



KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104-2312
Tel: 206-296-4155 • Fax: 206-296-0168

John Urquhart
Sheriff

August 7, 2013

Dear Sergeant Saulet:

This letter is in response to the *Loudermill* hearing held on July 2, 2013 for case number IIU 2012-261 regarding a citizen complaint filed against you. The incident in question occurred on December 9, 2012.

Before the Loudermill hearing, I read Sergeant Francis Carlson's IIU investigatory file, including all witness statements, as well as the statement you provided. Since then I reviewed the entire file a second time. I found Sgt. Carlson's investigation to be full and complete, and I saw no procedural violations. The investigation was completed within the 180 days as required by the CBA.

The incident under investigation involves an "intrusion" of a vehicle into a secure area that leads into the bus tunnel at Convention Place Station, apparently a fairly frequent occurrence. The vehicle was driven by Mr. Louis Landry, who says he is a "seven year veteran" and served in Iraq. He was accompanied by his wife (who was visibly pregnant) and their 18 month old daughter. According to Mr. Landry, their GPS lead them into the off-limits area, and they were stopped by civilian security who called for Metro Transit Police, which is their SOP. You responded, as did Deputy Timby. While an exhaustive recitation of every relevant fact is beyond the scope of this notice, to explain my thinking I will highlight several that I find significant.

According to Mr. Landry, you "made a spectacle of everything," said "do you realize I can put you in jail, put your wife in jail," and... "take away your daughter." He also says you told him he needed to "...man up. You're the man of the family. You shouldn't be doing this." Mr. Landry's statement reads that you "were in between yelling and talking" while "emphasizing a lot that...I could send you to jail. I could send your wife to jail. I could even take away your daughter." He says you also noticed that his wife was pregnant, asked him if he was going to have another child, and then said "well you definitely need to man up a little bit more then." He felt you were threatening and insulting him. Mr. Landry concluded by saying "It's just totally absurd that... a man of his stature, a sheriff can do this."

Mrs. Landry essentially confirms her husband's statement. According to her, you told Mr. Landry he was, "the head of a family and did such an irresponsible act. You can go to jail because of this, so does your wife and your child can be taken by the government. It is so wild especially when you expect a child soon." She said she was "greatly disturbed when he mentioned my unborn child." She went on to say you "kept on talking for quite a time without trying to listen. He acted like a teacher disciplining his students." She said that security personnel had told them they had seen many incidents

like theirs and they thought it would probably be dismissed with a warning. She said "I do not understand why the officer even had to threaten us with such a scenario of prison custody."

Chris Vance with Securitas also provided a statement. From his statement it appears the first thing Mr. Vance heard you say was, "do you know I can have your wife and kid out here on the platform waiting for a bus while I take you in?" I find it noteworthy that Mr. Vance went on say, "at this point I retreated from the area not to instigate anything and to let the police officer handle it." The implication is that he was uncomfortable with how you were handling the situation. When asked how you sounded, Mr. Vance said you sounded "angry, but I'm not sure why he felt angry..."

There is no indication from anyone interviewed that Mr. and Mrs. Landry were anything but polite and cooperative. In fact, you said Mr. Landry never had "any attitude", although you didn't remember whether he was "apologetic or not."

Deputy Timby was at the scene and only heard you call the driver "sir." He said he "could not hear" the conversation you had with the Landrys. He "could not hear" any conversations between you and Mrs. Landry. Consequently, Deputy Timby's testimony provides little assistance in determining what you said.

Steve Eggert, your representative at the Loudermill hearing, took the position that sometimes we need to take a strong stand, even harsh, with people and raise our voice to get compliance. Mr. Eggert provided two "real-life" examples: The first was a shirtless man "near Enumclaw" that stomped up to deputies, apparently drunk or near drunk while making demands. Deputies had to speak to him in a specific way to get him to back down. The second example, apparently hypothetical, was of a man "driving the wrong way on the freeway with his kids in the car." I do not disagree with Mr. Eggert's general point: There are times where circumstances require, or at least excuse, forceful communication. But the point misses the mark because the Landrys did not remotely present such a circumstance. In fact, the examples suggested by Mr. Eggert, particularly regarding the shirtless man, just put the inappropriateness of your interactions with the Landrys in sharper relief, because they are so fundamentally different. Mr. Landry was not shirtless, was not drunk or near drunk, was not alone, did not stomp up to you, and did not make demands. He is a citizen, veteran, and father who inadvertently and understandably entered an off-limits area while driving a car with his pregnant wife and 18-month daughter, and who by all accounts was cooperative and simply sought to correct his mistake and be on his way.

