

RESOLUTION NO. 360

WHEREAS, Betty Woodward, a Member of the Fire and Police Disability, Retirement and Death Benefit Plan (Plan) has applied for service-connected disability benefits; and

WHEREAS, the Board of Trustees concluded at a hearing on January 14, 2003 that such application should be denied; and

WHEREAS, the Findings of Fact and Determination of the Board relative to the claim of Betty Woodward is attached as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that the Findings of Fact and Determination in connection with the application of Betty Woodward for service connected disability benefits attached hereto as Exhibit "A" be and the same hereby are adopted as the Findings of Fact and Determination of the Board of Trustees of the Fire and Police Disability and Retirement Fund.

ADOPTED by the Board of Trustees on the 8th day of April, 2003.

Babette Heefle

Babette Heefle
Fund Administrator

1
2
3
4
5
6 BEFORE THE BOARD OF TRUSTEES
7 FIRE AND POLICE DISABILITY AND RETIREMENT FUND
8 CITY OF PORTLAND, OREGON

9 In the Matter of the Application
10 For Service-Connected Disability Benefits,

11 of
12 BETTY WOODWARD,
13 Claimant.

FINDINGS OF FACT AND
DETERMINATION

14
15 This matter came before the above-entitled Board of Trustees on January 14, 2003,
16 pursuant to the application of Officer Betty Woodward requesting service-connected disability
17 benefits under Section 5-306(a) of Chapter 5 of the Charter of the City of Portland, Oregon ("the
18 Charter"). Officer Betty Woodward appeared in person. The Board of Trustees, after reviewing
19 the records and listening to the testimony presented, now make the following findings of fact.

20 FINDINGS OF FACT

- 21 1. Officer Betty Woodward became a Portland police officer in 1989. Prior to that she
22 had worked as a paramedic for seven years, which included an incident in which she
23 had a gun pointed at her. During her work as a paramedic she never feared for her
24 life.
25 2. The training provided to Officer Woodward at the Police Academy included training
26 in report writing. She understood that a police report should include the elements of

1 whatever crime was being charged and the facts of the case, but not necessarily
2 details beyond what was sufficient for those requirements.

3 3. Police officers were required by General Order 910, "Field Reporting Handbook
4 Instructions" to "write an appropriate report to cover the incident". However, the
5 Bureau did not set Bureau-wide standards for what constituted an appropriate report.
6 Police reports ranged from extremely brief with little detail to lengthy and overly
7 detailed.

8 4. In October of 1990, Officer Woodward was assigned to North Precinct. On October
9 23, 1990, she was working a district known for gang activity. Assignment to that
10 district usually involved two officers, but on that night, Officer Woodward was
11 working alone.

12 5. While cruising through the area, Officer Woodward saw two men walking toward
13 each other for what appeared to be the beginning of a drug deal. When they saw her
14 car, the men turned and walked away from each other. When Officer Woodward
15 came around the block again, they were again coming towards each other and again
16 turned and walked away from each other when Officer Woodward came into sight.

17 6. Officer Woodward stopped to talk to one of the men, Malcolm Matthews, whose
18 jacket bulged in the front. Officer Woodward patted him down and found an open
19 container of alcohol inside his jacket.

20 7. Officer Woodward noticed that the second man had turned around and was walking
21 towards her and Mr. Matthews. She then radioed for Code One cover and continued
22 to pat down Mr. Matthews, finding a butterfly knife.

23 8. Officer Woodward handcuffed Mr. Matthews' hands behind his back, and then began
24 to pat down his left leg. He made a movement, and she straightened up. He pulled a
25 gun out of his back pocket and allegedly pointed the gun into Officer Woodward's
26 stomach.

- 1 9. Officer Woodward recalled that she felt certain she would be shot. She grabbed the
2 gun and began fighting with Mr. Matthews until she realized he was handcuffed and
3 unable to fight back.
- 4 10. The cover car arrived and Officer Woodward directed the officer to deal with the
5 second man. She put Mr. Matthews in her police car. She examined the gun and
6 found it had no magazine in it, which did not change her feeling that she had just
7 escaped being killed.
- 8 11. Officer Woodward drove Mr. Matthews to jail downtown. She stopped in front of the
9 Justice Center, where she ran into an old friend and told him what had happened.
10 Officer Woodward contacted this friend prior to the hearing, and although he recalled
11 meeting her, he did not recall anything she told him.
- 12 12. Officer Woodward recalled telling several different officers what had happened but
13 did not remember who those officers were. Each officer responded with a question of
14 why Officer Woodward did not shoot the man. That response felt to Officer
15 Woodward like a slap in the face.
- 16 13. Officer Woodward wrote her police report that night but doesn't recall anything about
17 writing the report, wanting only to forget what had happened. Officer Woodward's
18 police report does not state that Mr. Matthews held a gun to her stomach.
- 19 14. According to Lt. John Tellis, an 18-year veteran of the Police Bureau currently
20 assigned to the Training Division, officers sometimes leave out important details in a
21 report after a traumatic incident. However, he would expect a threat of deadly force
22 to be in an officer's report.
- 23 15. On October 24, 1990, Officer Woodward told her therapist, Dr. Jamie Levin-
24 Edwards, that a man had drawn a gun on her.
- 25 16. On August 22, 1992, Officer Woodward was sent to cover Officer Doug Erickson
26 who had responded to a noise complaint about a house on North Minnesota Street.

