



DEPARTMENT OF JUSTICE
CIVIL ENFORCEMENT DIVISION

November 22, 2016

Shane Nelson
Deschutes County Sheriff
63333 West Hwy 20
Bend, OR 97703

Re: Allegations of potential election law violations at the Deschutes County Sheriff's Office

Dear Sheriff Nelson:

On or about June 13, 2016, you contacted Michael Slauson, Chief of the Criminal Justice Division, to ask that the Department of Justice investigate allegations of potential elections law violations made by Deputy Eric Kozowski; a subordinate and election opponent. Michael Slauson subsequently referred this case to Sr. AAG Patrick Flanagan, requesting that we confer with the Secretary of State's Office as to whether they thought it necessary to investigate for violations of the state's elections laws. The substance of the referral was that Deputy Kozowski had reported to Sheriff Nelson that associates of Dep. Kozowski were potentially being given unfair scrutiny and disparate treatment because of their support of him (Dep. Kozowski) and that he believed that this may be a violation of the elections laws. After conferring, the Secretary of State's Office requested that we pursue an investigation.

DOJ Investigator Marlene Olson led the investigation, during which she interviewed 12 employees of the Deschutes County Sheriff's Office (DCSO), in addition to you and Deputy Kozowski. Many of those interviewed were identified by Deputy Kozowski as witnesses to the allegations. Investigator Olson also reviewed:

1. Original emails between Deputy Kozowski, Sheriff Shane Nelson, Darryl Nakahira, David Doyle and Sergeant Scott Herrmann.
2. Copy of Deschutes County Clerk email regarding Campaign policies.
3. Report of Verbal Counseling.
4. History of Deschutes County Sheriff's Office; online resources.
5. Online Campaign sites for Sheriff Shane Nelson and Deputy Eric Kozowski.

Ultimately, the investigation showed that there was insufficient evidence to support allegations that elections laws were violated during the course of the respective campaigns.

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Investigator Olson was unable to corroborate any specific instances of undue influence on the job nor was she able to substantiate concerns regarding fears of retaliation based upon on- or off-duty political activity. While our investigation shows that there may be a tense work-place that was exacerbated by a subordinate deputy challenging the incumbent in this election, there is no evidence that any elections laws were violated. Therefore, this investigation is concluded and the case is closed.

Sincerely,



Patrick A. Flanagan, AAIC
Senior Assistant Attorney General