as their strong arm.”⁸³

⁸⁰ OSP interview with Clark, Sean, May 2, 2017.

⁸¹ Blitz Report, p. 3, fn. 5.

⁸² Interview with Whitehead, Rick, July 2, 2018.

⁸³ Interview with Whitehead, Rick, July 2, 2018.

TYLER MILLER'S PUBLIC SERVICE BACKGROUND

Introduction

As discussed above, Blitz sometimes makes unsupported conclusions – and conclusions contradicted by his own associate – not only about what happened, and when it happened, but also about Miller's motive. To put this discussion in context, it is useful to examine Miller's background, especially as it relates to Columbia County and CCOM.

Summary of Service

Miller's private and professional life has been devoted to public service in four general areas:

Columbia County Sheriff's Office

Miller was sworn in by Sheriff Jeff Dickerson as a volunteer Sheriff's Deputy on November 1, 2011 and volunteered continuously until his suspension by Sheriff Dickerson on April 21, 2017.

His notable accomplishments and incidents demonstrative of his reputation and expertise include:

- Solo status. Miller completed all requisite steps to become a reserve deputy cleared for solo duty for the period of about June 2013 through his termination in 2017. For most of his service for CCSO, Miller was not required to serve alongside another deputy. Miller completed the same Field Training and Evaluation Program ("FTEP") completed by the non-reserve Deputies, which consists of over 500 hours of field training and evaluation to ensure competency of the duties law enforcement officers perform. Miller patrolled, initiated traffic stops, conducted criminal investigations and provided backup to the other officers from his own patrol car. This required Miller to clear all training steps, demonstrate proficiency, knowledge of Oregon criminal and traffic code, and exhibit good judgment in the same manner any full time law enforcement officer would have to.
- July 20, 2013 Shooting. While on duty as a reserve deputy for CCSO, Miller responded to a call of an intoxicated, agitated man who was

threatening other officers with a long knife. Miller and three other officers attempted to subdue the man through non-lethal means, including repeated attempts to tase the individual, and were unsuccessful. After one officer shot the man in the torso, his weapon failed. The man continued to advance wielding the knife and Miller shot the individual, thereby subduing the threat.

Miller, as well as other officers, were placed on administrative leave, pursuant to policy. Miller and the other officers were later cleared by the Office of the District Attorney and they returned to normal duty.

Some believe Miller saved at least one life, as it did not appear the other officers were willing or able to successfully intervene in the face of the imminent threat.⁸⁴ The incident was also used as an example to reinforce the training given by agencies such as OSP that, essentially, if someone threatens another person with a knife, that individual presents a deadly threat and should be met by law enforcement with deadly force.⁸⁵

As a result of his actions and bravery, Miller was awarded a medal of valor from CCSO and a Distinguished Service Award from the Oregon State Sheriff's Association.⁸⁶

- High-Speed Chase. One dispatcher described the “privilege” of having listened in on a dispatch call where Miller was in a high-speed vehicle pursuit. She recalls that “he was so excellent at the way he communicated, at the way he kept people safe. He was communicating with different agencies even in different counties and just everything he put in place to protect the public.” The dispatcher also described Miller as being “better than some of the people in paid positions would have been.” She further states that “everybody was talking about how

⁸⁴ Interview with Hald, Dustin, May 17, 2018.

⁸⁵ Interview with Shimer, Adam, July 12, 2018; Man Shot by Police Pleads Not Guilty,” Mark Miller, available at <https://portlandtribune.com/scs/83-news/159372-man-shot-by-police-pleads-not-guilty>.

⁸⁶ Columbia County Sheriff's Office Press Release, December 6, 2013, available at https://www.co.columbia.or.us/sheriff/index.php?option=com_content&view=article&id=165:deputiesfirefighters-receive-state-sheriff-association-awards&catid=1:news-and-press-releases&Itemid=29.

incredible it was, and how impressive it was.”⁸⁷ This is another incident, in addition to the shooting, that appears demonstrative of Miller’s ability to serve effectively as a law enforcement officer in high-pressure situations.

- Reputation. Miller’s reputation for his work as a reserve deputy is excellent. I reached this conclusion based on my interviews with members of the Columbia County Sheriff’s Office, Columbia 911 Communications District, the Oregon State Police, the Vernonia Police Department, the Rainier Police Department, the St. Helens Police Department, and the Columbia City Police Department.

Miller’s supervisor, former Lieutenant Dustin Hald, described Miller as “a go to guy” and a “huge asset.” Miller is frequently described by many interviewed as someone who can be counted upon to provide reliable backup and to do things the right way. Other reserve deputies relied on Miller for advice and instruction. Several people described thinking of Miller as no different than a “regular” and non-reserve deputy.⁸⁸

As another example of the trust other officers had for Miller, an Oregon State trooper, who responded to over 100 calls with Miller and could give no reason not to trust him, recounted being side by side with Miller in the foot pursuit of a subject through varied terrain with Miller and that “everything was smooth.”⁸⁹

All interview subjects were solicited for any negative opinions about Miller, arising either from their own experience or from what they heard from other colleagues in the police and fire community. Several people mentioned that Miller was sometimes resented for doing too much or for being “too active.” This might mean, for example, initiating traffic stops that would turn into DUII investigations which would then mean calling in another officer who perhaps believed they had other duties that were more important.

⁸⁷ Interview with Orr, Kathie, June 21, 2018.

⁸⁸ See, e.g., interview with Shimer, Adam, July 12, 2018.

⁸⁹ See, e.g., interview with Shimer, Adam, July 12, 2018.

Miller's reputation as a "go-to" deputy appears independent of his interest or expertise in radio, and instead reflects his general law enforcement knowledge, his steadiness in the line of duty, and his dependable willingness to help others.

Columbia County Communications

As detailed elsewhere in this report, Miller donated hundreds of hours to improving emergency radio communications in Columbia County. His efforts included:

- Site visits. This included evaluating the physical condition of radio sites, including, for example, the condition of the property generally, any trees or other structures that might interfere with reception or transmission, the security of the location and the state of the fencing, the operational condition of equipment, including power, radios, and antennas, and the determination and cataloging of other entities who may be operating radio or microwave equipment.
- Frequency evaluation and acquisition. Analyzing which frequencies used by first responders suffered from the most interference and the source of that interference; determining which open frequencies might provide the best performance based on lesser amounts of interference; negotiating the use of those frequencies with other agencies and making application to use those frequencies with APCO to file with the Federal Communications Commission. This is discussed more detail elsewhere within this report.
- Coverage assessment. Traveling and cataloging which areas within Columbia County suffered from unreliable or poor radio coverage; coordinating and communicating with other first responders within Columbia County to determine problematic areas in their experience.
- Hardware assessment. Evaluation of the state of current equipment and its useful lifespan; research and testing of other possible systems and radios to determine the most cost-effective and efficacious solution

and a realistic timeline and budget for the implementation of systemic upgrades.

Miller Mendel

- Miller is the sole owner of his software company, which primarily distributes and licenses software used by law enforcement agencies to simplify and streamline pre-employment background investigations. This software is utilized by some of the largest, and also some of the smallest, government agencies throughout the United States.
- While Miller is compensated for this work, it is nevertheless notable that this is the area in which Miller chose to develop his business and career. Miller has also been generous with local agencies and given them substantial discounts on the usual cost of the eSOPH software.⁹⁰

Miscellaneous

- Miller also provided free labor and technological support to other police and fire agencies within Columbia County, including the Rainier Police Department, the Scappoose Rural Fire District, the Scappoose Police Department, and the St. Helens Police Department, among others.

A small sample of this work includes:

- Assisting in the development and construction of a complete backup radio system that runs independently of the CCOM infrastructure, including the programming and acquisition of frequencies;⁹¹
 - The success of this system during emergency response to the flood of 2006 in Columbia County was later highlighted by FEMA as a success story in after action briefings;⁹²
- Optimization of the Scappoose Police Department's radio system's communication with CCOM including the repositioning of antennas,

⁹⁰ Interview with Conner, Mike, July 24, 2018.

⁹¹ Interview with Greisen, Doug, June 7, 2018.

⁹² Interview with Greisen, Doug, June 7, 2018.

development of backup power systems, and the reprogramming of radios;⁹³

- Helping to outfit new patrol vehicles for the Scappoose Police Department in the early 2000s;⁹⁴
- Updating firmware and reprogramming the portable radios and car units for, among others, the Rainier Police Department, St. Helens Police Department, Vernonia Police Department, and the Clatskanie Police Department;⁹⁵
- Acting as an unofficial and volunteer consultant for CCSO, the Scappoose Police Department, the St. Helens Police Department and the Rainer Police Department, among others, in radio demos and acquisitions.⁹⁶

A number of people interviewed by this investigator vouched for Miller’s dedication and competency with respect to his volunteer assistance for agencies other than CCOM and CCSO (which is documented elsewhere). Examples include the following:

- Chief Mike Conner of the Vernonia Police Department has relied upon Miller’s expertise in the reprogramming of his department’s radios for years and states, in commenting upon Miller’s work, that the department “never had any issues with the radios.”⁹⁷
- Chief Conner also said, “[Miller] has offered to do his work for nothing for as long as I can remember. Never wanted payment or billed for anything.”⁹⁸
- On Miller’s work with respect to radio communications in Columbia County in general, Chief Conner said, [Miller] wanted the radio services to be better. I think his work in that aspect has been significantly helpful, having that knowledge of where the gaps are is very helpful for us. [We know] don’t make a traffic stop in that spot. We all know things need to be

⁹³ Interview with Greisen, Doug, June 7, 2018.

⁹⁴ Interview with Greisen, Doug, June 7, 2018.

⁹⁵ Interview with Murphy, Ryan, July 10, 2018; interview with Conner, Mike, July 24, 2018; interview with Thompson, Brent, July 12, 2018.

⁹⁶ Interview with Murphy, Ryan, July 10, 2018; interview with Moyer, Andy, October 10, 2018.

⁹⁷ Interview with Conner, Mike, July 24, 2018.

⁹⁸ Interview with Conner, Mike, July 24, 2018.

fixed and need to be better and [Miller's] intent was to get us there, whether it's upgrades or fine tuning, his intent was great. His work during that time period was not only beneficial to our department but to every department.”⁹⁹

- With respect to Miller's expertise, Chief Conner said, “If he's not figuring it out right now he'll figure it out at some point, and he's willing to take the time to do it, which is more than I can say for some.”¹⁰⁰
- Doug Greisen, former Chief of Police for the City of Scappoose, handed over the reigns to the outfitting of the department's newly purchased patrol vehicles when Miller was still in high school (or a recent graduate). It was Miller who “built the cars, in other words by putting in partitions, wiring, lights. Now I'd be thrown in prison for slave labor, but he was that type of kid. I trusted him. He had the knowledge.”¹⁰¹
- When asked why he would hand the reigns over to a teenager, former chief Greisen said, “I knew the kid. Lotta trust.”¹⁰²
- When asked about Miller's radio work, former chief Greisen said that “he was very well known to be working on other radio problems throughout the county, from Vernonia Police to CCSO to us. He never asked for anything in return ... whatever [Miller] said I took it, because I know he's that knowledgeable, he does his research.”¹⁰³
- Sergeant Ryan Murphy of the Rainier Police Department believes the Department made radio purchases according to the input solicited of Miller and believes other departments made similar commitments.¹⁰⁴
- Sgt. Murphy says about Miller's work, “[Miller] was always willing to help us out.”¹⁰⁵
- Even after Miller was ousted from his volunteer roles with CCSO and CCOM, Sgt. Murphy states that he asked for and received help from Miller with advice about the outfitting of a new patrol vehicle. Sgt.

⁹⁹ Interview with Conner, Mike, July 24, 2018.

¹⁰⁰ Interview with Conner, Mike, July 24, 2018.

¹⁰¹ Interview with Greisen, Mike, July 9, 2018.

¹⁰² Interview with Greisen, Mike, July 9, 2018.

¹⁰³ Interview with Conner, Mike, July 24, 2018.

¹⁰⁴ Interview with Murphy, Ryan, July 10, 2018.

¹⁰⁵ Interview with Murphy, Ryan, July 10, 2018.

