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**REPORT TO THE CITY OF PROSSER CONCERNING COMPLAINTS OF
POLICE CHIEF JAY KING'S WORKPLACE CONDUCT**

I. INTRODUCTION

This report memorializes my investigation into Jesus Alvarez' ("Mr. Alvarez") complaint, ("Complaint") submitted on January 5, 2024, to Prosser Mayor Gary Vegar ("Mayor Vegar"). The Complaint alleges Prosser Police Chief Jay King ("Chief King")¹ violated multiple Prosser Police Department ("Department") policies and procedures. The Complaint also alleges Chief King bullies, mistreats and micromanages Department staff, and asserts that employees in the Department have lost "all trust, faith and confidence" in Chief King.

During the course of interviewing witnesses, several other issues were raised that do not fall within the scope of this investigation; therefore, I will not address those issues in this report. However, I have informed City of Prosser ("City") administration of those issues.

¹ Chief King and I share the same last name, but we are not related.

Additionally, there were issues raised in the Complaint that, if true, would not violate any Department policies and/or are decisions made by Chief King that are clearly within his authority to make.² This report is comprehensive and addresses the primary concerns of staff; therefore, for the sake of brevity I am not going to address any issue where some in the Department disagreed with a decision Chief King made that was within his purview.

Lastly, the Complaint and several witnesses raised concerns about Chief King's prior employment in Alaska. The scope of my investigation is solely focused on his conduct during his employment at Prosser; therefore, I will not address any allegations related to his previous employment.

II. EXECUTIVE SUMMARY OF FINDINGS

While many of the allegations are nuanced and based on personal opinion, it is my opinion that the factual record supports the following finding:

A. Chief King Violated Department Policy

As will be discussed in Section VI, (A) of this report, I found that Chief King violated four Department policies – he failed to wear his seatbelt while driving his Department issued vehicle; failed to have a magazine in his duty weapon, failed to wear his body camera when conducting traffic stops; and, failed to have his vehicle dash camera on during traffic stops. There are other allegations of policy violations where I found that Chief King may not have followed best practices, but a plain reading of the policy shows that the policy only applies to patrol officers and does not apply to administrative personnel.

B. Chief King Has Irreparably Lost the Trust and Confidence of Most of the Staff in the Department

As will be discussed in great detail in Section VI, (B) of this report, it is clear that Chief King has lost the “faith, trust and confidence” of the majority of the employees in the Department, and most employees stated that nothing can be done in the future to regain their trust and confidence in Chief King.

III. INVESTIGATIVE PROCESS

² For example, some officers brought up an instance where there was a drive-by shooting late at night and the assigned detective wanted to knock on doors and interview witnesses. Chief King directed the detective to wait until the morning.

Witnesses Interviewed:

- John Markus
- Ed Blackburn
- Scott Orate
- Antonio Bustamante
- Jesse Picard
- Christy Mendoza
- Pablo Olivera
- Leslie Johnson
- Eric St. John
- Tom Forsyth
- Junior Sereno
- Jason Johnson
- Matthew Shanafelt
- Brianne Colvig
- Toni Yost
- Tom Glover
- Jay King

Documents Reviewed:

- Prosser Policy Department Policy Manual
- Video of Traffic Stop Conducted by Chief King
- Photo of Alleged Profile of Chief King from the Dating Website
“InterracialMatcher.com”
- Chief King’s Travel and Training Expenses
- Chief King’s Background File

IV. ALLEGATIONS

I investigated allegations that Chief King violated the following Department policies and procedures:

