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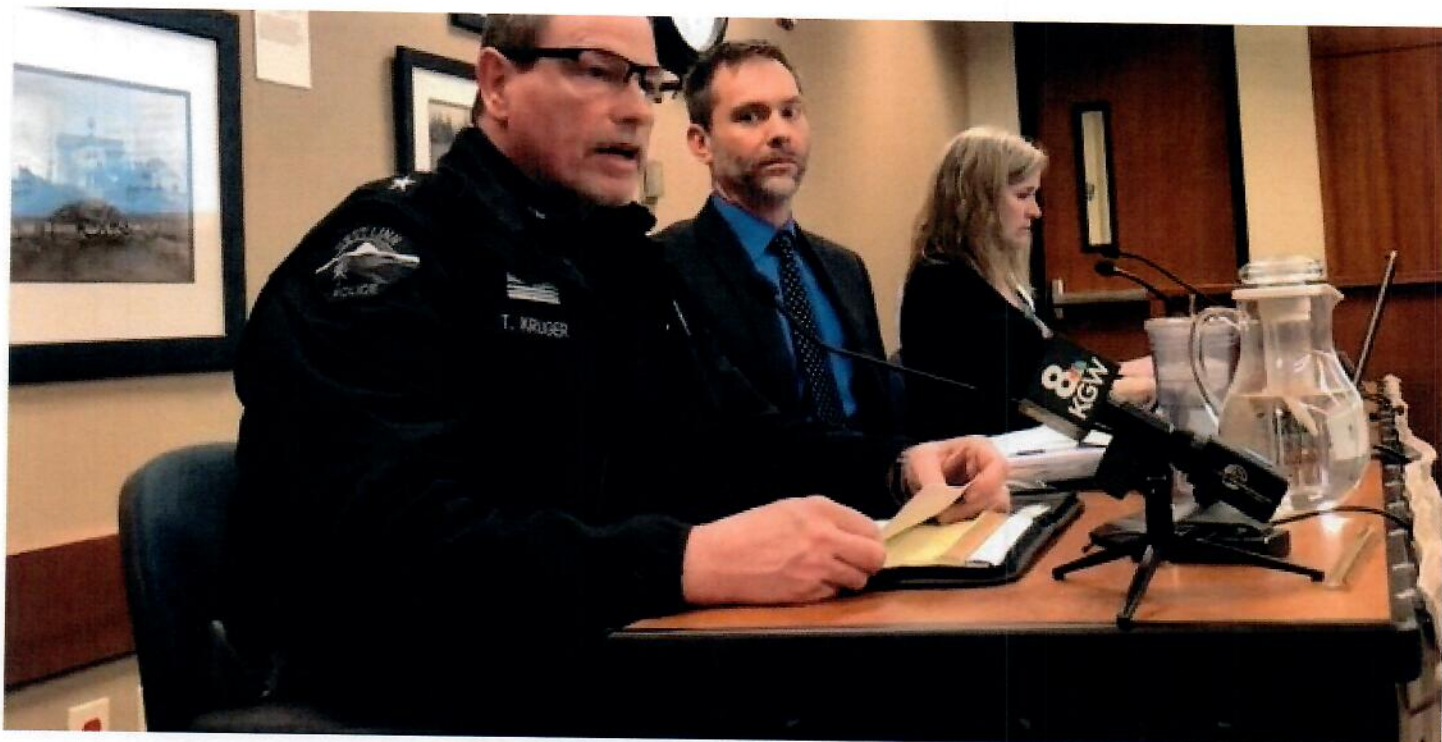
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Crime

West Linn police chief placed on paid leave pending investigation of how city handled Portland man's wrongful arrest litigation

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West Linn Chief Terry Kruger told The Oregonian that he urged his officers last week to reach out to Sgt. Tony Reeves. "From a personal nature, they should have concern for his well-being," Kruger said. He said Reeves and his family "might feel like victims."



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By [Maxine Bernstein | The Oregonian/OregonLive](#)

West Linn Police Chief Terry Kruger was placed on administrative leave Wednesday after the City Council voted to hire an outside firm to investigate how the city handled Portland resident Michael Fesser's wrongful arrest and discrimination allegations against the police.

Kruger became embroiled in the scandal shortly after The Oregonian/OregonLive revealed in February that the city had paid \$600,000 to Fesser to settle his lawsuit.