Murphy indicated he does not pay attention to any extracurricular drama and that his opinion of Miller has never wavered.¹⁰⁶

¹⁰⁶ Interview with Murphy, Ryan, July 10, 2018.

MILLER'S COMMUNITY REPUTATION FOR TRUST AND INTEGRITY

Introduction

Also squarely at issue is Tyler Miller's credibility, primarily because of the conclusions drawn in the Bullard Law reports about Miller's motivations in coming forward with his knowledge of Watson's sexual harassment of a female employee. Miller was never directly questioned about his motivations by Blitz, Reeves, or by the Oregon State Police, nor were his supervisors or other colleagues, nor did anyone inquire as to Miller's general reputation for trust and integrity – a common practice when someone's credibility is squarely at issue as it is here.

Miller's motivations, as discussed elsewhere, were filtered almost exclusively through the perceptions of people Miller had previously criticized, and the purported timing of the disclosure as relayed by Watson. Nevertheless, given that one might assume Miller would deny a selfish motivation, and given that this investigation included an interview with Miller, it is helpful to consider the opinion of other members of the Columbia County community on the subject of Miller's trustworthiness and truthfulness, especially those who regularly worked with Miller.

In addition, Blitz alleged that Miller was negative to the point of alienating many others in the community; that Miller was not able to get along with his colleagues. This, again, was based primarily on Watson's word, and perhaps one other vendor. In this section, I examine not only Miller's reputation for trustworthiness, but also how his colleagues thought of him generally as a coworker and whether they were aware of any negative talk or otherwise poor reputation.

At the outset, it is also important to note that while most of the people interviewed described their relationship with Miller as friendly, few if any described spending significant time with him outside of work or perhaps occasionally at the gym.

Summary of Interviews

Tabatha Barry, who worked as a clerk for CCSO beginning in early 2015 and interacted with Miller in his capacity as a reserve deputy, stated that she never had any reason to question his trustworthiness.¹⁰⁷ She describes Miller as "amazing, he would use his own time, his own money for patrol cars." In her role as a clerk in the

¹⁰⁷ Barry, Tabatha, Interview, June 6, 2018.

front-desk area of CCSO, Barry would hear citizen complaints, but never heard any complaints about Miller. In fact, she heard citizens praise Miller’s work as a deputy, stating on more than one occasion, citizens spoke of “how much time he took to take care of them, that it meant a lot to them.” Barry would also review reports and recalls of Miller’s reports that “there were never any errors, they were very detailed.” She does not recall any colleagues ever saying anything bad about Miller and that “everybody loved working with him.”¹⁰⁸

When asked about Miller’s trustworthiness, Chief Conner said, “I’ve never had any reason to question it.” I also asked Chief Conner if there have been any issues with Miller or his work, Conner says, “No, everything [Miller] has been pretty positive, he’s a pretty upbeat guy, always eager to help, wants to help, for the most part never any issues. I know there was turmoil between him and [Watson], I don’t know what that’s about. With any agency, there’s going to be rumors, I tend to stay away from them.” About Miller’s reputation, Conner states, “as far as I know, a fairly decent reputation, my people never said anything negative or that they wouldn’t want him on calls or anything like that.”¹⁰⁹

SRFD Chief Mike Greisen has known Miller since “he was a little kid in Scappoose.”¹¹⁰ Greisen describes Miller as “nice and friendly.” He admits that when Miller was in high school, he could come across like a “know it all when it comes to radios.” Greisen states he has no reason to question Miller’s honesty.

Former SPD Chief Doug Greisen has known Miller since he was a child also, and, as detailed in another section, has relied on Miller’s expertise since Miller was in high school. Greisen states that “[Miller’s] honesty and integrity, it’s extremely high. His judgment is extremely high. He’s very loyal, very dedicated at the local, county, state, even the national level. There’s nothing bad about Ty and he does not lie.”¹¹¹ On the subject of Miller’s reputation, Greisen describes Miller as “excellent, reliable, dependable, and knowledgeable” and that “the whole thing with the SO surprised the shit out of me.”¹¹² When asked if he would strongly agree, agree, neutral, disagree, or strongly disagree with the statement that he would trust Miller as a fellow officer in the line of duty, Greisen stated “strongly agree.” He is not aware

¹⁰⁸ Barry, Tabatha, Interview, June 6, 2018.

¹⁰⁹ Interview with Chief Mike Conner, July 24, 2018.

¹¹⁰ Interview with Chief Mike Greisen, July 9, 2018.

¹¹¹ Interview with former Chief Doug Greisen, June 7, 2018.

¹¹² This is a reference to Miller’s suspension and subsequent termination from CCSO.

of anyone with a problem with Miller and also states “Ty is in it to make things right, not for the money.”

Former Lieutenant Dustin Hald was Miller’s supervisor for most of the time that Miller was a reserve deputy at CCSO. Hald stated that he had no reason to question Miller’s ability or his reliability or his ethics and that he has no reason not to trust Miller.¹¹³ Hald was not aware of anyone questioning Miller’s ability or performance. When asked if he would strongly agree, agree, neutral, disagree, or strongly disagree with the statement that he would trust Miller as a fellow officer in the line of duty, Hald stated “strongly agree.”

Chief Mike McGlothin of the Columbia City Police Department describes Miller as “always polite, professional, never had any issues with him at all. He responded in a backup capacity to make sure the officers were safe. Never had any inkling that he was anything other than professional.” McGlothin is unaware of what other people might think about Miller or his reputation. He states he has “no reason to question his ability as a reserve deputy.” McGlothin qualifies his opinion by stating that he did not supervise Miller, and that they never worked anything complex together, but that there was “nothing to suggest he wasn’t competent”.

Timmi Sue Hald worked for CCSO in an administrative capacity for nearly 20 years and worked with Miller in his capacity as a reserve deputy.¹¹⁴ When asked her opinion about Miller’s performance, Hald states “I thought he was a great reserve. He has the ability to do that job very well. He was very thorough, very safety conscious.” When asked if she trusts Miller, she states “Oh yeah.” She did not recall anyone having any issues with Miller.

Sgt. Ryan Murphy recalls knowing Miller for approximately ten years in a professional capacity.¹¹⁵ When asked for his general opinion about Miller, Murphy says, “I like Tyler. He’s a good guy. He was always willing to help us out.” Sgt. Murphy volunteers as an example that he had recently bought a car for RPD and got in touch with Miller last July. Despite Miller “already on leave or gone or not working I don’t know his status, but he wasn’t here, but he was still willing to help me out.” Says Murphy, “I don’t have any issues with Tyler.” Events as reported in the newspaper did not change Murphy’s opinion of Miller. Murphy recalls that as a reserve deputy on the road, Miller was “fully capable.” When asked if he trusts Miller, Murphy states, “Oh yeah. Like generally the county will come cover us or we’ll cover them. If the

¹¹³ Interview with Hald, Dustin, May 17, 2018.

¹¹⁴ Interview with Hald, Timmi Sue, July 25, 2018.

¹¹⁵ Interview with Ryan Murphy, July 10, 2018.

county sends someone I have concerns with, I will ask for someone in addition – but not with Tyler. I trusted him, I knew he was capable of doing the job.”

Murphy does recall that Chris Schuller of Cascade Networks, a radio vendor, did not always get along with Miller. Murphy states, “I think Tyler is self-taught which to me I don’t care how you learn it as long as you learn it, but [Schuller] made it very clear that he didn’t want anything to do with Tyler.” Murphy does not believe Miller got involved in the dispute. Murphy says, “[Miller] didn’t talk about [Schuller], he would just say here’s what I know.” When asked if he would strongly agree, agree, neutral, disagree, or strongly disagree with the statement that he would trust Miller as a fellow officer in the line of duty, Murphy stated “strongly agree.”

Andy Moyer was Undersheriff of CCSO for most of Miller’s tenure as a reserve. Moyer does not recall any citizen complaints or other concerns about his ability to perform his duties as a reserve deputy. He states that he has no reason not to trust Miller, and “always trusted Tyler’s judgment about how to improve the [radio] system.”¹¹⁶ Moyer also states that Miller was “not in it for the money, he was doing a lot of work for free.” While Moyer recalls that there were dispatchers and other deputies that occasionally took issue with Miller’s communication style, Moyer states that Miller was always correct in his criticisms. When asked if he believed that Miller had attempted to leverage his information about Watson to obtain a position at CCOM, Moyer states, “No, that’s not true . . . he wasn’t looking for a job or a career there, I can promise you that.”

Kathie Orr knew Miller through her work as a dispatcher for CCOM for approximately six months while Miller was a reserve deputy for CCSO. She recalls that the proffered solution for radio coverage issues was simply: ‘Tyler’s gonna fix the radios. If there’s a problem, call Tyler, that’s the solution there. The solution was always just ‘call Tyler.’”¹¹⁷ When asked specifically, based on her experience in working with both Miller and Watson, whom she would believe between the two, Orr stated, “Based on my experience with the two of them, I don’t think Tyler would extort Steve Watson. Tyler doesn’t need to extort Steve Watson. I can see calling him out but extortion is a very specific word. My opinion is that it doesn’t matter what the motivation was because Steve’s conduct needed intervention and CCOM needs intervention.” When asked whether she would strongly agree, agree, neutral,

¹¹⁶ Interview with Moyer, Andy, October 10, 2018.

¹¹⁷ Interview with Orr, Kathie, June 21, 2018.

disagree, or strongly disagree with the statement that she would trust Miller as an officer in the line of duty, Orr stated “strongly agree.”

Trooper Adam Shimer, with OSP, worked extensively with Miller in his role as a reserve deputy for CCSO.¹¹⁸ Shimer recalls working with Miller on over 100 calls, including a notable foot pursuit across Deer Island with guns drawn. Shimer describes Miller as “out of all the reserves, he was most active and knowledgeable. I always thought of him as a full-time deputy and not a reserve.” Shimer recalls calling Miller with questions about “traffic stuff, citations, vehicle code.” When asked if anyone ever complained about Miller, Shimer recalls hearing complaints about Miller being too active if no full-time deputy was on active duty. He does not recall who made the complaints, but the gist is that either (1) perhaps a full-time deputy should have responded and taken the overtime; or (2) questions about why a reserve deputy is taking calls if there is no full-time deputy on duty.

Shimer describes Miller as professional and friendly. Shimer states that he trusts Miller and that he “never saw anything to give me any concern.” When asked whether he would strongly agree, agree, neutral, disagree, or strongly disagree with the statement that he would trust Miller as a fellow officer in the line of duty, Shimer stated “strongly agree.”

Kellie Smith was a reserve deputy for CCSO beginning in approximately January of 2014, and worked with Miller in that capacity. She describes Miller as “the one we all went to.”¹¹⁹ Reserve deputies went to Miller for their radios, changes to equipment on their belts, to see if there was something in the store room, or if they needed to check out a car. She states he was in charge of taking the cars for outfitting. Smith states that Miller was “really your go to person for any questions you had,” and “I felt like he was pretty knowledgeable, really just a good opinion [about him].”

Smith states that she believes Miller is a hard worker and that she respects his opinion. Deputies knew that if they passed someone in custody to Miller that he would follow through with anything that needed doing. She used the phrase “go to guy” about a half dozen times in my interview with Smith. She also stated that she had “cross-checked” him a few times, which she described as essentially getting a second-opinion on his advice. Smith states that she felt like he was always correct and always giving her the best advice for her safety. Compared to the other reserves,

¹¹⁸ Interview with Shimer, Adam, July 12, 2018.

¹¹⁹ Interview with Smith, Kellie, June 4, 2018.

Miller was the most organized, the most reliable, and probably worked the most hours.

When pressed for anything negative about Miller, she states, “the only negative thing would be, why in the world is he putting this much time into this for free?” When asked whether she would strongly agree, agree, neutral, disagree, or strongly disagree with the statement that she would trust Miller as a fellow officer in the line of duty, Smith stated “strongly agree.”