- Chief King “Weaponized” Internal Affairs to Intimidate Officers
- Chief King Changed the Patrol Logging Criteria to Inflate the Number of Calls
- Chief King Misallocated Department Funds
- Chief King Engaged in Sexist Behavior
- Chief King Plagiarized Articles
- Chief King Engaged in Nepotism and Favoritism
- Chief King Does Not Wear a Body Camera and Does Not Turn On the Camera in his Department Vehicle
- Chief King Prioritizes his Training at the Expense of Other Staff
- Chief King Does Not Wear a Seatbelt While Operating his Department Vehicle
- Chief King Does Not Wear Body Armor
- Chief King Does Not Have his Ammunition Clip in his Duty Weapon
- Chief King Does Not Wear a Body Camera
- Chief King Created a Dating Profile that Includes a Picture of Him in a Law Enforcement Uniform
- Chief King Violated a Driver’s Civil Rights

The Complaint also asserts Chief King has lost the “trust, faith, and confidence” of Department staff. Examples of Chief King’s alleged actions that led to this assertion include Chief King creating a “toxic work environment” by bullying, berating and micromanaging employees, as well as Chief King not adhering to the same standards that he expects of others who work in the Department.

V. AUTHORITY

- Department Policy Manuel - Law Enforcement Code of Ethics
- Department Policy 1020 - Body Armor
- Department Policy 1081 - Seat Belts
- Department Policy 200 - Duties of Police Officer
- Department Policy 312.3 – Authorized Firearms, Ammunition, and other Weapons
- Department Policy 314 - Primary Pursuit Vehicle Responsibilities
- Department Policy 327 – Harassment and Retaliation
- Department Policy 1053 – Employee Speech/Expression and Social Networking
- Department Policy 439 – Contacts and Temporary Detentions
- Department Policy 612 – Brady Material Disclosure
- Department Policy 473 – Body/Vehicle Cameras
- Department Policy 1018 – Seat Belts
- *Terry v. Ohio*, 392 U.S. 1 (1968)
- *United States v. Hernandez*, 473 U.S. 531 (1985)

VI. RELEVANT FACTS AND ANALYSIS

A. Allegations of Chief King Violating Department Policies and Procedures

The Complaint alleges Chief King holds Department employees strictly accountable for following Department policies and procedures but does not follow the policies and procedures himself. This Section of the report will identify alleged Department policy violations and provide my determination as to whether Chief King violated any policies and procedures. I will use the following definitions to guide my determinations:

UNFOUNDED:

The allegation is not factual and/or the incident did not occur as described.

EXONERATED:

The alleged incident occurred but was lawful and proper.

NON-SUSTAINED:

There is insufficient evidence either to prove or disprove the allegation.

SUSTAINED:

The allegation is supported by sufficient factual evidence either to prove or disprove the allegation.

1. Allegation that Chief King has Weaponized Internal Affairs

The complaint alleges:

“Chief King uses petty issues to start internal investigations and force officers into compliance and silence, weaponizing the IA system.”

There is no Department policy that specifically addresses the circumstances when an internal affairs investigation will be undertaken, or the procedures related to investigations. However, this allegation would fall under the Department’s general Law Enforcement Code of Ethics (“Code of Ethics”) which states:

“I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions.” (Exhibit “A”)

Witnesses could only identify one internal affairs investigation that has been instituted since Chief King began working as the Chief of Prosser. The investigation involved an allegation that Officer Matt Shanafelt (“Officer Shanafelt”) publicly shared confidential information regarding an open investigation, which resulted in sensitive internal information being posted on social media by his spouse. Officer Shanafelt and several other witnesses believed that the investigation was not warranted, and that Chief King conducted the investigation because he has personal animosity towards Officer Shanafelt.³

However, during her witness interview, Toni Yost (“Ms. Yost”), Finance and Human Resources Director stated that Chief King had nothing to do with instituting or conducting the investigation. Ms. Yost stated that when the Facebook post was discovered, former Mayor, Randy Taylor (Mr. Taylor”), Ms. Yost, Tom Glover (“Mr. Glover”), Prosser City Administrator, and Howard Saxon, Prosser’s City Attorney, met to discuss the post. At the meeting it was decided that an internal affairs investigation was warranted. Chief King was not at the meeting and was not involved in the decision to conduct the investigation into whether Officer Shanafelt disclosed confidential information to his wife. Furthermore, Chief King played no role whatsoever in the investigation. An outside investigator, Clear Risk Solutions, the City’s insurance provider, conducted the investigation.

