

Garry Lucas  
707 W 13<sup>th</sup> Street  
Vancouver, WA 98601

Dear Sheriff Lucas,

On July 20, 2011, I was informed that the Clark County Sheriff's Office had decided to terminate my employment as a Deputy Sheriff based on the internal affairs investigation #C11-010.

Since that time I have been without medical insurance for me and my two daughters; I've expended my career savings; been refused unemployment benefits and have been denied employment because of my status with your department.

As my full record should show, all I ever wanted to be was your very best deputy and in doing that I gave you far more than value received. Never did I do anything unlawful; however, it was stated that I did work unauthorized overtime to close cases and get increased DUII arrests as requested of me by my superiors. The latter took huge amounts of hours, driving and mileage on the department's vehicle, which was alleged to be personal. I guarantee that the only personal mileage was dropping off or picking up my daughters going to or from work.

I am hereby appealing your previous decision. I ask that the following information be taken into account: Prior to the internal affairs investigation in March of 2011 I had been with the Clark County Sheriff's Office for 13 years. During my career as a Deputy Sheriff I had not received a citizen complaint or discipline from a supervisor. I am a Medal of Merit recipient and still have the highest DUII arrests in your department. I have received recognition for my DUII enforcement efforts for 6 consecutive years from 2005 -2010. Every year over my 13-year career I had the highest statistics and work performance on every squad to which I was assigned. This included my two years in the Traffic Unit. During my time in the Traffic Unit I carried approximately 70% of the workload and remained current on my cases.

The department invested a great deal of time and training to advance me to the level of Traffic Collision Reconstructionist. I am in an instructor level of training in Standardized Field Sobriety Testing, Emergency Vehicle Operator Course, SKID Car and a Pursuit Intervention Technique instructor.

The internal affairs investigation presented to your office in June of 2011 claimed that I had used my county assigned patrol vehicle from March 2009 – March 2011 for my exclusive and personal use. Internal Affairs Sgt. John Horch presented information to your office claiming that I had used my patrol vehicle over this two-year period for personal use, which I adamantly denied.

Sgt. Horch presented information to your office supporting these allegations by using fuel dates that I had fueled my patrol vehicle on dates and times, which I was

not in service. Sgt. Horch gave a range of miles from 19,000 to 8,000 miles over a two year period which I had allegedly used my patrol vehicle for personal use. Sgt. Horch presented your office information claiming 32 separate dates that I had fueled my patrol vehicle during off-duty times. Sgt. Horch continually compared my vehicle records with Deputy Schoening who was my partner in the Traffic Unit at that time. The comparison showed that during that same time Deputy Schoening had fueled his patrol vehicle on 9 off duty dates.

I continually advised that these numbers were not correct to Sgt. Horch and during a predisciplinary hearing in your presence on June 20<sup>th</sup>, 2011. I advised that the additional mileage was due to over 100 DUII investigations I had performed compared to Deputy Schoening's 5 DUII investigations during the same time period. Sgt. Horch stated that Deputy Schoening's travel distance was approximately the same distance from my residence to our downtown office. I explained that the majority of mileage was due to the extreme number of extra duty shifts from seatbelt emphasis, speed emphasis, and DUII patrol that Deputy Schoening had not participated in. I presented that I had worked more than 86 additional shifts compared to Deputy Schoening. This did not include the repeated shifts in which I did not put myself in service for compensation in order to keep my investigations completed.

My supervisor, Sgt. Neiman spoke with me on several occasions about working a large amount of shifts without compensation. I agreed that when a new person was selected in the traffic unit that I would use this time for future PDO. To date I still have not requested nor been compensated for those additional hours on patrol and traffic case work.

I did request public disclosure records showing dates and times in service. The fuel dates in question showed that I had been in service on 23 of the 32 dates. Sgt. Horch failed to look at dates when I had been in service past midnight when I fueled my patrol vehicle at the end of a work shift or dates that I worked without compensation. My parents will tell you that on many dates they came to visit I was working 12-20 hour days.