~ *End of Part I* ~

REPORT:

**TYLER MILLER
AND
THE COLUMBIA 911 COMMUNICATIONS DISTRICT**

Part II

October 17, 2018

Investigation conducted by:

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TABLE OF CONTENTS

Report: Tyler Miller and the Columbia 911 Communications District	0
Table of Contents	1
Oregon State Police Investigation.....	2
Introduction.....	2
Why the Oregon State Police Conducted an Investigation	2
The Board’s Decision to Hire Miller as a Subcontractor	6
Miller’s Use of the Budgeted \$30,000.....	8
Why More Funds Were Not Approved	10
The Miller Report	11
Why was the Miller Proposal Prepared?.....	11
The Professional Dispute Between Miller and Watson/CCOM.....	13
Miller’s Frequency Work.....	14
FCC Filings	15
The Question of Why Watson’s Behavior is Never Fully Investigated.....	16
Declination Letter	17
Radio Coverage Issues.....	19
Introduction.....	19
Importance of Radio Coverage to First-Responders	20
Opinions of First Responders in Columbia County	23
Evaluation of Radio Coverage Within Columbia County	28
The Position of the Board of Directors for CCOM	29
Columbia County Department of Emergency Management	30
Training, Retention, and Work Environment at CCOM.....	32
Retention	32
Training	32
Conclusions.....	34
Miller’s Suspension and Termination From CCSO.....	36
Conclusion.....	38

OREGON STATE POLICE INVESTIGATION

Introduction

At the apparent conclusion of the Reeves Report and the start of the Blitz Report, Sheriff Dickerson, Steve Salle, Akin Blitz, and presumably member(s) of the Board at CCOM, worked together to refer to the Oregon State Police a possible criminal matter involving Miller. The scope of this referral went beyond Miller's disclosure and alleged "coercion" of Watson, and considered myriad other possible criminal violations as proposed by Blitz – though it does not appear OSP substantially investigated any of Blitz's deeply speculative proposals. The OSP investigation involved the review of hundreds of pages of documents provided by Blitz, as well as several interviews. Based on the reports produced by OSP, as well as a review of the audio recordings of those interviews that were disclosed pursuant to public records requests, the focus of the investigation appears to have been Watson's allegations that Miller attempted to coerce Watson.

The reports appear incomplete. First, because both the report regarding the interview of Sheriff Dickerson, as well as the audio recording of the interview, were missing from what OSP produced pursuant to a public records request as well as a follow-up request to confirm¹. Second, because Miller was never interviewed. And, as one more example, because while it is alleged that Miller was "trespassed" from CCOM twenty years ago, OSP requested this information from CCOM, received no documentation in return, and omitted this information from their reports.

The reports were referred to the Clackamas County District Attorney's Office for review and the office ultimately declined to file any criminal charges on the basis it would not be possible to prove any criminal intent. No further investigation was requested by the district attorney nor was one performed. A review of the OSP investigation follows below.

Why the Oregon State Police Conducted an Investigation

As discussed elsewhere in this report, there are reasons to wonder why the Blitz Report exists, especially at taxpayer expense. Similar questions arise with

¹ Lt. Andy McCool stated in a later interview that he interview may not have been recorded if the interview were short, and that a reference to a supplemental interview regarding the interview was likely made in error. Interview with McCool, Andy, October 15, 2018.

respect to the investigation and subsequent reports produced by the Oregon State Police.

It appears from those reports, as well as emails obtained through public records requests, that the investigation was referred to OSP through a combination of Sheriff Jeff Dickerson, Lt. Steve Salle of CCSO, and Akin Blitz, counsel for CCOM's Board of Directors, but not a legal representative of CCSO. According to the OSP Report, Sheriff Dickerson had concerns that Miller was using a sexual relationship with former Undersheriff Andy Moyer as a means of coercion:

- OSP Sergeant Sterling Hall: "I asked Lt. Salle if Sheriff Dickerson was concerned Miller might be coercing Moyer in the capacity to keep his silence if there was a sexual relationship between Moyer and Miller? Lt. Salle said the Sheriff wanted to make sure that hadn't happened in the Sheriff's Office."²

Sgt. Hall asked what reason Salle or Dickerson might have to suspect that Miller was coercing Moyer. The substance of that response was redacted from the OSP report. While Moyer's name is mentioned during portions of OSP's investigation and interviews, no further evidence relating to any misconduct relating to Miller is discovered and the investigators curiously never speak with Moyer or with anyone else at CCSO. Whatever was redacted does not appear to ever be mentioned or asked about in any of the recorded interviews and so it is not clear what reason Dickerson has to question the relationship between Moyer and Miller besides observing that they appear to be friends, they are both men, and the fact that Miller is openly gay.

Lieutenant Andy McCool stated that he found "nothing to indicate there that there was anything inappropriate" between Miller and Moyer and that their investigation found "just nothing to support that."³

The OSP Report also mentions interviewing Sheriff Dickerson, but there is no supplemental report (though one is referred to in the OSP report ⁴), no audio recording, and the only other comment about this "interview" is that Dickerson was informed that Lt. Salle's assistance was "no longer [sic]."⁵

² OSP Report, p. 27.

³ Interview with McCool, Andy, October 15, 2018.

⁴ Lieutenant Andy McCool of OSP believed this to be an error on the part of Investigator Sterling Hall, and that this information was included in McCool's main report. McCool stated that the interview with Dickerson would have been about the scope of the investigation. Interview with McCool, Andy, October 15, 2018.

⁵ OSP Report, p. 27 (sentence abruptly ends).

Also consistent with the Blitz Report is Lt. Salle’s aggressive downplaying of Watson’s misconduct, at least as relayed by the OSP investigator. It appears from the OSP report that Lt. Salle relayed that there were “allegations” that Watson made “inappropriate comments.”⁶ This, of course, ignores that the allegations were determined to be founded – meaning they were no longer allegations. Secondly, the “allegations” went further than comments – the findings were of *unwanted physical contact* between a superior and his subordinate.

Further, Salle apparently communicated to OSP that Watson’s conduct “did not rise to the level of sexual harassment.”⁷ This is clearly the opposite conclusion reached by Reeves in her investigation. It is not clear how Salle reached this conclusion or whether he ever actually read the Reeves Report. Without knowing the source of his information, it is not possible to gauge whether Salle is biased, being purposely misleading, or is simply ignorant of the evidence and findings contained within Reeves Report.

Nevertheless, it is concerning that the referral of a felony investigation from one law enforcement agency to another begins with misinformation and speculation, that includes: (1) a denial that Watson committed verbal and physical sexual harassment in the workplace in contradiction to the then-existing evidence; and (2) the unsupported speculation that Miller may be sexually extorting the former undersheriff of CCSO.

The investigation into Tyler Miller by the Oregon State Police was initiated through CCSO and also at the apparent behest of Akin Blitz, author of the Blitz Report, discussed elsewhere in this report. The Blitz Report, as well as subsequent emails between Blitz, Henry Heimuller, and Steve Salle highlight Blitz’s efforts to advertise and sell a criminal case against Miller. There does not appear to be any preexisting motive to smear Miller – it appears to arise after Miller’s exposure of Watson’s misconduct.

Investigators for OSP saw several possible reasons to suspect criminal conduct, as quoted here:

“The Reeves Report

I read Ms. Reeves' 44 page report, viewed the incorporated attachments, and reviewed many other documents and email correspondence: referred hereafter as the Reeves Report. Based

⁶ OSP Report, p. 26.

⁷ OSP Report, p. 27.

on this information I concluded there was reasonable suspicion to believe Tyler Miller engaged in criminal activity when he used personal information about Steve Watson in an attempt to obtain a personal benefit.

1. The personal benefit to Tyler Miller could be theorized as;
2. Being retained by the District on the radio project for his personal interests and satisfaction.
3. Being retained by the District on the radio project for financial gain: as a paid sub-contractor with Pallans and Associates and a paid Radio Technical Manager position (Miller's proposal).
4. Being retained by the District on the radio project to bolster his personal business reference”⁸

The first is unquestionably true. There is no argument that Miller was dedicated to his work with CCOM and derived satisfaction from his work on behalf of public agencies in Columbia County, including his work on the Radio Project. The second is purely speculative as the Reeves Report has no information about Miller’s financial situation and certainly no part of this investigation supports the allegation that Miller had a financial incentive to pursue work with CCOM. OSP did not appear to investigate Miller’s financial situation in any way, despite positing a possible financial motive.

The third is also speculative and lacking in logical appeal. It is unclear why Miller’s work on the Radio Project might bolster his computer software company, but it might be reasonable to theorize that Miller’s work with a public agency could bolster his credibility or appeal in attempting to sell his software to public agencies. In any event, as with⁹ (2), OSP did not document any investigation into this possible motive.

The report also mentions the text messages provided by Miller to [REDACTED] and that they document Miller’s knowledge of the harassment predates his disclosure by approximately a year. Inexplicably, however, the investigator fails to note that these same text messages also support Miller’s claim that he confronted Watson in October – several months prior to Watson’s claim.

⁸ OSP Report, p. 9-10.

⁹ Which Miller denies doing.

The Board's Decision to Hire Miller as a Subcontractor

In the OSP Report, there is a characterization that the Board's decision to hire Miller as a subcontractor under Pallans is illustrative of the Board's lack of trust in Miller or his competence. The following excerpt from the OSP Report is one example:

- “In June 2016 Mr. Miller, due to the many volunteer hours he worked, offered a proposal to the C911 District that would employ him in a paid position with the District. That request was not supported by Mr. Watson or the District Board Members. Mr. Watson proposed, and the Board supported, that Mr. Miller would be offered a paid position under their paid contractor, Mark Pallans of Pallans and Associates. The thought was to have Mr. Miller report to Mark Pallans who would review the information he (Miller) provided before reporting it to the Board. Mark Pallans is an expert in the field, already employed by the District, and it seemed logical for Mr. Miller to report to him to ensure the work being completed by him was time and money well spent.”¹⁰

First of all, several individuals, including Watson and Edwards, suggested that based on Miller's "valuable" volunteer contributions that it would be fair for CCOM to compensate Miller for his work – the idea did not originate with Miller.¹¹ Miller's suggestion also allocated the funding for his work on a temporary basis from a position within CCOM that was already funded, rather than the equipment reserve fund, which is specifically earmarked for actual hardware, so as to help ensure continued funding for the Radio Project.

While the above reasoning may have partly informed the Board's decision, the full truth is more complicated. First, Mark Pallans himself did not believe he was in the position to supervise or direct Miller's work. He describes himself to Blitz as merely “a conduit” for payment.¹² While some disagreed about Miller's decision to send his report directly to the Board, rather than through Pallans, this decision appears consistent with Pallans' understanding of the arrangement. Miller

¹⁰ OSP Report, p. 4.

¹¹ OSP Interview with Heimuller, Henry, April 27, 2018; text message from ██████████ to Tyler Miller, May 17, 2016.

¹² Blitz Report, p. 7, n. 9.

understood that he was not to send material directly to Pallans, because he would then be incurring a cost to CCOM that was beyond his authority to incur.¹³

Second, if Miller's expertise was truly in question, it would be a foolish waste of taxpayer money to budget \$30,000 to paying Miller for his work at \$55 per hour. The decision to allocate this much money to Miller's continued work, at the hourly rate of \$55/hour, is indicative that the Board trusted Miller's competence and his work ethic – based on their substantial experience with Miller's work over the last several years. If Miller were not competent, paying him any money would be inexcusable; instead the Board could simply thank Miller for his service and move on. Alternatively, the Board could offer Miller a lower hourly rate commensurate with his purported lack of expertise, or even ask him to continue volunteering.

Going back to May of 2016, the Board minutes and other sources reveal a different opinion of Miller and his work for CCOM as expressed by CCOM staff:

- Under the heading, "T. Miller Appreciation," the notes state as follows: "Watson asked for the Board's direction and input with regard some type of appreciation for all of the work Miller's done and continues to do for the District. Discussion followed."¹⁴
- In September of 2016, the Board Minutes state that "Clark and Crawford thanked Miller for all of his work on the spectrum research report that he prepared for members."¹⁵ Pallans himself called this report "truly a thorough and detailed document."¹⁶
- "Miller has been doing a tremendous amount of work with regard to frequencies. Watson stated that if we can get into clear frequencies there could be a great improvement. It's very complex investigating potential frequencies."¹⁷
- "While Miller is clearly not an agent of the District, Watson hopes he will continue to be an active participant on this project as we move forward."¹⁸
- "Everyone, seriously everyone, knows you are carrying this radio project. No one even questions that."¹⁹

¹³ Interview with Miller, Tyler, October 2, 2018.

