

From: LANE Bob <bob.lane@lanecountyor.gov>
Sent: Monday, January 23, 2023 10:15 AM
To: ryleigh@chronicle1909.com
Cc: PERSHERN Angela M <angela.pershern@lanecountyor.gov>
Subject: FW: Public Records Appeal

Ms. Norgrove,

Below is the response from the City of Cottage Grove. The City indicates that there are no records that are responsive to you request. Therefore, the District Attorney is denying the appeal as moot.

If you decide to make a new request to the City, and if that request is denied, you may again appeal the denial. At this time, we are not ruling on the merits of the City's claimed exemptions to disclosure.

Robert D. Lane
Deputy District Attorney
541-682-4075

From: Richard Meyers <citymanager@cottagegrove.org>
Sent: Friday, January 20, 2023 5:12 PM
To: LANE Bob <bob.lane@lanecountyor.gov>
Subject: Re: Public Records Appeal

[EXTERNAL △]

Robert Lane:

Thank you for handling this appeal. The request from Ryleigh Norgrove was for:

“ . . . the contents of the internal investigation into the conduct of former Cottage Grove police Chief Scott Shepard and Captain Conrad Gagner which resulted in the pair being put on administrative leave in June 2022.” (emphasis added.)

Per your voicemail direction to our City Attorney, Carrie Connelly, the City is confirming in writing that there are no responsive records to this request. No internal investigation had been conducted prior to the two identified individuals being placed on non-disciplinary paid administrative leave. That leave began on July 29, 2022. No investigative report had been commenced by that date. Therefore, the City has no records responsive to this request.

Working with our legal counsel, the City did hire an investigator on July 26, 2022. The formal investigation began shortly after securing the investigator – likely on or about August 3rd, 2022.

The Police Chief and Captain resigned October 5, 2022, while a detailed investigation was still ongoing. Upon their resignation, the investigation was terminated. No associated report was ever completed and discipline was not imposed.

The City has received a number of requests for the incomplete investigation materials. In those cases, after conducting the required balancing under both ORS 181A.674(4)(a) and 192.355(2)(a), the City has concluded that no public interest was identified by clear and convincing evidence or otherwise that requires release of that incomplete materials. First off, the incomplete investigation resulted in no disciplinary action. The public interest is essentially irrelevant, given that the individuals involved resigned and are no longer employed by the City. Further, disclosure of incomplete investigative material that lacks the prior employees' own statements could significantly undermine the public interest. Finally, the attorney client privilege extends to the incomplete materials, thus exempts them from disclosure pursuant to ORS 192.355(9)(a).

Please let us know if we can be of further assistance in your timely ruling on this matter.

Sincerely,

Richard Meyers
City Manager
Cottage Grove, Oregon
400 E. Main Street
Phone: (541)942-5501