You said that you didn't yell and didn't use profanity. You also denied threatening to take the driver to jail. Yet both Mr. and Mrs. Landry said you did threaten jail, and their version is confirmed by Securitas Officer Vance. In addition, during the Loudermill you told me you "*could* have written him for Neg Driving." I find this in the same vein of "I *could* take you to jail." I also disagree that Mr. Landry's mistake would rise to the level of negligent driving. Your assertion that you "could have written him for neg driving" is the very type of ill-advised remark that the Landrys accuse you of making and that I feel reflects poor judgment. Frankly, your comments at the Loudermill undermined your denial of the jail threats.

You deny making the comment about Mr. Landry being the "man of the family," but admit that you told Mr. Landry that he is "responsible because he has his family in the car." While I find Mr. Landry's statement far more persuasive than your denial, the more important point may be that either remark was uncalled for under the circumstances. A citizen who inadvertently takes a wrong turn is not analogous to someone deliberately "driving the wrong way on the freeway with his kids in the

car.” Neither that citizen nor his spouse should have to listen to a law enforcement officer comment on his manhood, counsel him on his family or parental responsibility, or otherwise treat him and his spouse in a manner that is condescending and sexist.

Finally, Securitas Officer Vance stated he moved away from the situation after he heard you sounding “angry.” All of this, coupled with Mr. Landry’s description that you “made a spectacle of everything,” leads me to believe the Landrys’ version of events. Regardless of your intentions, you dealt with the Landrys in a manner that was discourteous and demeaning; that escalated or threatened to escalate a situation for no apparent reason; that reflects poorly on you and our organization; and that otherwise fell well short of the professionalism we (and the community we serve) expect of all our officers and particularly those who, like you, enjoy supervisory authority.

Therefore, given the totality of the evidence and the lack of a reasonable explanation for your conduct, I find the evidence establishes that you were discourteous, and I sustain the allegation that you violated RULES OF CONDUCT: MISCONDUCT: COURTESY: *Members shall conduct themselves in and orderly, courteous, and civil manner towards others.* GOM 3.000.015(2)(i).

There are seven recognized tests to determine if fair dealing and impartial treatment (“just cause”) were afforded the employee. I’ll list them here with my conclusion and the reason for that conclusion.

1. NOTICE: Did you receive forewarning and foreknowledge from the Sheriff’s Office of the possible disciplinary consequences of your conduct?

Yes, you’ve been on notice for several years, most recently in 2011 with a 2012 *Performance Improvement Plan* (PIP). Not only is the type of discourteous conduct alleged here not appropriate, but also that if it recurred discipline would result up to and including demotion or even termination.

In 2011, for example, you were placed on a *Performance Improvement Plan* and provided a *Training Plan*. As part of the PIP, you were told:

“You must be positive, constructive, respectful and courteous in interactions with others, including citizens (victims and witnesses), suspects, co-workers, other law enforcement and Metro personnel. Your working relations with these people must be professional in nature. You expected to treat all department members with and the public in a professional, respectful, and courteous manner.” You were also told, in writing, that “...in the event you do not meet these expectations; you may face additional corrective counseling and/or discipline.”

In addition, the PIP noted, “You are expected to set a positive example of professionalism for deputies assigned to Metro Transit Police and throughout the Sheriff’s Office.”

You also received a *Memo of Corrective Counseling* which related to your interaction with Sound Transit officers. Chief Jutilla noted:

“I have discussed with you GOM 3.00.0156.2(g) that states that ‘.....members shall conduct themselves in an orderly, courteous, and civil manner towards others.’ You were also told in the memo, ‘Interactions between members of the Sheriff’s Office, where concerns about

discourtesy and lack of respect surface, must be taken seriously. There concerns are frequently based on the perceptions by the aggrieved individual.”