¹⁴ Board Minutes, May 31, 2016.

¹⁵ Board Minutes (Special Meeting), September 1, 2016.

¹⁶ Email from Mark Pallans to Steve Watson, August 30, 2016.

¹⁷ Board Minutes, July 28, 2016.

¹⁸ Board Minutes, September 24, 2015.

¹⁹ Text message from ████████ to Miller, October 19, 2016.

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- “Does CCOM pushing you out of the project hamper your desire to continue to program and help purchase user end equipment? I’m really hoping it doesn’t. You have made serious strides in our user end equipment work mics, radios and programming. That’s something I would hate to turn the clock back on. I know that officers and deputies alike, the real users of the equipment, really appreciate it. As do I.”²⁰

Third, the Board is on record with other reasons for wanting Miller to work as a subcontractor under Pallans. Comments made by members of the Board reveal that having Pallans hire Miller shielded the Board from possible insurance and liability issues. There were also likely fewer tax implications and other complications from simply adding additional funds to what was needed to pay Pallans as compared to hiring an additional employee for CCOM.

Fourth, the actual agreement between the parties does not specify that Pallans would supervise Miller’s work. Blitz concluded the agreement specified:

- “The amendment seems clear that the scope of Tyler Miller's work was to be determined by him and the District staff. ‘Mr. Miller will meet with District staff at the beginning of each month to develop task list and estimate of hours needed for the coming month.’”²¹

As above, this is consistent with both Miller and Pallans’ expressed understanding.

Miller’s Use of the Budgeted \$30,000

- “Within months after being contracted under Mark Pallans, Mr. Miller invoiced the District for services rendered that exceeded the budgeted dollars for his role on the project. The funding dollars, \$30,000, were expected to last until the beginning of the new fiscal year, June 2017. During email correspondence prior to the October 2016 Board Meeting, Mr. Watson instructed Mr. Miller to halt what he was working on due to the lack of funding.”²²

²⁰ Text message from Dustin King to Tyler Miller, January 22, 2017.

²¹ Blitz Report, p. 6, quoting Pallans Contract Addendum.

²² OSP Report, p.4.

Related to the above is the consistent characterization and implication that Miller billed his time too quickly and that Miller's use of the \$30,000 was inappropriate. This opinion, however, really only develops after Miller disclosed Watson's sexual harassment.

First, the assertion that the funds were "expected to last until the beginning of the new fiscal year" is unsupported. It may be that certain parties *hoped* the money might be sufficient for the project, but no expectation was ever expressed, at least not publicly.

Second, it is important to consider what was actually said about Miller's use of the \$30,000 at the October 2016 Board Meeting referenced above. By way of introducing the issue, Watson first states "I can't stress enough how valuable that work is [Miller's work] and how much work there is to do."²³

Watson also said, "Due to the volume of work and every rock has been unturned that we know to do, and it's been amazing to me to watch this, we have used up all of those hours because there's just been so much."²⁴ Even in his interview with OSP investigators, Watson stated there was no allegation that Miller "wasted" the money. Even at that point, Watson remembers that Miller was doing a lot of essential field work which needed to be done in the summer before weather changed and made the frequency work impractical.

Third, Miller had been submitting his hours in writing with a detailed description of all of his work, including the date and the time spent on each task. It is not as if he just showed up one day asking for a check for \$30,000. The Board of Directors were also given a copy of Miller's invoices on a monthly basis. No one ever expressed any concern over Miller's invoices. Miller was also communicating frequently with Watson by phone and email, according to, for example, Watson's interview with OSP. If anyone was surprised by the amount of work Miller was doing, they would not have been paying attention to his invoices, or to the volume of volunteer work he had completed prior to being designated a subcontractor.

Fourth, there was a discussion regarding Miller's submitted hours for October. On this subject, Miller stated on the record, "when [Watson] told me there's no more money, I basically stopped recording my hours. Everything I've been doing since has been because I just want to make sure this continues and we don't lose time." Nancy Edwards stated, "We don't want him to stop now, we want this to continue." In fact,

²³ Audio Recording of Board Meeting, October 27, 2016.

²⁴ Audio Recording of Board Meeting, October 27, 2016.

the Board approved funds for Miller’s continued work on a more limited basis and the prospect of terminating their relationship with Miller was never raised.

Miller also recounts a prior board meeting where Miller had said that if money was an issue, he would be happy to continue volunteering his time (as he had been for years for various agencies in the region).²⁵ This board meeting audio was apparently deleted and so unavailable by public records request.

The discussion finally ends with Board Member Anderson addressing Miller by saying, “If you have a proposal set up, you could walk everyone through it and that would make everyone feel better about the amount of money we’re committing,” which led to Miller’s Proposal, as discussed elsewhere.

So while Miller was told to reduce his work after expending the budgeted funds, this was a natural budgetary consequence, and his most important work was ordered to continue. There was no assertion or implication that the work he did was unnecessary or superfluous – only that he completed a volume of necessary work more quickly than was anticipated. It was only after Miller disclosed Watson’s misbehavior that Miller’s “amazing” and “valuable” work came to be characterized in a negative manner.

Miller’s assertion that, once he was told the budget was expended, continued to work for free without tracking his hours simply because of the importance of the project is ignored by OSP who never listened to the Board meeting audio recording and never interviewed Miller. It is consistent with a Facebook Messenger text sent by Miller to Board Member Anderson on October 26, 2016, which Blitz and OSP had at the time they prepared their respective reports. FB Messenger text from Miller to Anderson, October 26, 2017 (“Since Steve tells me there is no more money, i’ve been trying to ensure these things move forward, on my own time, until this gets figured out”). It is consistent with Miller’s long history of volunteer work, but incompatible with the Blitz Report’s conclusion that Miller only acted in his own self-interest and was attempting to obtain a paid position.

Why More Funds Were Not Approved

Another issue that is unexamined by any of the reports is why, when Miller billed out the \$30,000 in funds as described above, Watson didn’t ask the Board for more funds. It appeared from the minutes and from the report that Watson submitted

²⁵ Interview with Miller, Tyler, October 2, 2018.

to the Board, that all parties agreed that (1) Miller’s work was “valuable”; and (2) more work was necessary. This possibility was also contemplated at the outset of the project.

Watson took the lead in representing to the Board that the Radio Project was at “a good stopping point” and that the CCOM would have plenty of work to do without spending anymore money on Miller’s portion of the work. The Board appeared to accept Watson’s explanation.²⁶

Another possibility, however, is that Watson – as suggested by Heimuller in his interview with OSP – simply found the budget a convenient way to dispose of Miller and end his association with CCOM. Henry Heimuller Interview with Oregon State Police, April 27, 2018. Although Watson said, “I don’t want the program to stop in any way,” it was his suggestion to shut it down.²⁷

Whether the Board would have approved more money for Miller to continue his work in the same manner as before Watson requested it is an open question, but certainly there are comments that suggest they were open to the idea. Edwards, for example, stated “We don’t want him to stop now, we want this to continue.” Audio of Board Minutes, October 27, 2016.

Watson, however, went a different direction and it is fair to question his motivation. Watson is explicitly ending the bulk of Miller’s involvement with the Radio Project and with CCOM, which would be consistent with Miller’s assertion that he confronted Watson about the sexual harassment allegations in October of 2017.

The Miller Report

Various parties questioned why Miller put together such a lengthy and detailed proposal when it was not requested and not submitted to Pallans. These dual criticisms are, to some degree, contradictory. The first is a criticism of how much time Miller put into the proposal and the second is a questioning of why it wasn’t vetted by Pallans. One wonders if the problem was that too much time was put into the proposal, or not enough time? In any event, some examination is appropriate to consider (1) why the proposal was prepared; (2) why it wasn’t sent to Pallans; and (3) whether it was accurate and/or useful to the Radio Project.

Why was the Miller Proposal Prepared?

²⁶ Audio of Board Minutes, October 27, 2018.

²⁷ Audio of Board Minutes, October 27, 2018.

When presented to the Board, the Board members express concern, to put it mildly, that the proposal was not first submitted to Pallans for his review.²⁸ The concerns expressed by the Board, in what is a familiar pattern, become much stronger after Miller discloses the sexual harassment. Heimuller, for examples, tells OSP investigators in his interview that it “ruffled [Heimuller’s] feathers” that the Board was “billed for something” it didn’t ask for. This contradicts Miller’s statements at that same Board meeting that he hadn’t invoiced the Board.²⁹ It is also worth noting that Heimuller was not present at the previous two monthly board meetings and that this discussion was happening not at the regular Board Meeting, but at the scheduled Board Workshop with members of CCOM, the Board and Miller, a more informal gathering for the purpose of discussing solutions and improvements to the radio system.

The Board minutes of this previous meeting, conducted without Heimuller on October 27, 2016, state “Miller noted that he will provide a detailed proposal to the Board at next month's meeting.”³⁰ It is somewhat baffling, then, that anyone is surprised that Miller delivered what he was asked to deliver: a detailed proposal.

Miller denies Pallans was responsible for reviewing his work and the formal agreements, as reviewed by undersigned and as discussed by Blitz, are ambiguous. Miller did, however, create a substantial report dated August 30, 2016, which he did submit to Pallans for review.³¹ Pallans stated that Miller’s report “demonstrates the extensive research and required activities necessary to document the need for frequencies in Columbia County.”³² This report details not only frequency analysis, but also antennae needs, cost analysis, and suggestions for future trunking systems.

Contrary to some suggestions, this was not at all unusual. For example:

- In Watson’s Board Report of July 21, 2016, Watson notes that “Jerod, Tyler and I have been working on examining the costs associated with the Pisgah Home Site equipment purchase.”
- “Watson stated that he will be coming to the Board in the near future with some equipment and money requests to move the receiver site from Scappoose PD to the FAA's Dixie Mountain location. Miller has almost wrapped up the agreement for that site.”³³

²⁸ Board Meeting Minutes, December 22, 2016.

²⁹ Audio Recording of Board Workshop, December 22, 2016.

³⁰ Board Meeting Minutes, October 27, 2016.

³¹ Spectrum Search Report, August 30, 2016.

³² Spectrum Search Report, August 30, 2016.

³³ Board Minutes, September 22, 2016.

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- “Miller stated that agencies may need to change mobile antennas to a no-tune/self-tuning antenna due to changing frequency ranges. He's been working with some manufacturers to find the best option; possibly in the \$50-\$60 (per antenna) price range. Miller stated that he'd put something together to have for members at the next meeting.”³⁴

Given that the proposal was both requested and consistent with Miller's previous work, it is not clear why certain members of the Board responded with surprise, although it may have been simply Heimuller's ignorance of Anderson's previous request.

The Professional Dispute Between Miller and Watson/CCOM

The actual dispute between Miller and Watson is characterized in the various reports as arising from either (1) the sexual harassment and disclosure therein by Miller; and/or (2) Miller's desire to be a part of the Radio Project and Watson's decision to cut him out. These two factors undoubtedly relate to the disintegration of CCOM's professional relationship with both Miller and Watson.

What the Bullard Reports and OSP reports ignore, however – and which may be the more vital issue as it relates to the future of Columbia County and its public services – is the professional dispute between Miller and Watson. Because while Miller's motives have been mischaracterized out of apparent resentment of his disclosure of Watson's harassment as well as his criticism of CCOM, Miller's opinions about the state of the emergency communications network and CCOM's services within Columbia County remain valid and shared by many first responders I interviewed.

It is apparent from communications made by Miller, as well as Watson's statements describing how Miller stopped communicating with him sometime in October of 2017, that Miller believed Watson was, in essence, scrapping the Radio Project. Watson and the Board describe putting some aspects of it on hold in order to fully assess project needs and obtain funding, whereas it appeared to Miller that certain essential features of the Radio Project would fail if not actively pursued.

Watson describes this dispute in his interview with OSP, and Miller detailed his frustration in written messages to Board Member Anderson, and Board Member

³⁴ Minutes of the Quarterly Advisory Board, July 28, 2016.

Clark in late October, 2017.³⁵ Watson, however, characterizes this as Miller's misunderstanding of Watson's intentions with respect to the Radio Project.