These following dates are off duty fuel dates that records show I was in service per CAD records:

- |                                 |   |
|---------------------------------|---|
| 1.) Jan 9 <sup>th</sup> , 2010  | 13.) July 13 <sup>th</sup> , 2010                       |
| 2.) Jan 10 <sup>th</sup> , 2010 | 14.) July 15 <sup>th</sup> , 2010                       |
| 3.) Feb 18 <sup>th</sup> , 2010 | 15.) July 24 <sup>th</sup> , 2010                       |
| 4.) Mar 12 <sup>th</sup> , 2010 | 16.) Aug 25 <sup>th</sup> , 2010                        |
| 5.) Mar 18 <sup>th</sup> , 2010 | 17.) Aug 30 <sup>th</sup> , 2010 (travel SFST training) |
| 6.) Apr 20 <sup>th</sup> , 2010 | 18.) Aug 31 <sup>st</sup> , 2010 (travel SFST training) |
| 7.) May 6 <sup>th</sup> , 2010  | 19.) Sept 1 <sup>st</sup> , 2010 (travel SFST training) |
| 8.) May 20 <sup>th</sup> , 2010 | 20.) Sept 1 <sup>st</sup> , 2010 (travel SFST training) |
| 9.) May 21 <sup>st</sup> , 2010 | 21.) Sept 7 <sup>th</sup> , 2010                        |

10.) June 3<sup>rd</sup>, 2010  
11.) June 4<sup>th</sup>, 2010  
12.) June 5<sup>th</sup>, 2010

22.) Nov. 10<sup>th</sup>, 2010  
23.) Dec. 18<sup>th</sup>, 2010

Additionally I contacted the Clark County Shops and inquired about the significant amount of time my patrol vehicle S19-958 was being serviced and repaired. I was questioned by Sgt Horch regarding a fueling on June 17<sup>th</sup>, 2010 while I was on bereavement leave. Shops records showed that I had an "A" service on the vehicle from June 18<sup>th</sup> – June 22<sup>nd</sup>. I am certain that the fill up on the 17<sup>th</sup> was simply fueling the vehicle prior to dropping the vehicle off for service.

An additional fill up on July 21<sup>st</sup> was done during a service that began on July 20<sup>th</sup> – July 29<sup>th</sup>, 2010. That work order shows a new fuel pump installed which according to the shop technician included emptying the fuel tank and then filling the tank for driving and testing.

This shows that I had a fewer number of off duty fuel dates as compared to Deputy Schoening.

During my two-year period as a traffic detective I worked diligently to keep my cases completed and be able to answer the calls of grieving relatives who often call. During this same time Deputy Schoening had at times as many as nine open investigations. Deputy Schoening advised me on several occasions that he had multiple cases that were over two years old that had not been completed. Due to Deputy Schoening's caseload I was asked to take a greater unbalanced caseload. This forced me to work regularly on days off so I did not fall behind as Deputy Schoening had.

In November of 2010 Deputy Schoening stopped taking cases due to his selection as a Patrol Sergeant. I was advised that because of his upcoming rotation he had to work his old cases and could not take new investigations. When Deputy Schoening left the traffic unit he left with easily 6 to 8 months of open cases. During this time I worked every day driving to the downtown office to work investigations. Over the next four months I dropped off my children everyday at school or daycare and drove to the office to work cases. The majority of these dates were never submitted for compensation.

On October 13<sup>th</sup> and 14<sup>th</sup> 2010, I worked with Deputy Schoening on an extensive total station scene for an officer involved shooting near NE 40<sup>th</sup> Street. This was an incident in which Deputy Conroy and a VPD Officer were shot by an individual. The scene was very extensive and took several days to complete. Months after the scene was completed Detective Buckner asked Deputy Schoening about the progress on the scene. Deputy Schoening advised that he did not feel the information was needed for the case. To this date that scene work has not been completed.

