

Pending Hearing

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

STATE OF OREGON

In the Matter

**Revocation of the Basic, Intermediate,
and Advanced Police Certification(s)
Issued to:**

Brock Ameele
Respondent
DPSST No. 51429

**NOTICE OF PROPOSED REVOCATION OF
CERTIFICATIONS AND PROPOSED/FINAL
ORDER ON DEFAULT**

TO: Brock Ameele

The Department of Public Safety Standards and Training (Department) proposes to revoke the Respondent's Basic, Intermediate, and Advanced Police Certifications pursuant to its authority in Oregon Revised Statute (ORS) 181A.410 and ORS 181A.640. The Department proposes revocation because the Respondent does not meet the moral fitness standards required of a public safety professional pursuant to Oregon Administrative Rule (OAR) 259-008-0010(6), and OAR 259-008-0300(3)(a)(A), (B), and (C)(i). The Department's proposed revocation is based on the following:

FINDINGS OF FACT

1. The Respondent Brock Ameele ("Last name" or "Respondent") currently holds Basic, Intermediate, and Advanced Certifications.
2. On September 21, 2010, Respondent signed a Criminal Justice Code of Ethics.
3. On October 12, 2022, Respondent was terminated from employment with the City of Bend Police Department for department policy violations related to an unlawful stop, unlawful seizure, unlawful arrest, unreasonable force, destruction of evidence, insubordination, and dishonesty.
4. The Department has determined that Respondent violated moral fitness pursuant to OAR 259-008-0300(3)(a)(A), (B), and (C)(i), and proposes to revoke Respondent's public safety certifications.

ULTIMATE FINDINGS OF FACT

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1. Pursuant to ORS 181A.410(1)(c), the Board on Public Safety Standards and Training (“Board”), established by rule reasonable minimum requirements of moral fitness for public safety professionals. Pursuant to this authority, the Board and the policy committees have adopted OAR 259-008-0010(6), requiring all public safety professionals to meet the minimum moral fitness standards for certification as established in the rule by the Board and the policy committees.
2. The Department is charged with implementing the moral fitness standards and may propose to revoke a public safety professional’s certifications when the public safety professional has violated the moral fitness standards for certification defined in OAR 259-008-0300.
3. Under OAR 259-008-0300(3)(a)(A), (B), and (C)(i), the Department may revoke a public safety professional’s certifications based upon the finding that the public safety professional:
 - (a) . . . engaged in conduct that includes any or all of the following elements:
 - (A) Dishonesty. Dishonesty is intentional conduct that include untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth;
 - (B) Misuse of Authority. Misuse of Authority is 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; or
 - (C) Misconduct.
 - (i) Misconduct includes conduct that violates criminal laws, conduct that threatens or harms persons, property or the efficient operations of any agency, or discriminatory conduct;
4. The Respondent engaged in conduct involving dishonesty. The Respondent was intentionally dishonest by omission when he destroyed evidence, did not turn in a use

1 of force report during a use of force event, and failed to place photographs related to a
2 case into evidence. The Respondent's conduct is evidence of the Respondent's failure
3 to meet the moral fitness standards in OAR 259-008-0300(3)(a)(A), which
4 specifically provides that the Department may revoke certifications based on conduct
5 involving dishonesty. Respondent's violation of OAR 259-008-0300(3)(a)(A) is a
6 separate and sufficient basis to revoke Respondent's public safety professional
7 certifications.

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5. The Respondent engaged in Misuse of Authority. The Respondent intentionally made
an arrest and seizure that lacked probable cause or reasonable suspicion. The
Respondent harmed another by using unreasonable force in order to detain them
without lawful authority. The Respondent's conduct is evidence of the Respondent's
failure to meet the moral fitness standards in OAR 259-008-0300(3)(a)(B), which
specifically provides that the Department may revoke certifications based on conduct
involving the misuse of authority. The Respondent's violation of OAR 259-008-
0300(3)(a)(B) is a separate and sufficient basis to revoke Respondent's public safety
professional certifications.