In fact, what Watson either ignored or failed to understand, is that there were aspects of the Radio Project and Miller's work that were time critical. In addition, as Miller detailed in the Miller Report, as well as in his comments in both October and January in front of the Board, the success of the Radio Project required the improvement of several interdependent systems which could not be completed piecemeal and still make dramatic improvement to the radio systems.

In addition, there were several prior projects of which Miller was aware that had been paid for by CCOM, but which Watson never implemented. There was, in other words, a history of not following through after spending money on potential improvements and allowing those resources to be wasted. For example, CCOM purchased RadioIP software from Day Wireless in 2011 for over \$60,000, but according to Miller, it was never implemented.³⁶ CCOM also purchased a new camera system in 2016, and there are allegations it was never properly implemented or brought to full functionality within the time period the vendor had to deliver without additional charges to CCOM.³⁷

In sum, Miller anticipated that putting a pause to certain projects would result in their failure, resulting not only in the waste of the resources that were put into developing those projects to that point, but also in the continued failure to improve the radio system as a whole. A brief discussion of Miller's work may elucidate the time-sensitive nature of the Radio Project.

Miller's Frequency Work

Miller's primary role in the Radio Project was frequency work. This was a critical piece of the Radio Project in part because no frequency analysis had been performed in approximately 15 years.³⁸ Among other things, the frequency work involves real-time testing of frequency practicality at each radio site to determine which frequencies are free of harmful interference at all CCOM radio sites, and to determine what other frequencies might be available to improve system performance.

³⁵ Facebook message from Tyler Miller to Rob Anderson, October 26, 2018; text message from Tyler Miller to Sean Clark, October 26, 2018.

³⁶ Interview with Miller, Tyler, October 2, 2018.

³⁷ Text message from ██████████ to Tyler Miller, October 26, 2018.

³⁸ Advisory Board Minutes, September 24, 2015 ("... the District hasn't done a comprehensive frequency study since 2001-2002, before the system was built").

Once viable frequencies are identified, there is a process through which a party can license the frequency for use, which involves various applications to the FCC (through APCO), which imposes its own mandates for applicants. Miller’s work also involved coordinating with Washington County, the Department of Homeland Security, the FAA, and other businesses and license holders.³⁹ The work is described by Watson as “very complex.”⁴⁰

Once viable frequencies have been identified through labor-intensive field work requiring the coordination of multiple parties and radios, permits allowing the use of those frequencies have to be obtained through the FCC. Because of the competition for frequencies and the amount of radio traffic, it was Miller’s experience that sometimes even when a complete evaluation identified a suitable frequency, it would be too late to obtain a license for that frequency because another party had already submitted an application, which could be checked the FCC’s ULS website.⁴¹

In addition, simply obtaining a license is insufficient to retain use of the frequency. The FCC also imposes construction and coverage requirements that must be completed within one year from the date the FCC grants the frequency to the applicant. Consequently, the many months Miller and many others spent identifying viable frequencies and beginning the licensing process – and the financial investment – could have all been wasted if CCOM failed to follow through with the buildout process.

FCC Filings

Miller alleges that applications submitted by CCOM to license specific frequencies with the FCC contain material misrepresentations and are fraudulent.⁴² When a party submits an application to license the use of a frequency through the FCC, the FCC imposes certain requirements to ensure that the party granted the frequency actually follows through and makes use of the frequency. One of the ways in which the FCC imposes this requirement is by requiring licensees to file notices with the FCC that the licensee has met the construction and coverage requirements (or “buildout”).⁴³ If a licensee fails to meet the construction and coverage

³⁹ Advisory Board Minutes, April 26, 2016; Advisory Board minutes, June 28, 2016.

⁴⁰ Advisory Board minutes, June 28, 2016.

⁴¹ Interview with Miller, Tyler, October 2, 2018.

⁴² Interview with Miller, Tyler, October 2, 2018.

⁴³ See, e.g., 47 CFR 1.946; <https://www.fcc.gov/wireless/support/universal-licensing-system-uls-resources/constructioncoverage-requirements>.

requirements, or fails to make the required filing, the FCC moves to terminate the license. Willfully making false statements in these filings is a criminal offense under federal law, as stated on the forms CCOM submitted to the FCC.⁴⁴

There are publicly available documents which show, through invoices and other means, what buildout work CCOM has performed at the sites at which it has licensed frequencies. The license applications and buildout notifications are also publicly available from the FCC website. In comparing these two sources, one can see what representations CCOM has made with respect to meeting the construction and coverage requirements, and whether these representations are true and accurate.

In sum, what the records appear to show is that CCOM has represented to the FCC, formally and in writing, that construction and coverage requirements have been completed at sites where CCOM has not yet completed its buildout and has not yet started transmitting or receiving. This would be a violation of FCC requirements and subject CCOM to possible civil and criminal penalties, including, of course, the loss of the license.

The Question of Why Watson's Behavior is Never Fully Investigated

Given that the subject of the OSP investigation appears to be entirely focused on both Miller and Watson, it's not clear why Miller appears to be the sole target of the investigation. Lt. McCool alleges both parties were targets, but the OSP reports show that the referral was specific to Miller.⁴⁵ The reports also specifically outline possible theories of criminal liability with respect to Miller, primarily derived from the Bullard Law Report, but there is no comparable analysis with respect to Watson.⁴⁶ In addition, the declination letter from the Clackamas County District Attorney's Office does not address possible charges against Watson.

The Reeves Report documented how Watson expressed his romantic feelings for a subordinate at a time he knew her to be professionally vulnerable while also making clear that he would try to help her keep her job. He also grabbed, held, and attempted to grab her hand when she did not want him to.

This was also not isolated behavior. Watson also previously made an unwanted pass at a different subordinate. Other examples of this behavior were given by employees of CCOM to Reeves, but not described in the Reeves Report.⁴⁷

⁴⁴ See FCC 601 "Main Form"; 18 U.S.C. § 1001.

⁴⁵ Interview with McCool, Andy, October 15, 2018.

⁴⁶ OSP Reports, pp. 8-10.

⁴⁷ Reeves Report, p. 38.

In considering Watson’s sexually harassing behavior that was the primary subject of the Reeves Report, there is certainly an argument that Watson compelled the employee’s cooperation with her advances through the threat of using his position as a public servant (and her supervisor) to terminate her employment. This employee was afraid that if she resisted that Watson would retaliate and she would lose her job. She told Reeves that Watson told her, “I will try my best to keep [your other supervisor] from firing you.” She also told Reeves that “I needed his support with [my other supervisor]. [Watson] knew where things were with [her].”⁴⁸ This employee certainly had a right to resist his advances, and Watson had no lawful right to terminate her employment for resisting. Consequently, if Watson coerced this employee into going along with his advances by instilling this fear she would otherwise be fired, then Watson’s conduct would meet the elements of coercion – the same crime for which Miller was investigated.⁴⁹

Yet, as above, it was primarily Miller’s alleged conduct that appeared to be the focus of OSP’s investigation. This is especially confusing in that the OSP Report acknowledges receiving information from the Board that they had received “information that alleged Mr. Watson had been engaged in inappropriate and possibly criminal conduct with multiple female employees.”⁵⁰ Perhaps the answer lies in the likely source of the referral to OSP: Blitz, Heimuller, and Anderson.

Declination Letter

The July 26, 2017 declination letter written by Deputy District Attorney Bryan Censoni of the Clackamas County District Attorney’s Office unfortunately repeats as fact the conclusion from the Blitz Report that Miller first confronted Watson on January 26, 2017, despite evidence to the contrary.⁵¹

⁴⁸ Reeves Report, p. 30.

⁴⁹ ORS 163.275 (“(1) A person commits the crime of coercion when the person compels or induces another person to engage in conduct from which the other person has a legal right to abstain, or to abstain from engaging in conduct in which the other person has a legal right to engage, by means of instilling in the other person a fear that, if the other person refrains from the conduct compelled or induced or engages in conduct contrary to the compulsion or inducement, the actor or another will: (h) Unlawfully use or abuse the person’s position as a public servant by performing some act within or related to official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.”)

⁵⁰ OSP Report, p. 7.

⁵¹ Declination Letter, Bryan Censoni, Deputy District Attorney, Clackamas County, date July 26, 2017.

Nevertheless, the focus of the letter is the later meeting which occurred by all accounts on February 13th, 2017. The letter essentially accepts for the sake of argument the allegation that Miller told Watson that he would have several days to put Miller back on the Radio Project before Miller disclosed damaging allegations. Censoni then repeats, as everyone agrees, that Miller called Watson’s wife within approximately 90 minutes of this ultimatum. Censoni concludes that because Miller almost immediately disclosed to Watson’s wife the same information he purportedly threatened to conditionally withhold, no crime could be proven.⁵²

Censoni also notes that the information at issue was true and there can be no founded allegation that Miller threatened to withhold false information. What the District Attorney leaves unsaid is the difficulty in asking a jury to convict someone who disclosed true information about the misbehavior of a public employee.

⁵² Censoni also cites as support for his inability to prove a criminal case beyond a reasonable doubt that Watson’s wife recalled Miller telling her his intent was to be “vindictive,” which would not fit with the criminal intent required by the statute. Miller denies that he said this; Miller describes telling Watson’s wife that *Watson* was being vindictive – but DDA Censoni’s point is that this is what the *state’s* evidence would be at trial and it would not be sufficient proof.

RADIO COVERAGE ISSUES

Introduction

One of the issues at the heart of the dispute between Miller, Watson, and CCOM leadership, is Miller's criticism of CCOM. Blitz concluded in his report that Miller's disclosure of Watson's sexual harassment was for selfish purposes, to gratify either his own ego or his own checkbook. Blitz also recounted opinions of Miller from previous leadership at CCOM that date back to a letter to the Spotlight Newspaper editor Miller wrote while he was in high school in approximately the year 2000.

A question to consider, then, is whether Miller's critique is fair and/or accurate. In considering Miller's criticism, it is helpful to examine the state of radio coverage provided by CCOM. Independent third-party engineering analysis is beyond the scope of this report, but we can at least examine previous studies, opinions expressed on the record by Board members, as well as interviews with end users.

A general conclusion upon which most parties can agree is that Columbia County faces significant challenges in providing reliable radio coverage due to both its rural nature, its uneven and challenging topography, and the coverage challenges inherent in large structures, such as schools, courthouses, and large retailers. These coverage challenges are exacerbated by the number of agencies operating within Columbia County, all of whom are independently responsible for their own end user equipment, including portable and vehicle radios, mobile computers and antenna equipment. These agencies include:

- Clatskanie Police Department
- Clatskanie Rural Fire Protection District
- Columbia County Sheriff's Office
- Columbia County Roads Department
- Columbia County Emergency Management
- Columbia Police Department
- Columbia River Fire & Rescue
- Rainier Police Department
- Scappoose Police Department
- Scappoose Rural Fire District
- St. Helens Police Department
- Metro West Ambulance Service
- Mist Birkenfeld Rural Fire Protection Department
- Vernonia Police Department
- Vernonia Fire District

It is also occasionally necessary (usually in an emergency) to communicate with various agencies from outside Columbia County such as those within Washington County, Multnomah County, Portland, and Longview, Washington, as well as the Oregon State Police, the U.S. Coast Guard, and the Oregon Department of Forestry.

These challenges and the recent and historic response from CCOM and its Board, are examined below to provide context and insight into the source and validity of Miller's critique.

Importance of Radio Coverage to First-Responders

Radio coverage problems have been routinely exposed across the country in emergency and national disaster situations. Radio coverage issues have hampered emergency response in everything from terrorist attacks and mass shootings, to hurricanes, earthquakes, and other natural disasters. Columbia County is hardly unique in the challenges presented by providing adequate emergency radio coverage and agencies across the country are attempting to analyze the scope of the problem for the purpose of improving coverage.⁵³

First responders need reliable radio coverage for a variety of reasons, but the most important of those reasons relate to the safety of first responders and the safety of those people whom they tasked with protecting. The communication of, for example, the nature of the medical emergency or a description of a gunman, is critically important to first responders. First responders need to be able to receive information from the dispatcher(s), and from other first-responders responding to, or on scene of the same emergency. They also need to be able to communicate their needs to the dispatcher(s) so that appropriate resources, such as police, fire, or ambulance units, can be distributed as is necessary and appropriate. When first responders can't transmit or receive information by radio, that distribution of resources breaks down. This leads to critical safety failures such as police not receiving information about a dangerous suspect or about a crime in progress in their area, or a responder not being able to request vital medical support for a medical emergency. Radio coverage is impeded primarily through four different means, all of which can interact: (1) poor

⁵³ See, e.g., "Public Safety Radio Coverage: Is Our Safety at Risk?" Grand Jury Report, Santa Barbara, CA, 2016-17, available at <http://www.sbcgj.org/2017/PublicSafetyRadioCoverage.pdf>.

equipment or inadequate technological infrastructure; (2) topography; (3) buildings or other mechanical interference; (4) electronic interference; and (5) capacity.