In 2008, you were reduced in rank over a Courtesy violation. That allegation was overturned at arbitration, and clearly I can't use that as part of your discipline history or for discipline, nor will I. I nevertheless mention it here because the arbitrator's ruling, while in your favor, provided you considerable further “notice” of the importance of professionalism and the potential—in fact, likely—consequences of additional lapses. For example, the arbitrator wrote, in part:

“In this matter the Arbitrator has found there is not a sufficient evidence to support a charge of Courtesy violation however she notes that the County has worked diligently with Sergeant Saulet to reduce the number of complaints that he has received over the years. As noted by [Karen] Crowder, there may be many reasons that Saulet is the subject of complaints. Regardless of the reasons however the County is correct that it does not have to continue to retain Saulet in his position of sergeant if he is the subject of sustained complaints. There is a point when ‘enough is enough’. That point has not been reached in this matter but the Arbitrator cautions the Grievant that the point was not reached only because there was not sufficient evidence to sustain the findings at this time. While the courtesy allegation and its accompanying allegation of performance standards are not being upheld, the Grievant must take the heart the reality that he is on the edge of when enough will be enough”.

In 2003, pursuant to a *Written Reprimand* for a courtesy violation (2003-028), you were counseled by Captain Louie: “You are expected to act professionally when contacting citizens and should avoid using negative or derogatory words that could inflame a situation. I do not expect and future violations on this matter.”

Sheriff Reichert was even more explicit when he wrote, after reducing the 15 days off recommendation for this violation to the *Written Reprimand*:

“You have been the subject of two written performance plans in the past four years. You have known for several years that the manner in which you interact with people has been a serious concern to the King County Sheriff's Office. You've been through two counseling sessions with Dr. Karen Crowder to evaluate how you treat people and to give you the tools to avoid getting so many courtesy complaints.”

Sheriff Reichert went on to say:

“I cannot, however, tolerate continued sustained complaints against you. You have had 12 (twelve) sustained complaints as a King County Sheriff's Deputy – all of them involved your treatment of citizens. Other employees do not generate the number of sustained complaints in you've received. Future sustained complaints in the area of your treatment toward people will likely result in your demotion or termination of your employment with the King County Sheriff's Office.”

He also wrote: “Disrespectful or demeaning conduct towards citizens violates [our] code of Conduct. These values will be strictly enforced, as they are the foundation [on which] our organization is based.”

In 2001 you were notified by memo from Captain Debbie Huntsinger: It is very clear in the Performance Plan that you have been warned your rank as sergeant or your future employment is at risk if you do not make the appropriate corrections.”

The PIP referenced by Captain Huntsinger notes the following:

- In order for you to retain your employment and continue being a supervisor, you must demonstrate that you continually treat citizens with courtesy and respect.
- Your job performance in the area of Courtesy and Use of Force has been unacceptable.
- Your future employment is at risk if you don't make the appropriate correction.
- If you fail to participate in the program and do not show improvement in the areas of Courtesy, Conduct, and Use of Force, you may be demoted from your position of sergeant.
- Repeated sustained complaints in these areas will likely result in termination.
- You are being given the opportunity to correct a pattern of performance that has inhibited your career and jeopardizes your continued employment.

It also bears noting that the performance requirement being addressed here—courtesy specifically, professionalism generally—is one that does not, or at least should not, require extensive prior notice (even though that notice was, in fact, provided to you). It is a matter of commonsense, and something that should be readily evident to nearly any law enforcement officer, let alone one with your experience.

2. REASONABLE RULE OR ORDER: Was the rule or managerial order reasonably related to (a) the orderly, efficient and safe operation of the Sheriff's Office, and (b) was this the performance that the Sheriff's Office might properly expect of an employee?

Treating citizens, co-workers, and even suspects with courtesy and respect is one of the essential functions of employees of the Sheriff's Office. In short, we can't function as an effective law enforcement agency if we don't have the respect and support of the community we serve. It takes years of consistent professionalism by the entire organization to build and sustain that trust and support. Every instance of discourtesy and disrespect by individual officers undermines all of that prior, collective effort. In a matter of minutes, individual officers can significantly damage what their colleagues have spent years building. And as noted above, you have been responsible for multiple such instances, despite the consistent message that they will not be tolerated by the Sheriff's Office.