I was continually asked to take on overtime shifts and road coverage due to staffing issues. Sgt. Horch criticized me for working more continual hours than a deputy is per CCSO policy. I was asked by numerous sergeants after working a shift at my office to then work a shift on the road due to coverage shortages. Even after explaining to a supervisor that in doing so would be against policy. I was advised regularly that no other person could be found to fill the vacancy in the shift. Sgt. Horch criticized my decision to work back-to-back shifts as an EVOC instructor and then at the Burn Center at Emanuel Hospital. I explained that on those occasions I was specifically asked by a commander to do so. Sgt. Horch advised me that I was the one at fault for accepting the request. I advised Sgt. Horch that when a Sergeant, Commander, or a person in a supervisory position asked me to do a task I take that as the Sheriff himself asking me to complete the job.

On February 4<sup>th</sup>, 2011 Sgt. Beiber spoke with me about the volume of time I was working to keep my investigations completed. Due to the administrations concern I was told to take Feb 5<sup>th</sup>, 6<sup>th</sup>, & 7<sup>th</sup> as mandatory days off. That evolved into administrative leave and Departmentally-required sessions with an approved psychological therapist due to my divorce situation.

After my predisciplinary hearing on June 20<sup>th</sup>, I was contacted by telephone by Sgt. Horch. He advised that I was being afforded the opportunity to come to his office and prove that the miles driven were for official use. Sgt. Horch then advised me that it was in my best interest not to come to his office because he had additional information that would be used against me in the investigation. Sgt. Horch actually told me this after waiting for Sgt. Shaw to leave the room. I continually explained to Sgt. Horch that I had in no way used the patrol vehicle for the two-year time period as he alleged. I told him that I had access to a personal vehicle until November of 2010 at which time I used family vehicles. Sgt. Horch reported that he was going to present a mileage number to your office. At the conclusion of the conversation I told him to give your office his smallest mileage calculation possible. The 8,000 mile number was Sgt. Horch's version of fewest possible miles; but, I never agreed to that number.

Immediately following that phone conversation I contacted my guild representative and explained the details of that conversation. I was told that he would contact Sgt. Horch on my behalf. Following that my guild representative and guild president advised me repeatedly that I was not to "make excuses" and "to fall on my sword" for the policy violations. But, during my internal affairs investigation and my pre-disciplinary hearing (both recorded interviews) I held to the truth that the off-duty mileage and fueling numbers for my patrol vehicle were incorrect.

Concurrent with this, the therapist was irate that I was being questioned prior to release from treatment. Dr. Best talked with Chief Evans and I was advised that I was going to be removed from my traffic position and placed on a work plan as part of my discipline and I would need to sign an agreement not to work unauthorized overtime, which I was very willing to do. Obviously this did not happen.

On July 20<sup>th</sup>, 2011 I was terminated from the Sheriff's Office and asked to sign a document indicating that I would pay restitution for the alleged mileage. I was advised by my guild representative prior to entering the meeting not to make excuses in order to keep my office commission from being revoked.

During that period I also was advised that a K-9 Deputy at which time he had picked up his girlfriend on and off duty multiple times during their relationship had committed similar policy violations. This was brought to light when said deputy had parked his patrol vehicle including his K-9 in the vehicle and left the vehicle off-duty to so he could continue his relationship without his wife's knowledge. This deputy was also disciplined for using his county cellular phone for personal use. This deputy used his county vehicle including K-9 for personal reasons (de minimus use of county vehicle) multiple instances, had unauthorized persons in the vehicle, violation of cellular phone general order, and off duty conduct general order violations. This deputy was removed from his position as a K-9 handler and returned to duties as an enforcement deputy.

I quote these events only to say that I was disciplined with inaccurate information and treated far more severely than numerous officers ignored or accused of comparable actions.

Additionally, most recently I applied for a position as a lateral police officer with the Battle Ground Police Department. After the physical fitness, pre-psychological, and oral board portion of the testing process I was ranked #1 on the lateral eligibility list. As a result of my termination and inaccurate internal affairs report from your department I was removed from the eligibility list during the background investigation.

I was an exemplary deputy and an asset to the Clark County Sheriff's Office and I ask that you do not treat me more severely than other officers still on duty. I would appreciate being returned to duty wiser for the experience or at least grant me arbitration relative to my case.

Yours sincerely,

Ryan Taylor  
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