³ When questioned why he thought Chief King had animosity towards him, Officer Shanafelt was unsure and guessed that it could be because he was outspoken about comments Chief King had made at a staff meeting.

It's clear that the internal investigation into whether Officer Shanafelt disclosed confidential information about the drive-by shooting was not to "force [Officer Shanafelt] into compliance" and the allegation was not a "petty issue" as the Complaint asserts. It should be self-evident to any reasonable person that the investigation was warranted, as the disclosure of internal information related to the drive-by shooting case that was an active investigation, was a serious breach of confidentiality. The Code of Ethics specifically states:

"Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty." (Exhibit "A").

Moreover, it's logical Officer Shanafelt would be the subject of the investigation as it was his wife who posted the confidential information.⁴

Based on the fact that there has only been one internal affairs investigation during Chief King's tenure, and he had nothing to do with instituting or conducting the investigation, the allegation that Chief King has weaponized internal affairs is meritless.

Determination: **EXONERATED**

2. Allegation that Chief King Changed the Patrol Logging System to Misrepresent the Number of Calls the Department Receives

The Complaint alleges:

"Chief King has directed unprecedented modification of patrol logging that vastly misrepresents and greatly inflates call volume and nature, while simultaneously creating records request compliance liability for the department and city alike."

Chief King changed the patrol logging policy and procedures, requiring officers to log rote, officer duties on an hourly basis.⁵ When asked what they thought was the motivation behind the changes, some officers stated they believed Chief King was trying to artificially inflate the number of calls received in Prosser in order to support Council allocating more funding for additional officer positions. Other officers believed that Chief King's motivation was based on his desire to micromanage the officers.

⁴ Ultimately, Clear Risk was unable to determine who within the Department disclosed the confidential information.

⁵ For the purposes of this report, and in the interest of brevity, I don't believe it's necessary to go into detail about the new policy.

If Chief King's motivation for changing the call logging procedures was to falsely inflate call numbers to induce Prosser's Council to provide funding for more officers, it could potentially raise honesty and credibility issues:

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (RCW 10.93.150) (Exhibit "B").

When asked the reason for the new logging policy at his investigatory interview, Chief King explained:

"I had found where they did patrol logs in the past and I was getting complaints of officers sleeping on duty and officers putting themselves on calls and not responding to the calls... officers would say, 'Hey, this person attached himself to my call, but he never showed up.' Or 'this person never takes calls. I have to take all the calls' or this officer will not be seen for hours at a time. And then I had a complaint from a non-departmental personnel, 'Hey, this officer has been seen twice, sleeping on duty in the uniform in a car parked part hidden.' So it's like, okay, if you do an investigation on someone sleeping on duty, it's going to be he said, she said there's no way to prove it unless you actually catch 'em in the act. But one way to address that, one way to keep everybody honest is doing a patrol log. Patrol log is not changing what you're doing now, just what you're doing."

When asked during his interview if he was trying to artificially inflate the number of calls, Chief King vehemently denied he was trying to "pad" the number of calls:

"No. They were told to document what they're doing. If they do a traffic stop log it. If they do a building security check, log it. If they do extra patrol log it. If all they do is random riding patrol, put where you road patrol, put where you're at. You're not creating new work, you're just documenting what you're doing. And they were told in a group meeting with Director Yost present, you're already doing the work. I just want the documentation."

When I interviewed retired sergeant Ed Blackburn ("Sgt. Blackburn"), he stated he agreed "100%" with the new patrol log procedures. He denied that the purpose of the new requirements was to inflate the number of calls and stated the purpose of the new procedure was to hold the "problem children" who had poor "work ethics" accountable.

