

SHERIFF

KING COUNTY

KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104

John Urquhart
Sheriff

PERSONAL AND CONFIDENTIAL

January 30, 2014

Dear Deputy Saulet:

On January 7, 2104, you met with me for a *Loudermill* hearing regarding IIU Case No. 2013-176, which relates to a citizen complaint filed against you by Dominic Holden. Guild President Steve Eggert attended as your representative. Also present were Chief Deputy Anne Kirkpatrick, Major Dave Jutilla, Captain DJ Nesel, Sergeant Mike Mullinax, HRD Manager Lance King, and Legal Advisor Diane Taylor. This letter confirms the major points discussed at the hearing, sets forth my factual findings and disciplinary conclusions, and summarizes my analysis. The primary point is that, for the reasons stated below, I accept the disciplinary recommendation that your employment be terminated, and the termination is effective, February 3, 2014.

A. The Allegations, and My Findings and Conclusions.

There are eight allegations against you, all related to events occurring on July 30, 2013:

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| Allegation #1 | Appropriate Use of Authority | GOM 3.00.020(3) |
| Allegation #2 | Ridicule | GOM 3.00.015(2)(h) |
| Allegation #3 | Acts in violation of Sheriff's Office directives, rules, policies or procedures as set out in this manual, the training bulletins or elsewhere.
(GOM 4.00.120 – Citizen Observation of Deputies)
(GTOM 4.00.115 – Public Photography and Video)
(GOM 1.06.030(4) – Media Relations) | GOM 3.00.020(1)(d) |
| Allegation #4 | Acts in violation of the Sheriff's Office directives, rules, policies or procedures as set out in this manual, the training bulletins or elsewhere.
(GOM 1.01.005 – Written Directive System) | GOM 3.00.020(1)(d) |



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| Allegation #5 Performance Standards – Supervision | GOM 3.00.020(4) |
| Allegation #6 Acts in violation of Sheriff’s Office directives, rules, policies or procedures as set out in this manual, the training bulletins or elsewhere.
(GOM 14.00.040(4)(n)) | GOM 3.00.020(1)(d) |
| Allegation #7 Conduct Unbecoming | GOM 3.00.015(2)(k) |
| Allegation #8 Making false or fraudulent reports of statements, committing acts of dishonesty, or inducing others to do so. | GOM 3.00.015(1)(a) |

The allegations and investigation were reviewed by your precinct commander, Major Jutilla, as well as Chief Deputy Kirkpatrick. Their determinations include that allegation number 2 is not sustained; allegation number 3, insofar as it relates to GOM 1.06.030(4)—Media Relations, is not sustained; and all other allegations are sustained. As to discipline, their primary recommendation is that your employment be terminated based on the sustained findings related to allegations 1 and 8, whether viewed separately or together.

I have taken considerable time to review all relevant facts and documents, including, of course, the entire investigative file and your and Mr. Eggert’s input at the *Loudermill* hearing. As a preliminary matter, it is clear to me that the investigation was timely (i.e., completed within 180 days), thorough, fair, and complete. Neither you nor Mr. Eggert presented any new evidence at the hearing, or claimed that the investigation was less than complete. (Mr. Eggert did, however, challenge the investigation in other respects which I briefly address later in this document.) I concur with the determinations of Major Jutilla and Chief Deputy Kirkpatrick as to which allegations should be sustained, and which should be non-sustained. I also concur with their disciplinary recommendations, specifically including that sustained allegations 1 and 8, whether viewed together or in isolation, are sufficiently significant to warrant discharge, and I think this is particularly true when your larger employment history is added to the calculus. I also believe that sustained allegations 3, 4 and 7 further support discharge, as well (though, to be clear, allegations 1 and 8 alone or together suffice).

I strongly believe the collective weight of the relevant facts and circumstances supports these findings and conclusions. I find it difficult to isolate any particular fact or discrete set of facts as controlling and will not attempt to do so here. Suffice it to say that, in my judgment, the evidence shows that (i) you abused your authority in your dealings with Mr. Holden on July 30, and (ii) thereafter, rather than be accountable, you attempted to recast events in a light more favorable to you. Stated broadly, for example, you claim you interacted with Mr. Holden in a civil, professional manner that was nothing more than a “social contact”; you did little more than tell him for his benefit that he couldn’t ride on Metro property because doing so is a \$66 infraction; Shook or Mikulcik told him the same thing; and you once calmly pointed him in a direction you were suggesting he leave. But the evidence is that you approached Mr. Holden because you took exception to him lawfully exercising his right to take photographs of you and your colleagues while lawfully standing on public property; you were agitated and confrontational; you essentially “squared off” with him; you

expressly and/or implicitly threatened to arrest him if he did not leave immediately in the specific direction you pointed, not once but five times (misidentifying public property as private property in the process); and Shook and Mikulcik deny the statement you attribute to them.