One of the key concerns for radio coverage is coverage within buildings, especially larger buildings where interference is more likely to be an issue. Active shooter incidents, which are occurring on at least a weekly basis in the U.S. present one critical reason in-building radio coverage is essential for proper emergency response. From interviews conducted with Columbia County first responders, CCOM lacks coverage in large buildings, such as Fred Meyer, and likely the area schools as well.

This concern is not theoretical. As one example, Broward County, Florida experienced two mass shootings in 13 months: 5 people were murdered at the Fort Lauderdale airport in January 2017, and 17 people were murdered at the Parkdale High School in February of 2018. In one or both incidents, the failure of the emergency radio system was a significant factor negatively affecting the ability of first responders to (1) subdue the shooter, contain the situation, and limit the violence; and (2) provide first-aid and emergency medical treatment to the wounded. “Police radios failed during the Parkland shooting. The same thing happened a year earlier during another mass shooting,” by Stephen Hobbs, *Sun Sentinel*, March 9, 2018, available at <http://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-parkland-shooting-police-radios-20180309-story.html>.

As with Columbia County, the Broward County radio system was over 15 years old and consisted of equipment which was past the due date for replacement.⁵⁴ Much of Broward County’s failures arose not necessarily from coverage issues but from a failure to handle the increased capacity of 911 calls during a critical incident, as well as an inability to effectively merge radio traffic from different networks. “Fort Lauderdale-Hollywood International Airport Active Shooter Incident and Post-Event Response, January 6, 2017 After-Action Report,” Broward County Aviation Dep’t, August 15, 2017. The latter problem at least is not present within Columbia County, but it remains to be seen whether CCOM possesses the capability to handle a critical incident.⁵⁵

⁵⁴ “Broward not doing enough to fix police radios if another mass shooting occurs,” by Larry Barszewski, *Sun Sentinel*, May 8, 2018, available at <http://www.sun-sentinel.com/local/broward/fl-florida-school-shooting-broward-police-radio-failures-20180508-story.html>.

⁵⁵ Of course, radio communication issues are hardly limited to Florida. See, e.g., “Tactical Improvisation: After-Action/ Comprehensive Analysis of the Active Shooter Incident Response by the San Bernardino City Fire Department” Strategic Reliability, LLC, multiple authors, p. 103-104 (2018).

Regardless of the source of the failure, however, the inability of first responders to communicate with each other and with dispatch leads to the same outcome. In the case of the Parkdale High School shooting, police were “unable to exchange descriptions of the shooter, his location and the weapon he wielded via a common radio channel.”⁵⁶

The importance of radio coverage in large buildings is not limited to law enforcement. The National Fire Protection Agency (“NFPA”) promulgates national standards with respect to emergency radio communication for the purpose of both protecting fire fighters and assisting fire fighters provide emergency assistance. Oregon law also mandates the provision of certain minimum levels of radio coverage within buildings.⁵⁷ These laws were reportedly enacted after “a lack of adequate radio communications was determined to be a contributing factor in the death of 343 firefighters on September 11, 2001.” Depending on building size and age, these requirements include maintaining minimum signal strength within the building.

Radio coverage in rural areas is also a critical safety concern, though generally for different reasons. The remoteness of much of Columbia County, in combination with a lack of population density, means that law enforcement officers are often isolated with little in the way of backup. Officers generally patrol without a partner and several agencies often only have one officer on duty at a given time. This means agencies have to rely on other agencies to provide backup, which is complicated by the distance between population centers (and associated agencies). The city of Rainier, for example, is roughly 20 miles from the county seat of St. Helens. CCSO is responsible for providing both lead and backup coverage throughout Columbia County, which is an area of nearly 700 square miles. This coverage is further complicated by winding canyon roads, such as Dutch Canyon Road, Scappoose Vernonia Highway, Pittsburg Road, Apiary Road, and others, that magnify isolation through increased response time and incomplete and unreliable radio coverage.

An exhaustive recitation of every emergency incident whose corresponding radio issues resulted in death is beyond the scope of this report. Nevertheless, it may be helpful to consider an example unrelated to buildings and mass shootings and which relates to the potential disaster in responding to forest fires, as might be

⁵⁶ How 911 call system, radio failures hindered police response to Florida school shooting,” by Morgan Winsor, ABC News, March 9, 2018 available at <https://abcnews.go.com/US/911-call-system-radio-failures-hindered-police-response/story?id=53634170>.

⁵⁷ See 2014 Oregon Fire Code (OFC) § 510; 2014 Oregon Structural Specialty Code §§ 403, 907 & 915.

especially relevant to Oregonians. On June 30, 2013, 19 “elite firefighters” burned to death as a direct consequence of, among other factors, inadequate radio performance.⁵⁸ These radio problems included “dead spots” where no radio communication was possible, as well as inadequate programming, which contributed to poor communication.⁵⁹ An air tanker with flame retardant waited overhead awaiting an update on the firefighter’s location, which never arrived. While a constellation of factors led to this tragedy, poor radio performance was an avoidable contributor.

Local, Columbia County examples include the emergency response to a head-on collision in the Vernonia area where “[r]adio transmission were [sic] horrible and could barley [sic] get information back and forth.”⁶⁰

As one chief of police in Columbia County puts it, “our lifeline is our radios and telling dispatch where we’re at. Things go bad sometimes pretty fast and not being able to get help creates significant safety concerns.”⁶¹ Or as a former CCOM dispatcher put it, “you can’t keep them safe if you can’t communicate with them.”⁶²

Opinions of First Responders in Columbia County

A number of current and former first responders and dispatchers within Columbia County were interviewed for this report, and they offered their experiences with respect to radio coverage, which are summarized here.

Andy Moyer, former Undersheriff for CCSO, described a pattern of radio coverage problems that persisted over the years.⁶³ Moyer frequently attended CCOM meetings to ensure that CCSO was kept in the loop as to what steps were being taken to improve the coverage issues. Moyer also made sure to attend the October 27th, 2016 CCOM meeting to provide a letter of support for Miller and the Radio Project on behalf of CCSO.⁶⁴ CCSO had significant investments in the radio project in terms of

⁵⁸ Fonseca, Felicia and Blood, Michael, “Radio problems cited in deaths of 19 Yarnell Hill firefighters,” Sept. 13, 2013, Associated Press, available at <https://www.firerescue1.com/fire-products/communications/p25radios/articles/1574653-Radio-problems-cited-in-deaths-of-19-Yarnell-Hill-firefighters/>

⁵⁹ “Yarnell Hill Fire: Serious Accident Investigation Report,” September 13, 2013, available at https://wildfiretoday.com/documents/Yarnell_Hill_Fire_report.pdf.

⁶⁰ Email from Alex Edinger to Steve Watson, [REDACTED] October 7, 2015.

⁶¹ Interview with Conner, Mike, July 24, 2018.

⁶² Interview with Orr, Kathy, June 21, 2018.

⁶³ Interview with Moyer, Andy, October 10, 2018.

⁶⁴ Interview with Moyer, Andy, October 10, 2018; records of the Board associated with the October 27, 2016 meeting, produced pursuant to public records request.

time and resources and hoped that a letter from the agency might be persuasive to the Board.⁶⁵ Previously, Moyer recalls that frequent criticism of both radio coverage and dispatch performance led to a withdrawal of support of the dispatcher union for Dickerson’s bid for reelection.

Moyer states that radio coverage has “always been an issue,” and that CCOM’s efforts to improve the coverage were either ineffectual or would improve coverage in one area only to hurt coverage in another area. Moyer believes that Watson was “in over his head,” and that the staff at Day Wireless lacked either the ability or dedication to provide necessary improvements. Moyer remembers hearing an officer call over the radio, “I’m going into Fred Meyer now, so if you can’t reach me, call me on my cell.”⁶⁶

One former dispatcher, Cassie Barroso, arrived at CCOM in 2011 after 7 years working as a dispatcher in rural northeastern Washington for two other agencies.⁶⁷ She did not recall having any coverage issues in her previous positions. When asked about radio coverage, Barroso said, “Doesn’t compare, not even close. We were more rural than St. Helens and we had absolutely no issues with our radios.”⁶⁸

Barroso states that there is “always a concern with radio issues, because any delay with respect to a police officer could change the situation big time. If returns aren’t prompt, it could be a safety issue for the officer if we can’t get that information to them.” As an example, Barroso describes a delay in returning to an officer information about an outstanding warrant, which could potentially put the officer at risk. In addition, if the officer has trouble reaching dispatch for any reason, such as needing assistance or needing medical treatment, that could also be a safety issue.

Barroso recalls many end-users in Columbia County raising the issue of dead spots in the radio coverage and that it “was always a big thing. You have to go where the calls are, but if there’s a dead spot, that’s going to be a concern in going in there.” According to Barroso, standard procedure requires dispatchers to call status checks on the officers at regular intervals. If an officer doesn’t respond to the first status check, the dispatcher will wait until the second interval. If the officer does not respond to the second status check, dispatch should send other officers to respond.

⁶⁵ Interview with Moyer, Andy, October 10, 2018.

⁶⁶ Interview with Moyer, Andy, October 10, 2018.

⁶⁷ Interview with Barroso, Cassandra, September 21, 2018.

⁶⁸ The differences in coverage could arise from any number of reasons, including management, proximity to urban centers and increased interference, geography, and budget. It is far beyond the scope of this investigation to determine why Okanagan County has better radio coverage than Columbia County.

Obviously, if an officer can't call out, this can lead to a breakdown of SOP and potential safety issues.

Apparently, first responders were used to radio coverage issues and had different workarounds to try to adapt to the scenario. For example, officers would call the telephone number for CCOM (not 911) on their cellphone to let dispatch know that they would be entering a dead spot. Of course, there are many areas where cell service is also lacking or nonexistent.

Another former dispatcher who worked for CCOM in 2016 recalled many complaints from end users.⁶⁹ She also recalls that the proposed solution was always either to wait for the new CAD system or to "talk to [Miller]."⁷⁰ She also recalls the Vernonia area having notoriously poor coverage.

Former Executive Director of CCOM Rick Whitehead recalls that part of the reason he was hired in late 2010 was because the system was antiquated. Whitehead had 25 years prior experience working in law enforcement in Texas and described what he means by "antiquated." He states that the county where he had worked had converted to digital radio where everyone was on the same system and the same CAD. He describes everyone in the county seat as being on the same system, even the buses, so that everyone could communicate. He believed part of the reason he was hired was to help CCOM upgrade and "become part of the digital push with the federal government." As described elsewhere, this did not come to fruition. Once he was hired, however, there was constant pushback to even minor upgrades. Whitehead recalls there being coverage in most building, but states he couldn't "swear to that."

A former CCSO deputy, Dave Brown, described complaints about radio coverage as "endemic," especially coverage with respect to portable radios.⁷¹ He further stated that is no coverage at the court house and "it's a big deal and I brought it up repeatedly." He recounts an incident in which a court clerk had a medical emergency. He was not able to radio for assistance due to the lack of coverage. He states that he went to the county commissioners with Judge Grant to talk about it and "where it's gone from there, I don't know. I believe there's emails from me to Tony Weaver talking about it." Brown states that the easy fix is just to put a repeater in the building and that it would only cost a few thousand dollars.

⁶⁹ Interview with Orr, Kathie, June 21, 2018.

⁷⁰ It is not clear to this interviewer how any new CAD (computer software program) would improve radio coverage.

⁷¹ Interview with Brown, Dave, June 7, 2018.