The facts tend to support that the reason Chief King changed the call logging policy was to monitor what officers were doing while they were on patrol and was not to falsely inflate the number of calls for service. First, staff steadfastly assert that Chief King is a micromanager and

wants to know what everyone is doing. Second, Sgt. Blackburn supported the decision as a supervisory tool. Sgt. Blackburn was close to retirement when the change was made so he had no vested interest in increasing the number of officers in the Department. Third, for some time now Prosser has had recruitment and retention issues. Currently they are not at full staff and have had a hard time being fully staffed with police officers. It does not make sense that Chief King would fraudulently increase the number of calls in order to get funding for additional officers, when they are unable to be fully staffed with the number of officer FTE's they have now.

It should be noted that on February 9, 2024, Mayor Vegar directed Interim Chief Markus to discontinue the use of individual patrol logs that was instituted by Chief King. (Exhibit "C")

Determination: **NON-SUSTAINED**

3. Allegation that Chief King Department Misallocated Funds

The complaint alleges:

“Chief King employs inappropriate allocation of city funds and resources, up to and including the detriment of the department.”

Thus, the gravamen of this allegation is that Chief King has allocated funds for items that staff believe are unimportant (i.e., decals for patrol vehicles, patches for uniforms and metal badges) when he should be spending the funds on more important things such as improving the radio reception inside the Department building.

In reviewing the Department policies and procedures, I could not find any policies that would be applicable to this allegation. Moreover, as some witnesses acknowledged when they were interviewed, it is well within the prerogative of Chief King to allocate Department funds as he sees fit. However, I will address the concern that Chief King has spent funds on alleged frivolous items while neglecting to fix the radio reception problem.

In 2021, there was a major fire in the building that formerly housed the Department and the Department moved into its current temporary housing. All officers interviewed stated that there are certain areas of the building where their radios cannot receive calls for service. Chief King acknowledges there is a problem but explained that the problem existed several years before he became chief. Chief King stated that the estimate he received to fix the reception problem was \$33,000, and there isn't \$33,000 available in the budget. Chief King added that he

cannot unilaterally approve the improvements to the building as the building is leased and the owner would need to acquiesce to the changes. Furthermore, the current plan is to move the Department out of the building later this year, making the \$33,000 expense more cost prohibited, considering they will be soon moving out and cannot take the building enhancements with them.

There's no question that the reception within the Department's building is a problem and the staff's complaint about the radio reception is certainly a legitimate concern. However, since the problem had been in existence for a considerable amount of time prior to Chief King becoming Chief, he is not the sole decision-maker in deciding how much money the City is able to budget to fix the problem, and they are moving out of the building soon, it does not appear that Chief King spending a fairly de minimis amount of funds on vehicle decals⁶ and patches has affected the decision whether or not to spend \$33,000 on fixing the building's reception.

As a side note, when interviewed, Sgt. Blackburn stated that soon after being appointed chief, Chief King told him he wanted to allocate money towards decals and patches because several staff members had recommended that they were needed, and they were low cost items. Chief King also stated that the patches were requested by the staff:

"On the patches, when I first got here, the officers asked if they could get new patches. They didn't like the current patches and they wanted new patches. They requested the new patches. And I said, fine, you come up with some patch ideas, submit 'em to me and we'll see what we come up with."

Determination: **NON-SUSTAINED.**

4. Allegation Chief King has Engaged in Sexist Behavior

The complaint alleges Chief King has committed "unlawful, and sexist actions." When staff were interviewed, there were three issues raised in support of this allegation; 1) Chief King referred to Christy Mendoza ("Ms. Mendoza") as "Mrs. Christy"; 2) Chief King treated Ms. Mendoza poorly; and, 3) Officer Brianne Colvig ("Officer Colvig") stated that at Chief King's initial meeting with staff he turned to her and asked her, "What are you doing here?"