3. INVESTIGATION: Before administering discipline, did the Sheriff's Office make an effort or discover whether the employee did in fact violate or disobey our General Orders Manual relating to Courtesy?

As noted, I carefully reviewed IIU file 2012-261 and I believe the investigation was thorough, complete, and impartial. In addition, neither your representative, Guild President Steve Eggert, nor you raised any issues regarding the thoroughness or fairness of the investigation at your Loudermill hearing.

4. FAIR INVESTIGATION: Did the Sheriff's Office conduct an investigation that was fair and objective?

Again, I have reviewed the investigation and I am confident it was both fair and objective, and no objection was raised at the Loudermill hearing.

5. PROOF: Did I have substantial evidence or proof that the courtesy violation occurred?

The main contradictions between you and the witnesses as to the facts of the incident appear to be whether you threatened to take Mr. Landry to jail and/or referred to him as the "man of the house." As noted above, on these two points, the evidence weighs very heavily against your denials. Further, even assuming for the sake argument that, despite the evidence, you did not make these precise remarks, the fact remains that you conducted yourself in a wholly unacceptable manner. There were no other factual issues raised by you at the Loudermill hearing. And the only issue raised by Mr. Eggert was whether your conduct rises to the level of discourtesy. Major Mulligan was very clear in her conclusion that it does, as was Chief Deputy Kirkpatrick. After reading the file, including the statements of witnesses, hearing the information provided by you and considering the opinion of Mr. Eggert, I am convinced that the violation occurred.

6. EQUAL TREATMENT: Has the Sheriff's Office applied its rules, orders, and penalties evenhandedly and without discrimination to all employees?

The record of the Sheriff's Office not tolerating its employees treating citizens or co-workers with discourtesy or lack of respect is very clear: we do not tolerate that sort of behavior.

7. PENALTY: Is the penalty administered by the Sheriff's Office in a particular case reasonably related to (a) the seriousness of the proven offense, and (b) the record of the employee in their service to the Sheriff's Office?

As mentioned above, I consider any lack of courtesy or respect by employees of the Sheriff's Office a serious matter principally because it undermines the confidence of the public and affects our ability to do our job as police officers. It raises other actual and potential problems as well. For example, being disrespectful and discourteous alienates witnesses whose cooperation we depend upon; calls into question the officer's professional judgment; creates anger and ill will and otherwise escalates or threatens to escalate situations we are specifically trained and called upon to de-escalate; confirms and exacerbates negative perceptions of law enforcement; and increases legal exposure, both for the officer in question and the department as a whole.

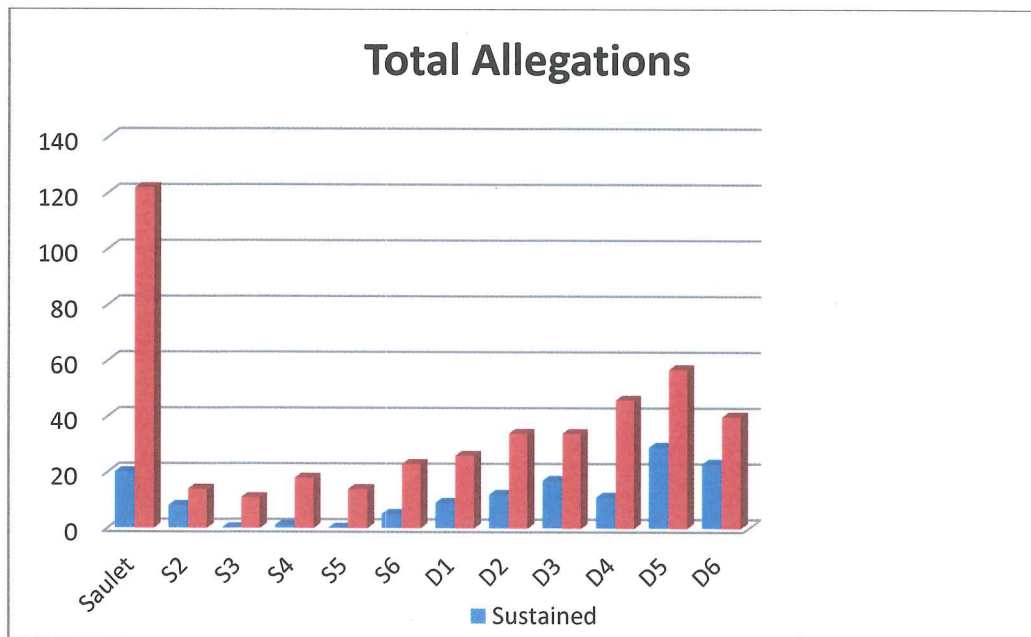
These are among the reasons why being respectful, treating people in the "right way" are included in our Core Values under the concepts of Leadership, Integrity and Service. In addition, our Core Value of Leadership includes that "our manager's model expectations and we lead by example at all levels." Our Core Value of Integrity includes that "we acknowledge that public trust matters—all the time." And our Core Value of Service provides that "we seize the opportunity to treat people the right way." The offense is serious largely because it goes to the heart of these Core Values and it is part of a larger pattern that has persisted over time. Its seriousness is magnified by your role as a sergeant. You have repeatedly failed to satisfy one of the Core Values that you are responsible for modeling and otherwise instilling in those you supervise.