6. The Respondent engaged in misconduct. The Respondent was dishonest about a force
response event, destroyed evidence, harmed a person by using unreasonable force,
and conducted a seizure and arrest that lacked probable cause or reasonable suspicion.
The Respondent's conduct is evidence of the Respondent's failure to meet the moral
fitness standards in OAR 259-008-0300(3)(a)(C)(i), which specifically provides that
the Department may revoke certifications based on conduct involving misconduct.
The Respondent's violation of OAR 259-008-0300(3)(a)(C)(i) is a separate and
sufficient basis to revoke the Respondent's public safety professional certifications.

7. Each of these grounds is a separate and distinct basis supporting a finding that the
public safety professional does not meet the moral fitness standards required by OAR
259-008-0010(6) and defined in 259-008-0300(3)(a)(A), (B), and (C)(i). The
Department is not required to prove that all grounds stated hereinabove, or violations
exist to deny Respondent's certifications.

1 8. Pursuant to OAR 259-008-0310(10)(c)(A), there were aggravating circumstances
2 identified in Respondent's case.

- 3 a. The Police Policy Committee found it aggravating that the incident was like
4 "noble cause corruption" in that the Respondent was so fully invested that he
5 thought he was doing something for the common good and, therefore justified
6 in not following the rules. This conduct hurts the profession.
- 7 b. The Respondent disregarded his sergeant's directive to make changes to the
8 criminal charges he wanted to make.
- 9 c. The Respondent's suggestion that he did not hurt anyone during his verbal
10 mitigation is contrary to the essence of a use of force incident and the
11 Respondent was not willing to accept this.
- 12 d. The Respondent's prior disciplinary history showed a pattern of
13 insubordination which is concerning.
- 14 e. The infraction committed by the passenger in this traffic stop escalated
15 quickly for no good reason.
- 16 f. The Respondent's conduct could be problematic for an agency as it is not an
17 isolated incident.
- 18 g. The Deschutes County District Attorney placed the Respondent on a Tier 2
19 Brady list and agreed with the City of Bend Police Department that the stop of
20 the passenger lacked evidence for seizure and had no probable cause.
- 21 h. The stop and ultimate arrest of the passenger was outside the norm for this
22 type of situation.

23 9. Pursuant to OAR 259-008-0310(10)(c)(B), there were mitigating circumstances
24 identified in Respondent's case.

- 25 a. The Police Policy Committee found it mitigating that the Deschutes County
26 District Attorney determined the Respondent had not been dishonest in spite

of placing him on the Tier 2 Brady list.

10. The Respondent's conduct and subsequent separation are substantially related to the Respondent's fitness and ability to perform the duties of a certified police officer. The Respondent's behavior directly violated the Criminal Justice Code of Ethics and compromised the public's trust in the public safety profession. The Respondent engaged in a use-of-force event, arrest, and seizure without probable cause or reasonable suspicion, omitted evidence, and failed to write a use-of-force report, adversely reflecting on the public safety profession. The Respondent's conduct has compromised their integrity and renders them ineffective to serve in public safety.

11. After review of the facts and weighing the identified aggravating and mitigating circumstances unique to this case the Department proposes that Respondent's certifications be revoked.

CONCLUSION OF LAW

The Department must revoke a public safety professional's certifications if the public safety professional does not meet the minimum requirement of good moral fitness required pursuant to ORS 181A.410, ORS 181A.640, and OAR 259-008-0010(6). Based on the Respondent's conduct, the Respondent does not meet the minimum moral fitness standards in OAR 259-008-0010(6) and OAR 259-008-0300(3)(a)(A), (B), and (C)(i).

PROPOSED/FINAL ORDER

The Respondent's basic, intermediate, and advanced police Certifications are hereby REVOKED. The Respondent's ineligibility period during which they may not apply for any public safety professional certifications is for three (3) years pursuant to OAR 259-008-0310(10)(d)(A).

NOTICE OF RIGHT TO A HEARING AND ISSUANCE OF DEFAULT FINAL ORDER

You are entitled to a contested case hearing as provided by the Administrative Procedures

1 Act (ORS Chapter 183) and the administrative rules of the Department. If you wish to receive a
2 hearing, you must file your request in writing with the Department no later than 20 (twenty) days
3 from the service date.