Former Lt. Hald also describes coverage complaints from other CCSO deputies as “daily.”⁷² Hald states that it is “definitely a safety concern when someone can’t talk on the radio,” and recalls not being able to do so in large buildings within the county.

Former reserve Deputy Kellie Smith states that coverage problems were “nightly” and that “any time we went out, as soon as I crossed over to the south side of town, in the hills, I would not be able to get coverage.”

This lack of coverage “greatly affected” her ability to perform her duties safely. She states that “many times, I just turned my radio off and relied on the other person who was with me.” Smith never had problems with the radio in the patrol vehicle, only with the handheld radios. Smith was always the backup deputy, never the lead, which meant that she was not generally responsible for being the point of contact to dispatch while on scene.

The chief of the Vernonia Police Department described radio coverage within his jurisdiction as “string a wire and hope it gets there.” When asked to provide more detail, he stated that coverage as “pretty good so long as you’re in the city, but you get four or five miles out and it’s spotty.” Coverage is adequate for about ten miles south towards 26 and then “it’s real spotty all the way up the 26 corridor, mostly just static. Going further into Columbia County and it’s not too bad, a few very good dead spots. You can usually get out on mobile, but not portables.”

Chief of the Scappoose Rural Fire District Mike Greisen describes coverage as much better with the “new” system, which was put into place in approximately 2002.⁷³ Nevertheless, coverage with handhelds continued to be a problem and despite numerous complaints from SRFD to CCOM, “nothing was done.” SRFD finally purchased seven or eight repeaters for vehicles, and that appears to have mostly solved the problem. On the other hand, his email to Miller states that he no longer keeps a log of problem areas, because he “gave up on it years ago.”⁷⁴

Former Chief of the Scappoose Police Department Doug Greisen also describes the system as “improved,” “but there are a lot of dead spots that we knew about.” He also confirms there was no coverage in the courthouse or in the Fred Meyer. He states, “when we were on our backup frequency [designed and built by Miller], I could be in Corbett and talk to Scappoose but I couldn’t do it on my primary through CCOM.”

He recalls that “on major callouts, airplane crashes, you might not have radio coverage. Dutch Canyon Road was terrible.” Greisen remembers these problems

⁷² Interview with Hald, Dustin, May 17, 2018.

⁷³ Interview with Greisen, Mike, July 9, 2018.

⁷⁴ Email from Chief Mike Greisen to Tyler Miller, May 16, 2016.

being raised at quarterly meetings, but nothing was ever done, because of “typical BS answers, takes time, money, etc.”

Chief of the city of Columbia Police Department describes CCOM as follows: “they provide us our radio communications needs. They probably have their own internal and external issues, but they have always provided services to our agency in an acceptable manner. Not everything is perfect, but they’ve been acceptable.”⁷⁵ He does, however, mention the relocation of a key tower which substantially and negatively affected radio coverage within his jurisdiction – an incident mentioned by several people, all of whom described it as happening without warning or analysis.⁷⁶

A sergeant with the Rainier Police Department describes radio coverage as follows: “I would say it’s pretty good for the most part. We have areas in downtown that they don’t work. In an emergency situation, pretty good is not good enough. I haven’t seen any improvement over the last several years.”⁷⁷

One member of Oregon State Police believes coverage is adequate and that it is actually better than the coverage provided by his own dispatch (based in Salem).⁷⁸

A St. Helens police officer describes coverage issues as existing in “old town” St. Helens, and at the court house, in addition to there being no coverage in the Fred Meyer.⁷⁹ He states that there is now coverage in the Walmart, which didn’t used to be the case, and he is not sure what changed.

He also recalls a specific incident in which the lack of radio coverage seriously compromised the safety of an officer. Officer Thompson recollects an incident with now Sgt. Eustice where he “got in a fight on 4th and Columbia and we couldn’t hear him. Luckily we knew where he was. My understanding is that he was out with a male there and went hands on to take him into custody and he fought with him. Whatever came on the radio, they couldn’t understand what was said, but everything worked out. I think guys knew where he was. If nobody was paying attention that would have been a problem obviously.”

⁷⁵ Interview with McGlothin, Michael, July 25, 2018.

⁷⁶ Interview with McGlothin, Michael, July 25, 2018; interview with Moyer, Andy, October 10, 2018; interview with Miller, Tyler, October 2, 2018; interview with Greisen, Mike, July 9, 2018.

⁷⁷ Interview with Murphy, Ryan, July 10, 2018.

⁷⁸ Interview with Shimer, Adam, July 12, 2018.

⁷⁹ Interview with Thompson, Brent, July 12, 2018.

Evaluation of Radio Coverage Within Columbia County

Reports commissioned by CCOM also document issues with the radio system. For example, one report states that “[i]n response to the many concerns brought up by users and partners, [CCOM] needs to make improvements to our public safety radio communications system.”⁸⁰ This same report also claims that “the current radio system setup provides approximately *less than 70% coverage*.”⁸¹ Compare this to the National Association of State Emergency Medical Services Directors, which recommends that “radio coverage reliability should be at least 90 percent.”⁸² A few additional illustrative examples:

- In the Clatskanie area, “[f]requently, users on a portable radio do not come across clearly to dispatch. The transmission is distorted, has static, and in some cases, what user is saying is unreadable.”⁸³
- No reception at Scaponia Park (0 on a scale of 0 – 10).⁸⁴
- No formalized preventative maintenance program.⁸⁵

More recently, CCOM is contemplating replacing its entire radio system. One of the proposals presented by Motorola was to stay with the current VHF band, but Motorola had not performed the frequency work necessary to ensure the success of such a project, and in fact, even with the frequency work completed, Motorola unwilling to guarantee the coverage of its proposed replacement system if CCOM elects to stay with VHF due to the unpredictability of future interference, especially as compared to a 700/800 band system.⁸⁶ Time will tell if CCOM elects to move forward with ‘new’ technology which Motorola would guarantee due to the more regulated (and thus predictable) 700/800 frequency bands, or if CCOM will instead opt to continue with patchwork solutions to an antiquated and failing system.

⁸⁰ Pisgah Home Radio Site Report, May 24, 2016

⁸¹ Pisgah Home Radio Site Report, May 24, 2016 (emphasis added).

⁸² The National Association of State Emergency Medical Services Directors, “Planning Emergency Medical Communications: State Level Planning Guide, Volume One,” available at http://www.nasemso.org/NewsAndPublications/News/documents/NASEMSD_VOLUME1.pdf.

⁸³ “Project Summary: Haven Acres Receiver Site,” by Steve Watson, September 9, 2015.

⁸⁴ “Site test results,” Buck Mountain (Pisgah Home Rd.), August 20, 2015.

⁸⁵ Advisory Board Meeting, Minutes, September 24, 2015.

⁸⁶ Presentation by Motorola in Columbia County, October 5, 2018, audio recording produced pursuant to public records request.

The Position of the Board of Directors for CCOM

The Board has shown at least some interest in improving radio coverage within Columbia County – otherwise it is unlikely that the Radio Project would exist in any form. The Board has also committed a not insignificant portion of its budget to the Radio Project and related improvements. When working for CCOM as technical manager, Watson is on the record stating, “there's a lot of work to be done on the radio system with regard to what we have for sites and equipment.” Minutes of the Quarterly Advisory Board, July 28, 2016.

That said, although there is acknowledgement of some agency shortcomings, comments made by former executive directors of the Board, as relayed by Blitz in his report, certainly appear sensitive to any criticism of the services provided by CCOM. It also does not appear from Blitz’s report that he had any interest in whether Miller’s critique was accurate. Blitz did not express any interest in why these public officials were so hostile to the source of criticism, especially as some amount of criticism would seem so to come with the territory in acting as a public official. Nor did the directors appear to allege to Blitz that any of the criticism was personal or otherwise inappropriate.

Although the Board has taken steps to demonstrate interest in improving radio coverage, which necessarily implies that the radio network has deficiencies, there do appear to be discrepancies in the extent to which Board members take those deficiencies seriously. Connie Budge, a member of the Board in 2014, for example, went on a ride-a-long with Deputy Goodwin and relayed her experience to the rest of the Board at the Board meeting of November of 2014. She found that “the availability and quality of radio coverage was unpredictable” and that this was especially true in the more rural areas.⁸⁷ In fact, Budge suggested that this lack of coverage “may be starting to erode confidence in our system both with the 9-1-1 dispatchers and our users.” She further questioned the efficacy of the pagers, the lifespan of MDTs and whether they needed to be replaced, and also stated that it was probably time to add another frequency to increase capability of transmitting and receiving through CCOM.⁸⁸

Watson implied that the criticism leveled at CCOM and its radio coverage did not originate simply from Miller when he noted in a September, 2015 meeting that “There has been some criticism from some of our field users because they're not seeing

⁸⁷ Board Meeting Minutes, November 20, 2014.

⁸⁸ Board Meeting Minutes, November 20, 2014.

the dramatic results and improvements that they want.”⁸⁹ This statement also implies that the system suffers from some significant issues – “dramatic results and improvement” would not be possible if the system were already effective.

At one meeting, Heimuller alleged that the coverage was “20 times better” than it used to be while implying that the wishes of end-users are unrealistic and that coverage would never be 100%.⁹⁰ Moyer, undersheriff at CCSO at the time, who was there to emphasize the importance of these radio coverage issues to CCSO, stated that nobody expected 100%, but that “69% is not acceptable.”⁹¹ Heimuller’s response was to suggest that end users should do a ride along with “the Navajo tribal police if they want to see real coverage problems.”⁹² Heimuller did not explain this comment nor address Moyer’s assertion that “69% is not acceptable.”⁹³

This exchange appears illustrative of the disconnect between the Board’s opinion and the opinion of the end-users. It is the distinction between those who are responsible for allocating the funds to improve radio coverage, and the attitude of those who depend on radio coverage for their personal safety as well as those they protect. It is likely that neither group deeply understands the issues or obstacles facing the other.

Columbia County Department of Emergency Management

I also spoke with Vincent Aarts, a former deputy director of the Columbia County Department of Emergency Management, which is the county agency responsible for providing “an effective county-wide emergency management program to minimize the loss of life, property, and resources resulting from major emergencies and disasters.”⁹⁴ He professed to having no knowledge or opinion regarding the reliability of emergency radio coverage within Columbia County and specifically denied that this would be within the purview of his office. He stated that radio coverage was “not inside our portfolio of our tasks.”⁹⁵ He stated further that it would

⁸⁹ Advisory Board Minutes, September 24, 2015.

⁹⁰ Audio of Board Workshop Meeting, December 22, 2016.

⁹¹ Audio of Board Workshop Meeting, December 22, 2016.

⁹² It is worth noting that Barroso arrived at CCOM after working for tribal police (not Navajo), and considered the coverage on the reservation to be far superior to that of Columbia County. Barroso Interview, September 21, 2018.

⁹³ Audio of Board Workshop Meeting, December 22, 2016.

⁹⁴ <http://www.co.columbia.or.us/departments/emergency-management-main>.

⁹⁵ Interview with Aarts, Vincent, July 11, 2018.

be “inappropriate for emergency management to involve itself inside that work, because it is exclusively within the domain of Columbia 911.”

Nevertheless, the agency was in the process of developing a network of amateur radio operators to create a backup background communications network for use if the main network should go down. Aarts did not seem aware of any dissonance in his agency attempting to develop a backup radio system should the main system fail, but having no involvement or interest in ensuring the main radio system was adequate. It would seem that assessing the capabilities of the primary radio system would be necessary in order to fully evaluate how to successfully implement a backup system. Knowing the strengths and weaknesses of the primary system, such as dead spots, for example, might help plan for an emergency response to primary failure. In any event, it was clear that the agency had no interest or oversight with respect to CCOM.

TRAINING, RETENTION, AND WORK ENVIRONMENT AT CCOM

Retention

CCOM has perhaps never been fully staffed. A review of minutes from dozens of Board meetings provides documentation for the inability of CCOM to reach, let alone, maintain, full staffing. There are many possible reasons for this difficulty, including inadequate pay for a stressful and demanding job, as well as a limited applicant pool, because of the rural nature of the area.

