

Pending Committee Review

Department of Public Safety Standards and Training Memo

Date: May 20, 2021

To: Police Policy Committee

From: Melissa Lang, Professional Standards Case Manager

Subject: Tony (Poitras) Reeves, DPSST No. 44804

Reason for Discretionary Review

On 6/16/2020, Tony Reeves was terminated from his position with the West Linn Police Department (WLPD) following an internal investigation resulting from a determination made by the Clackamas County District Attorney (CCDA) to exclude Reeves from being called as a witness in any criminal case (commonly known as a Brady determination).

The CCDA completed a Brady v. Maryland Review on 5/29/20, after becoming aware of the settlement of a civil lawsuit filed by a man Reeves had arrested in 2017. The CCDA found sufficient evidence to show that Reeves:

- Failed to Preserve Exculpatory Evidence
- Unlawfully Recorded Without Consent
- Improperly Seized and Disclosure of Confidential Attorney-Client Information
- Failed to Disclose Exculpatory/Impeachment Evidence.

Staff determined that Reeves' conduct that led to his termination, and his untruthfulness during subsequent litigation violates the Board's moral fitness standards.

Material Events and Conduct

In 2017, at the direction of his Chief, Reeves met with the owner of a towing company regarding a theft. The owner alleged that his employee was embezzling money from the company by collecting larger sums of money from the purchase of the vehicles than what he recorded as the sale price of vehicles auctioned off by the company, pocketing the difference.

Reeves attended an auction at the towing company that was being managed by the employee. Reeves and the owner surveilled the auction through an app and that enabled them to record the auction without the attendees or the employee's knowledge.

Prior to, during, and after the arrest, Reeves was communicating with the company owner via text messages. Contained in those messages (which were deleted by Reeves) were racial epithets, slurs, derogatory and otherwise offensive messages that

demonstrate the company owner's motives to fabricate information due to his racial bias.

Following the auction, Reeves arrested the employee and searched his vehicle for evidence. During the search, Reeves found a letter the employee was drafting with his attorney related to a racial discrimination complaint against the owner. Reeves inappropriately shared this information with the business owner.

When filing his report with the Multnomah County District Attorney's Office, Reeves intentionally excluded pertinent pieces of exculpatory/impeachment evidence from his report, to include the fact that the business owner was a personal friend of the WLPD Police Chief, Reeves' knowledge that the business owner was fearful of a racial discrimination lawsuit, the business owner's use of racial slurs/epithets, failure to include information about the surveillance of the auction and destruction of notes relating to the auction.

During Reeves' interview with WLPD investigators he gave conflicting statements to those he provided in depositions for the civil lawsuit from the man he arrested.

During the WLPD investigation:

- When asked if he gave a copy of legal paperwork found during an arrest to someone else, Reeves stated that he was told to send a copy of the letter by his superior and that he sent it via fax.
- When asked why Reeves deleted text messages, Reeves indicated that he believed the text messages were not pertinent to the case he was investigating.
- Reeves indicated he was not aware the owner was unlawfully recording the employee.

During his deposition for the civil lawsuit:

- Reeves stated that he did not believe he gave a copy of the paperwork to anyone. (A6 – 271-272)
 - During his deposition Reeves stated that he deleted the text messages because the case was over and that he had no idea when he deleted the text messages.
 - Reeves admitted he knew the conversation was being audio recorded and he knew that it would be unlawful to do so without the employee's knowledge.
-

Relevant Circumstances for Consideration

Reeves obtained Basic, Intermediate and Advanced Police certifications.

Reeves was employed as a police officer for approximately 15 years.

Exhibits Reference

DPSST Employee Profile Report

A1

F4s Personnel Action Separation Form	A2
WLPD Termination Letter	A3
CCDA Brady Determination Report	A4
WLPD Police Reports and Supplemental	A5
Civil Deposition of Tony Reeves	A6
Portland Police Bureau Investigation and Determination	A7
Letter from Tony Reeves	A8

Committee Member Instructions:

Committee members shall review and discuss each record for moral fitness violations as defined by rule, including aggravating and mitigating circumstances and, upon adoption of the record, make a recommendation to the Board of *action* or *no action*.

By discussion, motion, and vote, the committee members shall take the following action(s):

- Following discussion, adopt the record or return to staff with instructions regarding the record.
- If the record is adopted, make a recommendation to the Board of action or no action.
- If board action is recommended, recommend the period of ineligibility.

Definitions and Standards (Abridged):

Moral Fitness Violations:

- Dishonesty - intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth
- Misuse of Authority - intentional conduct that includes the use or attempted use of one's position or authority as a public safety professional to obtain a benefit, avoid a detriment or harm another
- Misconduct - conduct that violates criminal laws or conduct that threatens or harms persons, property or the efficient operations of any agency.

Aggravating and Mitigating Circumstances:

Aggravating and mitigating circumstances are conditions, factors, or actions that increase or decrease the total impact that the identified moral fitness violation has on the public safety professional's fitness for certification.

Aggravating circumstances generally increase the severity of the impact the moral fitness violation has on fitness for certification and may, in addition to the moral fitness violation, be grounds to deny or revoke certification. Aggravating circumstances may increase the recommended ineligibility period. Circumstances that may be considered aggravating include, but are not limited to, the degree of the criminal disposition, prior criminal dispositions or misconduct, lack of accountability, number of persons involved in the underlying conduct, number of separate incidents, passage of time from date of incident or incidents, or any other circumstance the Department or the Policy Committee consider aggravating given the specific issues in the case.

Mitigating circumstances do not excuse or justify the conduct, but generally decrease the severity of the impact the moral fitness violation has on fitness for certification and may decrease the recommended ineligibility period or result in no action. Circumstances that may be considered mitigating include, but are not limited to, written letters of support, truthfulness, cooperation during the incident or investigation, or any other circumstance the Department or the Policy Committee consider mitigating given the specific issues in the case.

Ineligibility Periods:

The *ineligibility period* is the time that the public safety professional or applicant is ineligible to hold a DPSST certification or to apply for training or certification, based upon the moral fitness violation(s) and the aggravating and mitigating circumstances. If Board action is recommended, a single ineligibility period of three years to life, inclusive and concurrent of all violations, shall be recommended.

- *Misuse of Authority and/or Misconduct.* If the committee recommends Board action for Misuse of Authority or Misconduct, the committee must recommend an ineligibility period of three to ten years.
- *Dishonesty.* If the committee recommends Board action for Dishonesty, the committee must recommend an ineligibility period of three to ten years but may increase it to life.