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Washington State
Criminal Justice Training Commission

**BEFORE THE CRIMINAL JUSTICE TRAINING COMMISSION
IN AND FOR THE STATE OF WASHINGTON**

In Re The Peace Officer Certification of
ALYSON J. FREEMAN,

Respondent.

NO. 11-391

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER REVOKING PEACE
OFFICER CERTIFICATION

An administrative hearing in this matter was held on December 4 and 5, 2013, at the Washington State Criminal Justice Training Commission ("Commission") facility in Burien, Washington, before the Washington State Criminal Justice Training Commission Hearing Panel ("Hearing Panel"). The purpose of the hearing was for the Panel to hear evidence and determine whether Petitioner, the Commission, proved the statement of charges by clear, cogent, and convincing evidence; and whether Respondent Alyson Freeman's peace officer certification should be revoked.

The Hearing Panel consisted of Presiding Member Sergeant Jon Mattsen of the King County Sheriff's Office, Lewis County Sheriff Steve Mansfield, Chief Ed Sorger of the Evergreen State College Police Department, Detective Grant McCall of the Enumclaw Police Department, and Professor Loreli Thompson of Centralia College & Brandman University. The Hearing Panel was advised by Assistant Attorney General John Hillman

1 Petitioner was represented by Assistant Attorney General Lisa K. Elley. Respondent was
2 present and represented by attorney Kevin Peck.

3 The hearing was open to the public except for deliberations of the Hearing Panel.

4 I. PROCEDURAL HISTORY

5 1.1 On December 5, 2012, the Respondent was mailed the Statement of Charges
6 and a request for hearing form and she made a timely request for a hearing.

7 1.2 The Statement of Charges alleged that Alyson Freeman's peace officer
8 certification should be revoked on the basis that she was discharged for disqualifying
9 misconduct; specifically, conduct that would constitute a crime involving dishonesty or false
10 statement within the meaning of Evidence Rule 609(a), to-wit: Making a False or Misleading
11 Statement to a Public Servant, RCW 9A.76.175, RCW 43.101.010(8)(b).

12 II. HEARING

13 2.1 A hearing was held on December 4 and 5, 2013, at the Commission facility in
14 Burien, Washington, before the Hearing Panel.

15 2.2 The Petitioner presented the testimony of Chief Robert Lee of the Auburn
16 Police Department, Assistant Chief W.T. Pierson of the Auburn Police Department,
17 Commander Michael Hirman of the Auburn Police Department, Officer James Hopper of the
18 Auburn Police Department, Mayor Peter Lewis of the City of Auburn, and Adria Stone,
19 manager of Public Storage. Petitioner offered exhibits P1-P20, which were admitted.

20 2.3 The Respondent testified on her own behalf and presented the testimony of
21 Dr. Reinier Van Coevorden. Respondent offered exhibits R1, R2, and R3, which were
22 admitted.

III. FINDINGS OF FACT

Based on the testimony of the witnesses, the Hearing Panel's credibility determinations regarding the testimony of each witness, and the exhibits admitted into evidence, the Hearing Panel enters the following Findings of Fact:

3.1 Alyson J. Freeman was employed as a peace officer with the Auburn Police Department from July 16, 2007, through June 3, 2011, to include February 18, 2011.

3.2 On February 18, 2011, a tenant of a Public Storage facility located at 3624 Auburn Way North telephoned the manager of the facility, Adria Stone, and advised that he observed a suspicious black Chevy Avalanche truck inside or around the grounds of the facility at approximately 1:00 a.m., and the truck left in a suspicious manner at a high rate of speed.

3.3 Stone walked the grounds of the facility and found that a chain and lock on a back gate into the facility had been cut. Stone also found a Jiffy Lube receipt on the grounds of the facility. Stone did not notice anything missing from the facility at that time. Stone telephoned the police.

3.4 On February 18, 2011, Freeman was on-duty as an Auburn police officer and she responded to the Public Storage facility approximately two hours after Stone's report.

3.5 Freeman contacted Stone in the office area of the facility. Stone recounted the information provided by the tenant, her observation of the cut chain, and the Jiffy Lube receipt she found. Stone gave the Jiffy Lube receipt to Freeman with the expectation that Freeman would treat it as evidence.

3.6 Stone did not ask Freeman to shred the receipt.

3.7 Freeman entered some notes about her response to the call into the computer aided dispatch (CAD) log, but she did not open a case number, write a report, or book the receipt into evidence. Freeman instead returned to the police station and placed the Jiffy Lube in a box for shredding.