Department Policy 327 – Harassment and Retaliation, states in pertinent part:

327.1 PURPOSE AND SCOPE The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual

⁶ It's estimated that the decals cost \$1800.

harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

327.3 DEFINITIONS

Definitions related to this policy include:

327.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment. Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination. (Emphasis, added) (Exhibit "D").

Thus, based on Policy 327, Chief King's alleged comments and behavior against Ms. Mendoza and Officer Colvig violated the policy if his actions toward the women were based on their gender, and were so demeaning or hostile that it interfered with their work performance or created a hostile work environment.

a. Chief King calling Ms. Mendoza "Mrs. Christy."

Ms. Mendoza is Chief King's Senior Administrative Assistant. She has been employed in that position for fifteen (15) years. Based on the witness interviews I conducted, it's clear Ms. Mendoza is well-liked by the officers and is viewed as a major asset to the Department.

When I interviewed Ms. Mendoza, I found her to be credible and truly upset with Chief King's supervisory style and treatment toward her. She said Chief King would refer to her as "Mrs. Christy" which offended Ms. Mendoza. When asked if she thought Chief King calling her Miss Christy was based on her gender, she replied that it could be because she is female or it was "probably a Southern thing." At some point Ms. Mendoza asked Chief King to stop calling her Mrs. Christy and he apologized and stopped immediately. However, Chief King then began

calling her “Senior Administrative Assistant Mendoza,” and Ms. Mendoza said he began acting “standoffish” towards her, and would act annoyed and irritated with her.

Ms. Mendoza also stated that she was offended that he called her Senior Administrative Assistant Mendoza and didn’t understand why he didn’t just refer to her as just Christy.

When questioned, Chief King proffered the following reason for calling Ms. Mendoza, “Mrs. Mendoza:”

“To me, that's a sign of respect. I'm from Alabama and I was raised that if you refer to someone, it's Mr. And Mrs. And as a kid, I was always told to call someone Miss and their last name, but if you knew 'em and they were friends or acquaintances or whatever, you could call 'em Miss, and then their first name or Mr. And their first name, that's just a sign of respect.”

He further stated that he refers to Mr. Glover as “Mr. Tom.” I contacted Mr. Glover and he corroborated that Chief King calls him “Mr. Tom.” Therefore, I find that Chief King did not treat Ms. Mendoza disparately based on him calling her Mrs. Christy.

When asked why he began calling Ms. Mendoza “Senior Administrative Assistant Mendoza,” he stated that he just wanted to be professional. It is my opinion that Chief King was annoyed by Ms. Mendoza asking him to stop calling her Ms. Christy and was being passive aggressive towards her by referring to her as Senior Administrative Assistant Mendoza. While not a violation of any policy, I can see how Ms. Mendoza would feel uncomfortable being referred to by her job title rather than by her first name.

b. Chief King Mistreating Ms. Mendoza.

As stated above, Ms. Mendoza was unhappy with Chief King’s treatment of her. She alleged he yelled at her, wouldn’t speak with her, and avoided having contact with her. Prosser’s Human Resources Department has addressed these complaints by Ms. Mendoza; therefore, this report will not delve into the details of Ms. Mendoza’s and Chief King’s interactions other than to make a determination whether his actions violated Policy 327.

Witnesses stated they did not witness specific instances of Chief King's alleged unprofessional behavior towards Ms. Mendoza, but several witnesses stated that they either heard or saw Ms. Mendoza crying⁷ after having interactions with Chief King.

Assuming *arguendo* that Chief King yelled at Ms. Mendoza, wouldn't speak with her, and avoided having contact with her, I cannot find his mistreatment was based on Ms. Mendoza's gender. As will be discussed in detail in Section B of this report, numerous male officers in the Department complained that Chief King mistreated them in the same manner.

c. Chief King asking Officer Colvig "What are you doing here?"