It may also be a failure of management. The Board, Heimuller in particular, certainly considered full-staffing to be a major element of the evaluation of Watson's performance, and one in which he had failed to meet expectations at the time of his departure, although the problem certainly didn't begin or end with Watson's abbreviated term as Executive Director.⁹⁶

Training

I spoke with several former CCOM dispatchers about the training they received, as well as a former CCOM executive director.⁹⁷ Cassie Barroso, an experienced dispatcher from another community was trained in 2011, when, Rick Whitehead was the Executive Director.

Whitehead describes the training program when he arrived as in "huge disarray and had no structure." This is consistent with Barroso's description (below). Whitehead also stated that in the four and a half years prior to his arrival that CCOM had failed to retain even one trainee, and that everyone was terminated prior to finishing probation because they were not progressing sufficiently. Their lack of progress was attributable, in Whitehead's estimation, to the lack of structure within training program. Whitehead also described his attempts to revamp the program and how others within CCOM, both at the dispatch level and in management, undermined his efforts and he was ultimately forced out as described elsewhere herein.

While Whitehead made little progress in his efforts, the training program was nevertheless reportedly revamped in order to facilitate the retention of new hires and

⁹⁶ Minutes of Board Workshop, December 22, 2018.

⁹⁷ Interview with Barroso, Cassandra, September 21, 2018; Interview with Orr, Kathie, June 21, 2018.

CCOM received a state-wide award for the new training program.⁹⁸ Despite the reputed revamping of the training program, both trainees described several consistent features, which were also similar to what Whitehead described:

- No consistency in the training.
 - Both trainees I interviewed reported receiving different instructions from different instructors. Both trainees reported attempting to perform a duty how they had been trained on Monday, but being told on Tuesday by a new trainer that they were doing it wrong.
- Limited written standard operating procedures.
 - The trainees reported very few written protocols for how to respond to different types of calls.
 - This in turn likely led to the inconsistency in training as described above.
 - This is also consistent with comments from some of the end users.
- No responsiveness to the needs of the trainee.
 - Both trainees reported that they felt, near the end of the 6-month training period, that they each had a (different) area in which they felt they could use more training and practice before becoming a solo dispatcher.
 - Both trainees asked for that additional help and no additional help was provided.
 - Both trainees were then terminated at the conclusion of their training period.
- An unprofessional work environment.
 - Both trainees described the environment as hostile and cliquish, something akin to the movie “Mean Girls.”⁹⁹ Whitehead also described CCOM as being “very cliquish” in comparison to other dispatch centers.

⁹⁸ Board Meeting Minutes, October 25, 2016. It is not clear what the basis for the award was or if the training program had, at the time it received the award, actually trained even a single dispatcher to completion.

⁹⁹ Whitehead believed the experienced dispatchers did not want to give up their overtime (and the big salary bump) and this is why they were opposed to revamping the training program – the behavior described here would be consistent with Whitehead’s description.

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- Rude and unprofessional attitudes, tones, and words used with both end users and callers. Barroso said this never would have been tolerated at her previous employers. This is also consistent with comments from some of the end users.
 - Both trainees described dispatchers as playing with their phones, watching movies on laptops, taking personal calls, among other things, all while on duty. Barroso said this never would have been tolerated at her previous employers.

Conclusions

The implications of not having sufficient standard operating procedures or standardized training are similar to the implications of having poor radio coverage, as discussed elsewhere herein. Receiving bad information or incomplete information can be just as harmful as receiving no information (as when there is no radio coverage). Numerous people I interviewed discussed how receiving improper or inaccurate information from dispatchers can lead to issues with respect to officer safety.

This can include, for example, not receiving premise history, such as when an officer responds to a particular residence and is not given call history for that address, such as prior domestic violence calls or prior calls relating to firearm threats. It can also include not being told that the driver of a vehicle has outstanding warrants.

If, as it appears, CCOM does not have a standardized method for training dispatchers to answer calls, what information to collect from callers in what order, and what facts to disclose as standard protocol to officers, then officers will receive different information depending on which particular dispatcher happens to answer the call, what dispatcher then dispatches the call, and the quality and caliber of the information received by the officer will also vary – which appears to have been the case.¹⁰⁰ Several individuals with experience with other dispatch centers, such as Multnomah County and Washington County, described the differences as substantial.¹⁰¹ For example, when asked to compare CCOM to other dispatch centers, former chief of the Scappoose Police Department Doug Greisen stated that Washington County “is a 10 and CCOM is below a 5,” and that “when you would refer

¹⁰⁰ See, e.g., interview with Moyer, Andy, October 10, 2018.

¹⁰¹ See, e.g., interview with Moyer, Andy, October 10, 2018; interview with Greisen, Doug, June 7, 2018.

to other dispatch centers, they were all superior”).¹⁰² Even other rural dispatch centers had more standardized procedures and protocols and correspondingly superior and consistent performance.¹⁰³ The historically unstructured and haphazard training, low retention, and the lack of standardized protocols, all add up to unpredictable performance and potentially dangerous outcomes – especially when combined with the radio coverage issues.

¹⁰² Interview with Greisen, Doug, June 7, 2018.

¹⁰³ Interview with Barroso, Cassandra, September 21, 2018.

MILLER'S SUSPENSION AND TERMINATION FROM CCSO

Miller was suspended and subsequently terminated from CCSO based on the purported “findings” of the Clackamas County Deputy District Attorney Censoni.¹⁰⁴ These purported “findings” were not findings, however. Censoni relayed what might have been the state’s evidence had the matter proceeded to trial. Censoni never called it credible or persuasive. From a legal analysis standpoint, his point was that if this were the state’s evidence, he had no reasonable probability of conviction. What Dickerson is ultimately relying upon are the conclusions of Blitz, which were, essentially, just Watson’s allegations made as part of his pattern of deceit during the Reeves investigation.

Sheriff Dickerson’s former undersheriff, Andy Moyer, is unaware why Dickerson took action against Miller as he did.¹⁰⁵ Dickerson did so without the benefit of speaking with Miller, without the benefit of any kind of internal employment investigation, and without review of the OSP investigation. Which public records show Dickerson did not request until after he had already terminated Miller. It is not the usual or recommended practice according to Moyer who has years of employment law related experience as a management-level law enforcement officer.¹⁰⁶ Dickerson’s concerns that Miller was somehow sexually exploiting Moyer have already been relayed through the OSP reports. Moyer also recalls Dickerson asking him on two separate occasions whether he and Miller were involved in a sexual relationship, which Moyer adamantly denies, as does Miller, and nowhere in the reports or in my interviews is there any evidence of a sexual or inappropriate relationship.

Moyer believes the only reason the issue is raised is because of so-called “special treatment,” in the form of better or newer equipment that Miller received. This equipment, however, had a purpose, such as providing Miller with a newer MDT so that he could program the radios, or was similar to “rewards” given to other reserve deputies who had made significant contributions to CCSO, such as the uniform Miller (and other reserve deputies) received.

Moreover, all of these equipment distributions were discussed with command staff, including Dickerson, prior to their dispersal. Everyone who needed to know about it happening, knew about the reason, and signed off on it. Yet somehow, years

¹⁰⁴ Letter to Tyler Miller from Lieutenant Jon Kinsel, August 21, 2018 (“Revocation of Volunteer Status”).

¹⁰⁵ Interview with Moyer, Andy, October 11, 2018.

¹⁰⁶ Interview with Moyer, Andy, October 11, 2018.

later, it apparently became for Dickerson a reason to suspect Miller of the sexual exploitation of his undersheriff.

Former Lt. Hald described Dickerson asking him to write a memorandum critical of Miller. Hald said Dickerson made implied threats about reassigning Hald to a different rotation should Hald not cooperate, but Hald refused.¹⁰⁷ Hald was then reassigned to a less desirable assignment. Dickerson also made allegations to Columbia County IT's Department about whether Miller had taken or withheld keys needed for accessing secure computers requiring two factor authentication.¹⁰⁸ In fact, months earlier, Miller had previously sat down with the County's IT Department personnel to ensure that the County had complete access to the computers in question. Meanwhile, Moyer had always been in possession of the keys, but was never asked.¹⁰⁹ It is also reported during this time period that Lt. Salle recommended that another agency not use Miller's software.¹¹⁰ This is consistent with Miller's records that an agency declined to move forward with a contract in this same time period.

During Miller's suspension, Miller attempted to reach out to Dickerson to present his story, but Dickerson ignored those efforts. Those efforts are documented in email. Without speaking to Miller, without reviewing the OSP investigation, and without apparently conducting any internal investigation beyond asking Moyer baseless questions which Moyer denied,¹¹¹ Dickerson suspended and subsequently terminated Miller. Within minutes after being suspended from the sheriff's office on April 21, 2017, Miller received a call from the Spotlight Newspaper asking whether he was under criminal investigation.¹¹² Traffic and criminal cases in which Miller was a key witness were also dismissed in the wake of the suspension and termination.¹¹³ Ultimately, of course, no charges were ever filed, and CCSO continues to utilize Miller's software.

¹⁰⁷ Interview with Hald, Dustin, May 17, 2018.

¹⁰⁸ Various emails from Jeff Dickerson to Holly Miller, produced pursuant to a public records request.

¹⁰⁹ Interview with Miller, Tyler, October 2, 2018; interview with Andy Moyer, October 10, 2018.

¹¹⁰ Interview with Greisen, Doug, June 7, 2018.

¹¹¹ As described elsewhere, Moyer recalls around this period of time that Dickerson asked Moyer if he had a sexual relationship with Miller, which he denied.

¹¹² The responsible reporter and editor declined to respond to my request to speak about who provided them with a copy of the Bullard Law Reports.

¹¹³ Email from Brandon Riffel to Brook McDowell, May 15, 2017.

CONCLUSION

Tyler Miller disclosed true information that Steve Watson had engaged in a pattern of sexual harassment of his subordinate employee. CCOM's commissioned investigation by Bullard Law confirmed the veracity of Miller's disclosure, further determined that Watson had engaged in a historical pattern of similar sexually harassing behavior, had also lied and deceived the Board and presented a Tier 1 *Brady* risk, and determined that Miller's motivations in disclosing this misconduct were irrelevant to CCOM. Miller is never accused of providing any untruthful information, in fact, the Reeves investigation supported all of Miller's disclosures.

CCOM then commissioned a further report into Miller's "irrelevant" motivations in disclosing the misconduct – at a cost of nearly \$40,000 – and also referred the matter to the Oregon State Police. Sheriff Dickerson joined in the referral, based on his completely speculative notion that Miller might be engaging in an illicit, homosexual relationship with Dickerson's second-in-command.

The Oregon State Police then conducted a six-month long investigation into these allegations, without speaking to any of Miller's supervisors or other colleagues who enthusiastically supported his work, and which ultimately resulted in the decision by the Clackamas County District Attorney's Office to (1) declined to file any criminal charges; and (2) declined to request any additional investigation.

In the meantime, the media ran articles about the on-going and confidential criminal investigation – Miller was featured on the front page, above the fold, in newspaper, on at least three occasion and electronic versions of news articles were posted online in Facebook community groups with 16,000+ members – Miller was suspended and terminated from CCSO, and Miller lost contracts with his business, and lost an election to the Board of Directors for CCOM.

What this investigation finds is that (1) there is no basis for believing that Miller attempted to coerce Steve Watson or otherwise violated CCOM or CCSO policy; (2) CCOM has a long history of dysfunctional management more concerned with self-preservation than in self-improvement; (3) Miller's criticism of CCOM's mismanagement appears both correct and the reason he became a target of the Board; (4) mismanagement of CCOM, with respect to both its hiring and training practices, as well as its purported efforts to maintain and improve the technological infrastructure of the radio system, has resulted in significant operational defects which threaten the safety of citizens and first responders in Columbia County.

To paraphrase what former CCOM Executive Director Rick Whitehead said in his interview, “while CCOM leadership stated they wanted to move into the future, in fact they wanted the status quo and did not want any independent thinking.” In the end, the Board’s dedication to a dysfunctional and dangerous status quo seems to have led the Board to focus its resources on attacking and attempting to discredit the messenger, rather than on improving its provision of vital emergency services to the Columbia County community – which based on my review of the available evidence is all Tyler Miller has ever worked for.

~ *End of Part II* ~