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West Linn police arrested Fesser in February 2017 at the behest of the city's then-Chief Terry Timeus. Timeus ordered the theft investigation as a favor to a fishing buddy, Eric Benson, a West Linn resident and longtime owner of A&B Towing Co., based in Southeast Portland. Benson was Fesser's boss at A&B Towing and targeted Fesser because he had complained about racist comments and harassment at work.

Documents obtained from a public records request showed Kruger also had a personal relationship with Fesser's ex-boss, Benson.

Transcripts released last week of West Linn City Council executive sessions also revealed that Kruger had vigorously defended his department's arrest of Fesser in two closed-door sessions with the West Linn mayor and council.

Interim City Manager John Williams announced in a prepared statement that Kruger would remain on paid administrative leave during the course of the investigation "in order to further ensure a complete, fair and impartial investigation." Capt. Peter Mahuna has been named acting police chief.

Kruger did not return a message seeking comment Wednesday night.

The city is seeking to hire an outside investigator to examine how the city manager, mayor, city attorney and council handled Fesser's case since the city received his initial notice to sue the city in June 2018. Fesser's case already has prompted at least four federal, state and local criminal and civil rights investigations into the actions of the West Linn officers involved.



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West Linn's interim city manager said the scope of the outside investigation isn't intended to overlap the criminal or civil rights investigations underway.

"Administrative leave ensures that all parties have the opportunity to clearly and completely answer questions and explain their actions. It is not a determination of wrongdoing on the part of Chief Kruger or anyone else," Williams said in a statement. "Any such determination can only be made after the investigation is complete."

City Council members said they were kept in the dark about the details of the litigation. They're calling for greater independent oversight of the West Linn Police Department, ongoing briefings about the activities of the city police and want to create a new diversity, equity and inclusion task force.

"Historically, there's been a well-intended policy of keeping the amount of information the council has, limited," City Attorney Tim Ramis said during a council work session this week. "That needs to be changed."

Council President Teri Cummings complained it was almost as if the

council was "basically being sequestered, almost as if it was none of our business. We had no idea what the city attorney was doing on the Fesser case."

Kruger was not chief of police at the time of Fesser's arrest in 2017. Fesser's notice of his intent to sue was delivered to Kruger on his first day as West Linn's police chief, on June 4, 2018. Kruger, a longtime West Linn resident, had retired from Portland Police Bureau as a lieutenant in April 2016.

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Fesser argued in his notice to sue the city and his subsequent lawsuit that he became the target of an unwarranted West Linn police investigation after he had complained of racial harassment on the job at A&B Towing Co.

The notice and ongoing litigation also uncovered that Benson had exchanged racist, derogatory and crude messages with Tony Reeves, the lead West Linn detective in the case, just hours before, during and after Fesser's arrest.

Upon receiving Fesser's notice of his plan to sue the city, Kruger asked then-Police Capt. Neil Hennelly to manage an internal investigation into Reeves.

As a result of the internal inquiry, Reeves received a written reprimand for

using profane and derogatory language in text messages with Fesser's boss and failing to document items he seized from Fesser after his arrest, according to newly released records.

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But West Linn's internal police investigation found no evidence that Reeves violated the department's policy prohibiting "discrimination, oppression or favoritism."



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tioned why Kruger assigned

Hennelly to manage the internal investigation of Reeves when Hennelly had been one of the police supervisors who oversaw Reeves' determination that probable cause existed to arrest Fesser as he left work at A&B Towing on Feb. 25, 2017, according to West Linn documents.

Kruger repeatedly described the police investigation into Fesser as lawful and warranted in two executive sessions with the City Council.

His statements to council members behind closed doors seemed to contradict Kruger's statement earlier this year to The Oregonian/OregonLive that he had recused himself from Fesser's case as soon as the Fesser litigation "was brought before me."

After West Linn's settlement with Fesser became public in February, Kruger placed Reeves on paid administrative leave pending the federal and county criminal and civil rights investigations.

Fesser's lawyer said he was pleased Kruger was placed on leave.

"Chief Kruger chose to take a circle-the-wagons approach to this case," Buchanan said. "He minimized the arresting officer's misconduct, and only at a very late stage of the case - after presiding over the slap on the wrist disciplinary response - did he announce that, all the while, he had a personal relationship with a central figure."

Former West Linn Lt. Mike Stradley, also a retired Portland cop who helped get Portland's gang enforcement officers to assist West Linn police in Fesser's arrest in 2017, was also placed on paid leave from his job this year as a training supervisor for police recruits at the state Department of Public Safety Standards & Training as federal and state investigations were initiated into Fesser's case.

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