1 Officer Erickson had tried to speak with individuals in a group of approximately six
2 people on the porch of the house, but they were uncooperative.

3 17. Officer Erickson noticed a car parked the wrong way in front of the house and wrote a
4 parking citation. A woman in the group in front of the house was agitated and upset,
5 as were several other people who came towards Officer Erickson and Officer
6 Woodward.

7 18. Officer Bob Day arrived on the scene. Officer Erickson tried to give the parking
8 citation to a female, but she would not take it, so he threw the citation inside the front
9 passenger seat.

10 19. The group was shouting obscenities and coming towards the officers. When a man in
11 the group, William Carr, took the citation and threw it to the ground, Officer Day
12 attempted to arrest him for offensive littering. Mr. Carr resisted, and Officers Day
13 and Erickson began struggling with him.

14 20. Officer Woodward was between the agitated group and the two officers attempting to
15 restrain and arrest Mr. Carr. Officer Woodward feared the group would overpower
16 and attack her. She called for a Code Three cover, which meant officers would
17 respond as fast as possible with lights and sirens.

18 21. Officer Woodward was facing the group, trying to control them and keep them from
19 Officers Erickson and Day and Mr. Carr. Officer Woodward could not see Officers
20 Day and Erickson, so did not know whether they were able to restrain Mr. Carr, who
21 continued resisting the officers' efforts to restrain and arrest him.

22 22. Officer Woodward felt threatened by the hostile group she was trying to control and
23 by the possibility that Mr. Carr might have weapons or attack her from behind. When
24 police cars arrived with sirens on, the group dispersed.

25 23. Officer Woodward identified the woman in the crowd, who seemed to lead the hostile
26 group, to be taken into custody. Mr. Carr was also arrested and taken into custody.

- 1 24. During the incident, Officer Woodward felt the group could break into serious
2 violence at any moment. Although Officers' Day and Erickson felt at the time that
3 there was a potential threat of violence from the group, the incident was not unusual
4 in their police careers.
- 5 25. On July 25, 1993, Officer Woodward and a probationary trainee, Officer Ann Grey,
6 were sent to a house at 6232 N. Columbia Way. They were the initial officers
7 responding to a fight or family disturbance at that address. A man and a woman
8 leaving the house said, "they are inside," which Officer Woodward took to mean that
9 other officers were inside.
- 10 26. Entering the house, Officer Woodward saw three people, none of whom were police
11 officers. As she proceeded into the room, Officer Woodward allegedly saw on every
12 surface, including a mantle and table next to a couch, knives, razor blades and clubs.
13 She believed that anywhere one would put their hand down, there would be some sort
14 of weapon nearby.
- 15 27. Officer Woodward saw a man in a hallway who looked to her exactly like Charles
16 Manson who Officer Woodward believed to be the epitome of evil. The man, Steven
17 Durbin, held a rifle. He appeared to Officer Woodward to be high on
18 methamphetamine.
- 19 28. Officer Woodward drew her gun and yelled to Mr. Durbin to drop the rifle. Mr.
20 Durbin did not immediately drop the rifle and Officer Woodward believed she would
21 be shot and/or would have to shoot him. She also feared that if she shot Mr. Durbin,
22 she would be attacked by the three people with the alleged weapons.
- 23 29. Mr. Durbin did put the rifle on the floor, and Officers Woodward and Grey placed
24 him in handcuffs. Officer Grey searched him. She found a syringe and a handgun,
25 which she gave to Officer Woodward.
- 26 30. Officer Woodward took the handgun and attempted to remove any ammunition.

1 After removing a magazine from the gun, she was unable to determine if there was
2 still a bullet in the chamber. She could not de-cock the gun. Officer Woodward
3 pointed the gun in a safe direction at the floor and pulled the trigger, discharging the
4 weapon.

5 31. Officer Woodward's report does not mention the presence of knives, razors and clubs.
6 Officer Grey did not recall seeing knives, razors and clubs. Officer Grey would have
7 noticed potential weapons because of the three people who were not handcuffed and
8 could have used such weapons.

9 32. Lt. Tellis would expect that if an officer perceived threats to his or her safety, the
10 officer would likely include in the report the nature of the threat to the officer's
11 safety.