At the *Loudermill* hearing, neither you nor Mr. Eggert raised any mitigating or exculpatory circumstances. Instead, you and he made a handful of broad challenges directed at the inception and administration of the investigation. None is persuasive or changes the analysis. For example, Mr. Eggert characterized the investigation as a “witch hunt,” but offered nothing to support the assertion other than his personal belief that the investigative file is particularly large. The density of the file, however, favorably reflects the thoroughness of the investigation, which only undermines the “witch hunt” allegation. If the department in general, or I or the investigator in particular, were “hunting” for a reason to take action against you, we would not have made such a substantial effort to collect and carefully review all relevant circumstances, including any and all that might have wholly or partly exculpated you or otherwise mitigate the circumstances.

Next, Mr. Eggert claimed the investigator asked leading questions of witnesses and urged them to speculate, but the recorded and transcribed statements simply do not bear this out. They show the interviews were conducted in a manner consistent with past practice and current guidelines, and, regardless, my findings and conclusions rest on specific observations and facts, not guesses. Mr. Eggert also asserted that none of the witness statements are consistent. This is an overstatement. There are some inconsistencies, to be sure, but no more or less than is typical of most police investigations: The most comprehensive and fundamental conflict was between Mr. Holden’s statement and yours, and the other statements provided substantially more support for him than you on key points. Finally, Mr. Eggert asserted there is no evidence that you violated any Sheriff’s Office rules, which is a particularly curious contention given that you and he specifically agreed with the sustained findings related to four of the eight allegations. There also is no question that the evidence establishes violation of other rules as well.

Your ill-advised actions also play to some of the most basic fears among some citizens, which is that an police officer may indiscriminately exercise his or her power in violation of their rights, because in the event of a complaint, the officer will just deny the allegations and “circle the wagons” with his or her fellow officers on the expectation they will take care of their own. In a matter of minutes, your actions violated the trust that we, as a department, spend years trying to build and maintain. It also eliminated my trust in your professional judgment. As a deputy, you work largely unsupervised with the power and authority to make many decisions that directly affect the community we serve. I have little confidence in your ability to effectively exercise this considerable responsibility.

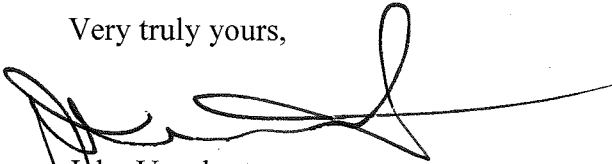
This is where your larger employment history comes into play. The events of July 30 are not isolated. They are part of a larger pattern. As recently as last year, for example, a citizen complaint resulted in similar sustained allegations, including that you threatened to take the citizen to jail for inadvertently driving into a secure area that leads to Metro property and generally interacted with him, and his family, in an unnecessarily confrontational and unprofessional manner. There, as here, you also denied the allegations, recast your actions in a far softer light, and asserted a compassionate motivation, despite substantial evidence to the contrary, including three witnesses who squarely attested to the threat. That, too, was not an isolated incident. You have been the subject of

approximately 120 allegations made and 21 sustained. 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 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.

None of this is to ignore or diminish your past service or positive contributions. I am well aware that you have worked hard for the Sheriff's Office for many years and have often acted with considerable courage. I appreciate these facts and considered them carefully. In the final analysis, however, my judgment is they are outweighed by both your recent actions and the larger pattern of unacceptable behavior and judgment they reflect. The Sheriff's Office has shown considerable restraint and support toward you, 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, which can no longer be tolerated.

I do not take any discipline decision lightly, and I take no satisfaction in this action taken against you. I thank you for your past service to the citizens of King County.

Very truly yours,



John Urquhart
Sheriff

cc: Mr. Steve Eggert
Captain DJ Nesel
Sergeant Mike Mullinax
Lance King, HR Manager
Diane Taylor, Legal Advisor