4 If this Notice was served to Respondent in person, the service date is the date Respondent
5 received this Notice. If the Notice was serviced through the mail, the service date is the date the
6 Notice was mailed, not the date the Respondent received it.

7 Your request may be submitted by mail to the address below or by email to
8 jennifer.levario@dpsst.oregon.gov and by facsimile at 503-378-4600.

9 **Department of Public Safety Standards and Training**
10 **Jennifer Levario**
11 **4190 Aumsville Hwy, SE**
12 **Salem, Oregon 97317**

13 If a request for a hearing is not received within 20 (twenty) days, your right to a hearing
14 is considered waived unless the failure to request a hearing was beyond the Respondent's
15 reasonable control. For a hearing request that is mailed to be timely, it must be postmarked
16 within 20 days from the date of service of this Notice. If the hearing request is submitted by
17 email or facsimile, it must be received by the Department by 5:00 p.m. PT within 20 days from
18 the date the Notice is mailed. If you do not submit a timely request for a hearing, your right to a
19 hearing shall be considered waived.

20 You have the right to be represented by legal counsel. Legal aid organizations may be
21 able to assist a party with limited financial resources.

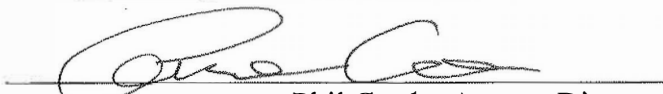
22 When the Department receives a request for a hearing, it will refer the matter to the
23 Office of Administrative Hearings which will designate the time and place for the hearing. You
will receive information on the procedure, right of representation and other rights of parties
relating to the conduct of the hearing before the commencement of the hearing. The hearing will
be conducted, according to the Administrative Procedure Act (ORS Chapter 83), Attorney
General's Rules of the Office of Administrative Hearings (OAR Chapter 137) and Department's
Administrative Rules (Chapter 259 Divisions 05 and 08).

1 If you fail to request a hearing within the time specified above, withdraw a hearing
2 request, notify the Department or the administrative law judge that you will not appear, or fail to
3 appear at a scheduled hearing, is deemed invalid under OAR 137-003-0550(4), this Notice of
4 Proposed Revocation of Certifications and Proposed/Final Order on Default automatically
5 becomes a Final Order by Default effective upon Board affirmation. In the event of a default, the
6 Department designates the file, including any materials you submitted that relate to this matter,
7 as the record for purpose of proving a prima facie case supporting its final order by default.

8 You are entitled to judicial review of any final order issued in the matter of this Notice of
9 Proposed Revocation of Certifications and Proposed/Final Order on Default in accordance with
10 ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in
11 Salem, Oregon, within 60 days from the date of this order if it becomes a final order.

12 **Notice to Active-Duty Servicemembers.** Active-duty service members are entitled to
13 stay these proceedings under the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501.
14 You may contact the Oregon State Bar toll-free at (800) 452-8260, the Oregon Military
15 Department toll-free at (800) 511-6944, or the United States Armed Forces Legal Assistance
16 Legal Services Locator via the web at: Armed Forces Legal Assistance (AFLA) or
17 legalassistance.law.af.mil for assistance.

18 IT IS SO ORDERED THIS 28th day of November 2023.

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20 _____
21 Phil Castle, Agency Director
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DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

STATE OF OREGON

In the Matter of the Proposed **Revocation of the Basic, Intermediate, and Advanced Police Certification(s)** Issued to:

CERTIFICATE OF SERVICE

Brock Ameele
Respondent
DPSST No. 51429

I certify that on the 30 day of November 2023, I served the foregoing, *Notice of Proposed Revocation of Certifications and Proposed/Final Order by Default* on the party hereto by mailing, by regular mail, postage prepaid and certified mail, return receipt requested, true, exact and full copies thereof to:

Brock Ameele
[Redacted]