1 3.8 The next day, February 19, 2011, a tenant of the Public Storage facility reported
2 to police that two jet skis were stolen from the storage facility. The jet skis were recovered in
3 Kent, WA by Kent Police. A witness in Kent reported seeing a black truck speed away from
4 the scene where the jet skis were left.

5 3.9 On February 19, 2011, Officer Hopper of the Auburn Police Department
6 responded to the Public Storage facility to investigate the tenant's report that his jet skis were
7 stolen from the facility. Officer Hopper contacted Adria Stone, who advised him that the day
8 prior she had reported to Officer Freeman that a break-in occurred and she gave suspect
9 vehicle information and a Jiffy Lube receipt found at the scene to Officer Freeman.

10 3.10 Auburn P.D. officers investigating the theft or burglary of jet skis from the
11 Public Storage facility could not locate a police report documenting Officer Freeman's
12 response to Stone's report the day prior or the Jiffy Lube receipt Stone had given to Freeman.

13 3.11 Auburn P.D. Sergeants Menking and O'Neil sent e-mails to Officer Freeman
14 inquiring about the missing receipt because it was potentially evidence that might solve the
15 theft of jet skis from Public Storage. Officer Freeman responded by e-mail that the manager of
16 the facility "asked if I would be able to shred the paper because she did not have the
17 capability."

18 3.12 On February 23, 2011, Commander Hirman of the Auburn Police Department
19 was assigned to conduct an internal investigation of Freeman's actions when she responded to
20 the Public Storage facility on February 18. On February 24, 2011, Commander Hirman
21 provided Officer Freeman written notice of the investigation for CIA 11-INT-002, which was
22 an investigation regarding Officer Freeman's response at the Public Storage facility on Feb. 18,
23 2011.

24 3.13 On March 1, 2011, Commander Hirman took an audio-recorded statement from
25 Officer Freeman regarding her investigation at the Public Storage facility on February 18,
26

1 2011. During the interview, Freeman told Commander Hirman that Adria Stone asked her to
2 shred the Jiffy Lube receipt because Stone did not have a shredder at the Public Storage
3 facility.

4 3.14 Commander Hirman was a public servant at the time of Freeman's statement.

5 3.15 On March 2, 2011, Commander Hirman took an audio-recorded statement from
6 Adria Stone. Stone stated that she did not ask Officer Freeman to shred the receipt. Stone
7 stated she assumed Officer Freeman would write a report about the incident.

8 3.16 Freeman's statement to Commander Hirman that Stone asked Freeman to shred
9 the Jiffy Lube receipt was material to the internal investigation being conducted by Hirman.

10 3.17 Freeman's statement to Commander Hirman that Stone asked Freeman to shred
11 the Jiffy Lube receipt was false.

12 3.18 A Supervisory Review Board convened on March 16, 2011, and found that
13 Officer Freeman engaged in misconduct in violation of City of Auburn and Auburn Police
14 Department policies and procedures. On March 22, 2011, Freeman was provided written
15 notice of the investigation for CIA 11-INT-006 regarding dishonesty during the investigation at
16 the Public Storage facility.

17 3.19 A *Loudermill*¹ hearing was held for Freeman on May 18, 2011.

18 3.20 On May 27, 2011, Assistant Chief Pierson made a disciplinary recommendation
19 to Auburn Police Chief Robert Lee that Officer Freeman should be terminated.

20 3.21 Chief Robert Lee made a recommendation to Auburn Mayor Peter Lewis that
21 Officer Freeman be terminated.
22
23

24 ¹ In *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 105 S.Ct. 1487 (1985), the United States
25 Supreme Court held that public employees have a property right in their continued employment and cannot be
26 terminated without due process, which requires an opportunity to be heard before termination. A *Loudermill*
hearing provides public employees an opportunity to be heard prior to a final decision on termination.

1 3.22 On June 3, 2011, Mayor Lewis terminated Freeman's employment from Auburn
2 P.D., in part for her dishonest statements to Commander Hirman.

3 3.23 Officer Freeman's termination is final.

4 3.24 Any Conclusion of Law deemed to be properly considered a Finding of Fact is
5 hereby adopted as such.

6 Based on the foregoing Findings of Fact, the Hearing Panel makes the following:

7
8 **IV. CONCLUSIONS OF LAW**

9 4.1 Revocation of Respondent's peace officer certification is governed by chapter
10 43.101 RCW and chapter 139-06 WAC.

11 4.2 The Commission and this Hearing Panel have jurisdiction over the Respondent
12 and these proceedings. RCW 43.101.085; RCW 43.101.105; RCW 43.101.380.

13 4.3 The Petitioner bears the burden of proof by clear, cogent, and convincing
14 evidence. RCW 43.101.380(1).

