

State police probe fingerprint alteration

BEND (AP) — Oregon State Police are investigating the agency's own Portland-area lab after they say a fingerprint analysis appears to have been improperly altered.

Oregon State Police Capt. Alex Gardner informed Crook County District Attorney Daina Vitolins about the inquiry in a June 17 letter, *The Bulletin* of Bend reported.

According to the letter, a forensic scientist matched a fingerprint to a database in a way that violated normal procedure.

Normally a print is run through an Oregon database, then if no match is made a second search is made against a regional database. If no regional match is made, the analyst will run a national database search.

The analyst appears to have missed a match at the state level, but then matched the fingerprint to the same individual after moving up the search, according to the letter.

The scientist then altered

a report to make it appear he had followed appropriate procedure, the letter said.

Gardner wrote that nothing about the incident suggests this error would have resulted in unjustified prosecution. He said every fingerprint match is verified by a second analyst.

The analyst who is being investigated has testified five times since 2009.

Capt. Bill Fugate, state police spokesman, would not identify the examiner Wednesday, saying the inquiry was internal and not criminal in nature.

Vitolins confirmed Wednesday that she received the letter from Gardner but said it would be "inappropriate" for her to comment because the investigation is pending.

The internal investigation comes as the Oregon Department of Justice is investigating Bend lab analyst Nika Larsen, who is on leave and suspected of removing drugs and replacing them with over-the-counter medications.

LAND USE: Project has been delayed by appeals

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McKenzie Meadow Village (MMV).

The modification would accommodate shifting the location of the proposed assisted living facility by more than 25 feet to allow for the construction of a smaller facility than originally approved in 2010. The modification of the site plan would entitle the development details associated with the assisted living facility.

Council's prior approval had been appealed by PAG to LUBA and due to some technicalities and missing documentation, it had been remanded to Council to reconsider and correct.

A letter was received on June 23, the day of the hearing, from PAG's attorneys, Perkins Coie of Portland, requesting that the City Council deny MMV's applications for the modifications. The letter basically reiterated the arguments made by PAG in their original appeal to the Council in July 2015 of the Planning Commission's decision, which they later appealed to LUBA.

They argued that new

impact studies should have been required for the requested modifications. There will be fewer units in the assisted-living facility than originally proposed — 57 vs. 82. The City staff, traffic engineer, public works staff, and assisted-living facility developer Kevin Cox all provided information and data necessary to support the decreased impact of the modified plan.

MMV's attorneys presented detailed findings of fact to counter item-by-item PAG's assertions. No one representing PAG was in attendance at the hearing. Council voted 5-0 to deny PAG's appeal and approved amended conditions of approval for their original decision.

The ball is now in PAG's court. They can accept the Council's decision or they can appeal again to LUBA. If LUBA were to dismiss their appeal, PAG could take it to the Court of Appeals and eventually all the way to the State Supreme Court. If they were to go that route, development of the MMV assisted-living facility could be delayed indefinitely.

MMV attorney Laura Craska Cooper told City Council that MMV partner Bill Willitts told her, "Not a single week goes by that I don't get asked when we will be building the assisted-living

facility so that a Sisters resident can move their father or mother here to Sisters."

Also delayed is cottage housing and affordable apartments for seniors planned as part of the MMV development.

Still to be considered by LUBA is PAG's third appeal regarding the Planning Commission's extension granted to the MMV subdivision.

In the meantime, no work has begun on PAG's own assisted-living facility approved for the property next to the post office, between Larch and Locust. No explanation for the delay has been offered by PAG, despite past attempts by *The Nugget* to contact PAG developer Mark Adolf.

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