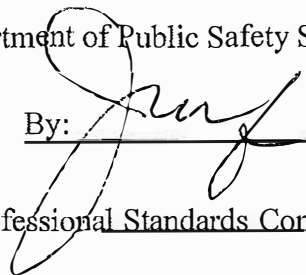
Via Electronic Mail Only
'Darcie Abraham' darcie@thenelllawgroup.com

Via Regular Mail Only
Darcie Abraham
The Thenell Law Group

City of Bend Police Department
555 NE 15th Street
Bend, OR 97701

Department of Public Safety Standards & Training

By: _____



Jennifer Levario
Professional Standards Compliance Coordinator

**Department of Public Safety Standards and Training
(DPSST or the Department)
Memo**

Date: January 25, 2024

To: Board on Public Safety Standards and Training

From: Jennifer Levario, Professional Standards Compliance Coordinator

Subject: Professional Standards Review/Recommendation
Brock Ameele; DPSST No. 51429

Reason for Discretionary Review

On January October 12, 2022, Brock Ameele’s employment was terminated by the City of Bend Police Department (CBPD). The CBPD internal affairs investigation sustained policy violations related to Brock’s unreasonable use of force during an unlawful arrest and unlawful seizure while conducting an unlawful stop, and subsequently destroying evidence, being dishonest, and insubordinate.

Policy Committee Recommendation

The Police Policy Committee (PPC), in a unanimous vote, recommends that the Board take **ACTION** against Brock Ameele’s Certifications.

The committee, in a unanimous vote further recommends Ameele be ineligible to hold public safety certification for 3 years.

Policy Committee Review

The committee considered the following moral fitness violations and factors in making their decision.

Moral Fitness Violations:

- Dishonesty: Ameele was dishonest by omission when he destroyed inculpatory evidence, did not turn in a use of force report, and failed to place photographs into evidence.
- Misuse of Authority: Ameele intentionally exceeded his lawful peace officer powers during an arrest and seizure that lacked probable cause or reasonable suspicion. Ameele intentionally harmed another when he used unreasonable force to detain him without lawful authority.
- Misconduct: Ameele was dishonest about a force response event, destroyed inculpatory evidence, harmed a person by using unreasonable force, and conducted a seizure and arrest that lacked probable cause or reasonable suspicion.

Aggravating Factors:

- The incident was likened to “noble cause corruption” in that Ameele was so fully invested that he thought he was doing something for the common good and, therefore justified in not following the rules. This hurts the profession.
- Ameele disregarded his sergeant’s directive to make changes to the criminal charges he wanted to make.
- Ameele’s suggestion that he did not hurt anyone is contrary to the essence of a use of force incident and he was not willing to accept this.
- The infraction escalated quickly for no real good reason.
- Ameele’s prior disciplinary history showed a pattern of insubordination which is concerning.
- Ameele’s conduct could be problematic for an agency as it was not an isolated incident.
- The District Attorney placed Ameele on a Tier 2 Brady list and agreed with the Bend Police Department that the stop of the passenger lacked evidence for seizure and had no probable cause.
- The stop of the passenger was extremely “chippy” due to the nature of the incident.

Mitigating Factors:

- The District Attorney determined that Ameele had not been dishonest in spite of him being placed on the Tier 2 Brady list.

Information Used in Determination

- Transcript of the verbal mitigation.
- PPC Staff Report, with exhibits.

Action Item

Review the committee recommendation and approve or return the recommendation to the policy committee.

**Department of Public Safety Standards and Training
(DPSST or the Department)
Memo**

Date: November 16, 2023

To: Police Policy Committee

From: Jennifer Levario
Professional Standards Compliance Coordinator

Subject: Staff Report – Separation
Brock Ameele/DPSST no. 51429

Reason for Discretionary Review:

On January October 12, 2022, Brock Ameele’s employment was terminated by the City of Bend Police Department (CBPD). The CBPD internal affairs investigation sustained policy violations related to Brock’s unreasonable use of force during an unlawful arrest and unlawful seizure while conducting an unlawful stop, and subsequently destroying evidence, being dishonest, and insubordinate.