Secondly, I look to the Preamble of the Sheriff's Office General Orders Manual. It reads, in part, "...abuse of authority and egregious and/or repeated violations of the GOM will result in serious discipline, including suspension or termination." It also says: "Sheriff Office members shall....be respectful in your service to the public....."

Next, I have to look at your record of service while employed by the Sheriff's Office. On the positive side there is no question but that you are a hard working sergeant who is sometimes described as "well liked" by deputies. Over the years you have often received good evaluations from your supervisors. You have commendations from citizens in your file. You have received awards from the Sheriff's Office, including the Medal of Valor. In addition, this is the first sustained *Courtesy* violation in several years and I took that into consideration.

Unfortunately, the negative side of your time in the Sheriff's Office is more extensive and, in my judgment, significantly outweighs your positive contributions. After reviewing our records in IAPro and IIU tracking system, it appears you have more allegations against you than any other employee—at least 120. The next closest sergeant has 23. You have had 20 sustained allegations in your years with the Sheriff's Office, and the majority of your sustained allegations concern Courtesy, Use of Force, and Conduct Unbecoming, all of which relate to how you treat citizens.

Here is a visual representation of your history with the Sheriff's Office, compared to five other sergeants (S2-S6) and six deputies (D1-D6). In both cases they represent the next highest sergeants/deputies in the number of allegations.



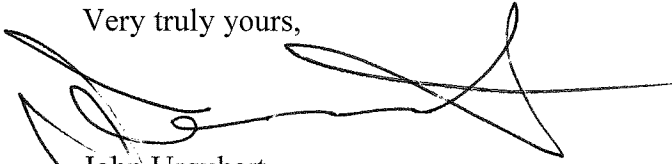
You have been repeatedly told you need to improve your interaction with people, coached and counseled on methods for doing so, and warned of the potential consequences of further problems. These notices, opportunities and warnings were provided to you through evaluations, three performance improvement plans, external training, two multi-visit sessions with Social Psychologist Karen Crowder, one-on-one counseling and coaching sessions with your supervisors, and at least 80

hours of time off without pay. The Sheriff's Office has shown considerable restraint and support, and has made every reasonable effort to improve your performance and help you be successful in your career. Still, the problem has continued. Law enforcement often requires equal measures of action and restraint. In broad terms, your record shows acceptable performance as to the former, but not the latter.

I do not take my discipline decision lightly and I find no satisfaction in taking negative action against anyone associated with this organization. However, after careful consideration of the relevant circumstances, including the investigation file, your history, the tenets of progressive discipline and just cause, and the input of other members of the Command Staff, I concur with the recommendation of Chief Deputy Kirkpatrick and order your demotion to deputy and transfer from Metro Transit Police, with a 12 month *Performance Improvement Plan* at your new worksite. I genuinely hope, and expect, that this will be the final time we address these types of issues with you. At the same time, please understand any future conduct violations will be treated very seriously, and depending on the circumstances, could result in termination.

Again, my hope is that you take this demotion to heart and improve how you deal with the public.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Urquhart', with a long horizontal stroke extending to the right.

John Urquhart
Sheriff

cc: Steve Eggert