15 4.4 Prior to her termination from Auburn P.D. on June 3, 2011, Alyson Freeman
16 was employed as a certified peace officer in Washington State.

17 4.5 The Commission may revoke a peace officer's certification when "[t]he peace
18 officer has been discharged for disqualifying misconduct, the discharge is final, and some or all
19 of the acts or omissions forming the basis of the discharge proceedings occurred on or after
20 January 1, 2002." RCW 43.101.105(1)(d).

21 4.6 A peace officer is discharged for disqualifying misconduct when he or she is
22 "terminated from employment for: (a) Conviction of ... (ii) any crime involving dishonesty or
23 false statement within the meaning of Evidence Rule 609(a) ... or, ... (b) conduct that would
24 constitute any of the crimes addressed in (a) of this subsection." RCW 43.101.010(8).

25 4.7 The acts or omissions forming the basis for Respondent's discharge in this case
26 occurred after January 1, 2002.

1 4.8 Respondent's discharge is final as that term is defined in RCW 43.101.010(10).

2 4.9 Under Washington law, it is a crime to make a false or misleading material
3 statement to a public servant. RCW 9A.76.175. A person who knowingly makes a false or
4 misleading material statement to a public servant is guilty of a gross misdemeanor. Material
5 statement means "a written or oral statement likely to be relied upon by a public servant in the
6 discharge of his or her official duties or powers." RCW 9A.76.175.

7 4.10 Making a False or Misleading Statement to a Public Servant is a crime of
8 dishonesty within the meaning of ER 609(a).

9 4.11 The Panel unanimously concludes that Petitioner established by clear, cogent,
10 and convincing evidence that Respondent's conduct in making the statement to Commander
11 Hirman that Stone asked Freeman to shred the Jiffy Lube receipt constituted the crime of
12 making a false or misleading statement to a public servant.

13 4.12 The Panel unanimously concludes that the conduct described in the preceding
14 paragraphs is disqualifying misconduct under RCW 43.101.010(8)(b).

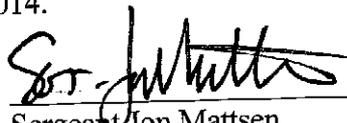
15 4.13 The Panel unanimously concludes that the foregoing disqualifying misconduct
16 warrants revocation of Respondent's Washington State peace officer certification.

17 4.14 Any Finding of Fact deemed to be properly considered a Conclusion of Law is
18 hereby adopted as such.

19 **V. ORDER**

20 Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel
21 hereby ORDERS that the Respondent's peace officer certification is REVOKED.

22 DATED this 24th day of January, 2014.

23 
24 _____
25 Sergeant Jon Mattsen
26 King County Sheriff's Office
Presiding Member of Hearing Panel

1 **NOTICE TO PARTIES**

2 RECONSIDERATION: Pursuant to RCW 34.05.470, you have ten (10) days from the
3 mailing of this Order to file a petition for reconsideration stating the specific grounds
4 on which relief is requested. No matter will be reconsidered unless it clearly appears
5 from

6 the petition for reconsideration that: (a) there is a material clerical error in the Order,
7 or (b) there is specific material error of fact or law. A petition for reconsideration,
8 together with any argument in support thereof, should be filed by mailing or delivering
9 directly to the Washington State Criminal Justice Training Commission, 19010 1st
10 Avenue South, Burien, Washington 98148, with a copy to all other parties of record
11 and their representatives. Filing means actual receipt at the Commission's office.
12 RCW 34.05.010(6).

13 A timely petition for reconsideration is deemed to be denied if, within twenty (20) days
14 from the date the petition for reconsideration is filed, the Commission does not: (a)
15 dispose of the petition, or (b) serve the parties with a written notice specifying the date
16 by which it will act on the petition. An order denying reconsideration is not a
17 prerequisite for filing a petition for judicial review.

18 STAY OF EFFECTIVENESS: The filing of a petition for reconsideration does not stay
19 the effectiveness of this Order. The Commission has determined not to consider a
20 petition to stay the effectiveness of this Order. Any such request should be made in
21 connection with a petition for judicial review under chapter 34.05 RCW.

22 JUDICIAL REVIEW: Proceedings for judicial review may be instituted by filing a
23 petition in superior court according to the procedures specified in chapter 34.05 RCW,
24 Part V, Judicial Review and Civil Enforcement (RCW 34.05.510 through .598). The
25 petition for judicial review of this Order shall be filed with the appropriate court and
26 served on the Commission, the Office of the Attorney General, and all parties within
thirty (30) days after service of this Order, as provided in RCW 34.05.542.

SERVICE: This Order was served on you the day it was deposited in the United
States mail. RCW 34.05.010(19).