The Department determined that the conduct being presented to the committee violates the Board’s moral fitness standards. Through the case review process, the committee will affirm, modify, or negate the below identified elements of moral fitness violations and make a determination on the disposition of this case:

Dishonesty: Ameele was dishonest by omission when he destroyed inculpatory evidence, did not turn in a use of force report, and failed to place photographs into evidence.

Misuse of Authority: Ameele intentionally exceeded his lawful peace officer powers during an arrest and seizure that lacked probable cause or reasonable suspicion. Ameele intentionally harmed another when he used unreasonable force in order to detain them without lawful authority.

Misconduct: Ameele was dishonest about a force response event, destroyed inculpatory evidence, harmed a person by using unreasonable force, and created a seizure and arrest that lacked probable cause or reasonable suspicion.

Material Events and Conduct

On April 9, 2022, at approximately 2109 hours, CBPD Officer James Poole made a traffic stop in which one of the passengers, a male, walked away. Officer Poole did not have a reason to stop or detain him and told the passenger he was free to go. CBPD Officer Brock Ameele, hearing of the stop and passenger walk-away, turned his patrol vehicle’s alley lights on and parked at Doanna Way and Sally Lane to contact the passenger. Ameele saw the passenger and began following him on foot on the west sidewalk of Sally Lane, asking him investigative questions and shining his flashlight on him.

Ameele transmitted on the radio that the male was “refusing to ID himself”. Sergeant Rob Emerson transmitted that a similar circumstance occurred several months prior with the same vehicle and the male that left the vehicle was “Anthony.” The dispatcher said that the registered owner of the vehicle “Anthony ****” was not wanted. Body Worn Camera footage did not show Ameele asking the passenger to identify himself.

At about the same time, the passenger left the sidewalk and walked south on Sally Lane. There was a parked car blocking the sidewalk. Ameele followed asking the passenger about a warrant. The passenger said, “Have a good night,” and walked away from Ameele.

The east sidewalk on SW Brookwood ended as the passenger walked southbound. The passenger repositioned, walking south in the east bicycle lane. The only available sidewalk was not on the west side of Brookwood Boulevard. There was passing cross traffic in both directions on Brookwood Boulevard.

Ameele, seeing that the passenger was now in the bicycle lane, radioed CBPD Officer Ben Schlechter that he can stop the passenger now for *Improper Position Upon a Highway*. By this time (ORS 814.070), Ameele had followed the passenger for about 550 feet. Ameele told the passenger multiple times that he needed to stop. The passenger did not comply.

Officer Schlechter activated his overhead lights and pulled across the roadway in front of the passenger. The passenger then walked west across Brookwood Boulevard.

Ameele took the passenger to the ground using a control technique. Ameele told the passenger “You’re being detained for the violation, improper position upon a highway.” Ameele did not tell the passenger he was being arrested for any crime. The passenger was handcuffed and walked to a patrol car.

CBPD Sergeant Rob Emerson arrived as the on-scene supervisor. Ameele told Emerson he would arrest the passenger for *Interfering with a Peace Officer (IPO)*. Emerson told Ameele there was no cause to arrest him for IPO. Ameele told Emerson the event was a force response. Ameele said he had to tackle the passenger.

Emerson spoke with the passenger who said he did not stop because the officer did not have the right to stop him. He said he was tackled from behind. He told Emerson his left elbow hurt. Emerson asked Ameele to take pictures of the passenger once they were at the jail when his clothing would be removed to document any injuries.

The passenger told Ameele that he had swallowed drugs. Ameele contacted Bend Fire to respond and evaluate him for this but said nothing about the complaint of his left elbow hurting “bad” as reported to Emerson. There was no documentation in Ameele’s report that he asked the passenger about having injuries, or asked Bend Fire or the medical center to assess or treat the passenger’s injuries related to the force event, or documentation of the passenger’s injuries, or lack of injuries, with pictures. Ameele confirmed that he never asked the passenger if he was physically injured. As the passenger was being transported to the medical center, Ameele received confirmation of who the passenger was for the first time, and it was not “Anthony ****”.