12 33. It is not unusual for an officer to remember details of traumatic incidents after the
13 incident. They may append a special report detailing recollections after a traumatic
14 incident. They may also leave out information if the information is not relevant to the
15 actions the officer took while using their authority.

16 34. A direct threat of deadly force in which a subject holds a weapon against an officer's
17 body is not common in police work.

18 35. It is not unusual for officers to be in situations where they are threatened with serious
19 bodily harm. They are trained to respond to such threats.

20 36. From February 6, 1990 to October 26, 1994, Officer Woodward received counseling
21 from Jamie Levin-Edwards, Psy.D. She sought counseling for personal problems and
22 rarely discussed work related stress. Dr. Levin-Edwards did not formally evaluate
23 Officer Woodward.

24 37. Officer Woodward began treating with Alexis Artwohl, Ph.D. in October of 1997,
25 complaining of work related stress, especially in relation to the death of Officer Tom
26 Jeffries. Officer Woodward reported her stomach felt tied up in knots and that she

1 had some scary dreams. She could be tearful and anxious. She reported a prior
2 history of significant depression.

3 38. Dr. Artwohl diagnosed depression. Officer Woodward began taking anti-depressants.

4 39. In February of 1998, Officer Woodward was reassigned to an administrative position
5 in Planning and Support after she had suffered chest pains on her way to work.
6 Officer Woodward related the chest pain to work related anxiety.

7 40. While working in Planning and Support, Officer Woodward's symptoms decreased
8 markedly. In the spring of 2002, she was informed she would be reassigned to street
9 patrol.

10 41. On March 14, 2002, Officer Woodward began treating with Sandra Pinches, Ph.D.,
11 complaining of increased nightmares and panic attacks. Officer Woodward was
12 restricted to limited work by Dr. Pinches on July 24, 2002, and she filed a Disability
13 in Line of Duty Report on July 25, 2002. She has not worked for the Police Bureau
14 since August 1, 2002.

15 42. Dr. Pinches evaluated Officer Woodward and diagnosed Post Traumatic Stress
16 Disorder (PTSD) with panic attacks, and depression, not otherwise specified, from
17 history. Dr. Pinches opined that the depression was not symptomatic at the time of
18 the evaluation on September 23, 2002 and presumably preexisted Officer
19 Woodward's work as a police officer.

20 43. Dr. Pinches opined that Officer Woodward's PTSD was initially caused by childhood
21 trauma and significantly worsened by the traumatic events she experienced as a police
22 officer.

23 44. Officer Woodward was also evaluated by Thomas P. Welch, M.D. who diagnosed
24 chronic PTSD and major depressive disorder, recurrent, in full remission. Dr. Welch
25 opined that Officer Woodward's major depressive disorder was a combination of a
26 genetic predisposition and early childhood stressors.

1 45. Dr. Welch further opined that although Officer Woodward had some PTSD-type
2 symptoms as a result of her father's treatment of her, she met the full criteria for
3 PTSD only after the work-related incidents. The primary cause of Officer
4 Woodward's PTSD, according to Dr. Welch, was the series of work related incidents
5 in which her life was threatened.

6 46. Dr. Pinches concurred with Dr. Welch's findings.

7 ULTIMATE FINDINGS OF FACT

- 8 1. It is not clear whether, in the 1990 incident, the gun was actually held to Officer
9 Woodward's stomach. That threat, which was perceived by Officer Woodward as life
10 threatening, was not real and objective.
- 11 2. The 1992 incident, in which Officer Woodward was confronted by a hostile group
12 was physically threatening, but was not other than a condition generally inherent in
13 police work.
- 14 3. In the 1993 incident in which Officer Woodward perceived danger and physical threat
15 partly because of alleged knives, razors and clubs, that danger and threat was not real
16 and objective.
- 17 4. The threat in the 1993 incident, in which Officer Woodward feared she might be
18 killed by Mr. Durbin, was not other than a condition generally inherent in police
19 work.

20 CONCLUSION OF LAW

21 Officer Woodward is not entitled to a disability benefit under Section 5-306(a) of Chapter
22 5 of the Charter of the City of Portland.

23 ///

24 ///

25 ///

26 ///

1 Based on the foregoing Findings of Fact and Conclusions of Law,

2 IT IS HEREBY ORDERED that the application of Officer Betty Woodward for service-
3 connected disability benefits is denied.

4
5 Adopted by the Board of Trustees on this 4th day of April, 2003.

6 Babette Heefle

7 Fund Administrator

8
9 TO THE CLAIMANT: THIS DECISION IS SUBJECT TO REVIEW BY THE MULTNOMAH
10 COUNTY CIRCUIT COURT PURSUANT TO ORS 34.010 TO 34.100.