Ameele charged the passenger with IPO in spite of the supervisor’s direction. Ameele told investigators that he did not think it was insubordination to do so. On April 11, 2022, Emerson received an email from the District Attorney’s Office saying they would not charge the crime of IPO as a person could not interfere with their own investigation and the lawful order language

no longer applied. Emerson was surprised to get the email because he believed his conversation with Ameenle was “direct and frank” about why the IPO statute did not apply. Ameenle admitted to investigators that he did understand at the time of the arrest of the passenger that lawful order had been removed from the interfering with a peace officer statute.

CBPD Sergeant Thomas Russell was not available to respond to the incident but was involved afterward. He asked Ameenle to do a force response form. Ameenle told Russell that he looked at this Body Worn Camera (BWC) and he did not use force during this incident. Ameenle said he “guided the suspect to the ground.” Russell sent out a text message later in the shift to his team about getting reports done. Ameenle texted; “*No force response report submitted.” Russell reviewed Ameenle’s report and found that it had already been approved. Russell also noticed that Ameenle had charged IPO and he knew that Emerson had told him not to charge that offense.

Russell said that Ameenle told him the passenger motioned a “finger gun” or pointed at Officer Schlechter during the incident. Ameenle told Russell that was part of the reason he tackled the passenger. Russell, after reviewing the BWC, did not see a finger gun movement. However, he would have expected that information to go into a police report. Ameenle told Russell it looked like the passenger was pointing a weapon at Schlechter. Russell said, “That’s a major thing that should definitely be in a police report.” Ameenle was asked by investigators if he saw the passenger point a “finger gun” at Schlechter. Ameenle said, “That could have been how I described it to him....”.

Ameenle told investigators that he did not have reasonable suspicion or probable cause for a crime while he was with the passenger on Sally Lane. Ameenle also told investigators he did not believe he committed a seizure while following him as he entered Sally Lane. Ameenle told investigators he saw using white light as an officer safety measure and not part of a stop. Ameenle went on to say that the passenger’s actions of walking away and saying Ameenle could not stop him showed that he thought he was free to leave but he did not tell the passenger he was free to leave. Ameenle said he did not see a difference if there was a general conversation or investigative inquiries made by the officer to a person regarding circumstances that could create a seizure. Ameenle said that the passenger had committed the violation of improper position on Sally Lane, and he could have stopped him.

Ameenle said he thought the passenger had a warrant and that he may use a weapon to try to get away. He said before he made physical contact with the passenger, he had reasonable suspicion of a warrant although he also clarified he had no specific knowledge of a warrant at that time. He told investigators he did not consider disengaging with the passenger because “We’re not going to stop doing our jobs because we’re afraid of a potential.” He did agree, however, that there was little specific information known about the passenger’s identity, warrants, and weapons.

Ameenle told investigators that his actions when taking the passenger to the ground, removing his hands from his pocket, and handcuffing him were not a force response. Ameenle said the difference between force and control is that control is not an action that is likely to cause physical injury. Ameenle was asked by investigators “When you made physical contact or physical control with the passenger for the first time, was he an imminent threat to you or others?” Ameenle said, “I believed that he had a weapon and that until I could confirm that, um, he did not, that he posed his actions, led me to believe that he had no intention of, of being, um, stopped, um or complying otherwise. And I believe that he posed a threat until I could confirm that he didn’t”.

Ameele was shown the BWC where he was interacting with the passenger at the medical clinic. The passenger said, “You guys tackled me” and Ameele said, “Yeah, I did.”

Emerson searched the evidence and report writing system and found that Ameele had not entered any pictures into evidence. A forensic analysis of Ameele’s work cell phone uncovered an unusual event that occurred on May 24, 2022. The analyst identified an unusually large amount of data items had been deleted on that date between 1256:13 hours and 1309:13 hours. In total, 963 items were deleted or removed in that time period. The messaging application was set to keep messages forever, removal of any communication within the messaging application would have been intentionally removed by the user.

Ameele was asked by investigators if he was aware of the Oregon public records retention requirements for violations and criminal cases. Ameele said, “I don’t think so.”

Ameele was asked, “So what I’m getting at is the incident with the passenger falls under public records and falls under retention requirements. Would you agree with that?” Ameele said, “Yes.”

Ameele was given written notification of the internal investigation on May 19, 2022. He was notified that his interview would be on May 26, 2022, and provided specific allegation information related to the passenger stop event. Two days before the interview, the unusual deletion event occurred on Ameele’s BPD iPhone. Ameele had images of the passenger on his phone that were not deleted. Investigators asked him why he had them and he said because they were specifically of the passenger and might be relevant. Investigators said, “But you did, you got rid of text messages, between you?” Ameele said, “Right, things that I, I didn’t think were, were relevant a lot.”

Ameele was asked, “Did you intentionally destroy evidence related to this internal investigation?” Ameele said, “No. No, I did not.”

Investigators continued to question Ameele about policy related to concealing defective work or destroying it without permission. Ameele did not think that he concealed work but did admit that he destroyed work without permission.

Upon conclusion of the investigation, the BPD Chief of Police sustained ten (10) policy violations against Ameele including Search and Seizure, Law Enforcement Authority, Force Response, Standards of Conduct (3X), Investigation and Prosecution, Body Worn Camera (BWC) Program, and Property and Evidence. Ameele received imposed discipline of an economic sanction in the form of termination of employment from the BPD on October 12, 2022.

On October 13, 2022, the Bend Police Association (BPA) as a representative of Officer Ameele requested to skip grievance steps 1 through 3 and instead requested step 4 grievance to the imposed discipline. The outcome of this grievance found there was no change to the imposed discipline.

On December 9, 2022, the BPA reported they would not move forward with any additional grievance requests.

On December 26, 2022, Deschutes County District Attorney Hummel, in a letter to Ameele’s attorney, outlined his Brady investigation findings after receiving information about Ameele’s termination from the BPD. Hummel determined Ameele did not meet the standard for a Tier 1 Brady list but was placing him on a Tier 2 Brady list. The difference between the two is that Tier 2 only requires the District Attorney to disclose past untruthfulness but does not exclude them from testifying as does Tier 1.

District Attorney (DA) Hummel came to this decision after a due process hearing with Ameele and his counsel following an initial review of the BPD investigation. Although it is unclear what the standard of proof¹ is for Brady determinations and the process can vary from county to county, DA Hummel found that Ameele was not dishonest about his failure to submit a use of force report, or failure to place photographs into evidence, or the reason for the deletion of text messages. DA Hummel did state, however, that due process requires defendants to be informed of the BPD’s findings, namely that Ameele was untruthful. Therefore, DA Hummel found that including Ameele in the Tier 2 Brady listing was appropriate.

DA Hummel concluded that his Brady review does not reflect his opinion of the City of Bend’s decision to terminate Ameele. DA Hummel agreed with the BPD determination that Ameele’s actions on April 9, 2022, constituted a seizure that lacked reasonable suspicion and that the subsequent arrest lacked probable cause. Furthermore, DA Hummel agreed with the BPD that unreasonable force was used to effectuate the arrest.

Relevant Circumstances for Consideration

Ameele obtained Basic, Intermediate, and Advanced Police certifications.

Ameele has been employed in public safety for 12 years.

FORCE EVENTS:

Between 2017 and 2022, Ameele was directly involved in 17 force events. Eight of those events were similar in nature to this event and involved takedown as a force response. The reports showed that Ameele knew that he needed to report force to supervisors, thoroughly document his actions in a report, and inquire about and document injuries.

Exhibits Reference	
DPSST Employee Profile Report	A1
F4s Personnel Action Separation Form	A2
Case Report	A3
Internal Investigation Report	A4
Captain Review of Investigation	A5
Chief’s Findings	A6

Disposition Letter to Ameele	A7
Proposed Discipline Letter	A8
Imposed Discipline Letter	A9
Text Messages	A10
Transcripts of Interviews	A11
Economic Sanction	A12
ORS 814.070	A13
Audio and Video Files	A14
Letter from District Attorney regarding Brady Investigation	A15
Mitigation	A16

¹The DPSST utilizes “substantial evidence” or the “preponderance of evidence” as the standard of proof in its determination of moral fitness violations as authorized in Oregon Administrative Rule.