Officer Colvig is a reserve officer and is female. When I interviewed Officer Colvig, I asked her if she had ever witnessed Chief King engage in sexist behavior. She shared an incident where she attended, in uniform, Chief King's first all-staff meeting with the Department. She said that as the meeting was about to start, Chief King turned to her and asked, "What are you doing here?" Officer Colvig was offended by the new chief's question. When I asked Officer Colvig if she thought that he questioned her being at the meeting because of her gender, she replied that it could be because she's female or it could have been because she's the only reserve officer.

It's understandable that Officer Colvig would be offended by Chief King asking her why she was at the staff meeting. However, there's no supporting evidence that Chief King made the comment due to Officer Colvig's gender. Furthermore, in my opinion Chief King asking Officer Colvig why she was at the meeting, while rude, does not rise to the level of "interfering with [Officer Colvig's] work performance or create[ed] a hostile or abusive work environment" as is required under the policy.

It's reasonable that Ms. Mendoza and Officer Colvig would take issue with the way Chief King interacted with them. However, several male officers had the same complaints related to the way Chief King interacted with them. Therefore, I cannot come to the conclusion they were treated disparately because of their gender.

Determination: **NON-SUSTAINED**

⁷ It should be noted that during her witness interview, Ms. Mendoza cried on multiple occasions and stated several times that "I cry easily."

5. Allegation that Chief King Plagiarized Articles

The Complaint states, that;

“Chief King has brought public scrutiny and embarrassment to department members, and the body as a whole by...plagiarizing articles.”

Almost everyone I interviewed was unaware of any articles that Chief King plagiarized. One officer stated that Chief King posted a short blog that plagiarized verbatim an article that was on the internet and did not provide proper citation to the article. I requested the officer send me the blog and article but never received it.

I received no evidence that Chief King plagiarized articles. Moreover, assuming arguendo that Chief King plagiarized one article, it obviously did not bring “public scrutiny and embarrassment to the department” as most of the staff were unaware of any plagiarized articles.

Determination: **NON-SUSTAINED**

6. Allegation that Chief King Engaged Nepotism and Favoritism

The Complaint alleges:

“Chief King has violated the trust of his officers by practicing subversive and clandestine nepotism, resulting in the brazen appearance of favoritism and special privilege.”

The allegation emanates from the fact that Chief King allowed an officer, Jesse Picard (“Officer Picard,”) to live with him at his apartment for several weeks. Most of the staff found it inappropriate that Chief King would let a subordinate officer reside with him. Many of the staff also believed that a patrol schedule change that Chief King was planning was done solely to benefit Officer Picard.

a. Chief King and Officer Picard’s relationship.

Chief King and Officer Picard are not related, so the allegation of “nepotism” is inapplicable and unfounded. However, my analysis will address whether Chief King showed any favoritism toward Officer Picard.

When interviewed, Officer Picard stated he met Chief King while they attended the same academy class in Alaska. Officer Picard further stated they did not socialize during their off time at the academy, and their interactions post-academy consisted of running into each other at trainings and occasionally emailing each other. Prior to working together at Prosser, the two men never worked at the same agency.

Officer Picard stated he was not happy working for his chief in Alaska and decided to move back to Washington State.⁸ Officer Picard stated he had already been contemplating moving back to Washington when he discovered Chief King was appointed as Prosser's chief. Officer Picard stated that Chief King "was a good guy" so he decided to apply for an open officer position with the city.

b. Officer Picard Living with Chief King.

When Officer Picard arrived at Prosser, Chief King offered to let Officer Picard live at his apartment while Officer Picard looked for a home to buy in the Prosser area. During his investigatory interview, Chief King explained why he offered to let Officer Picard stay at his apartment:

"He lives on the Westside of the state and was needing to find a place on the Eastside of the state. And he was starting in I think December and I was going to be out of town. So I said, you can use my apartment while I'm out of town until you find something. So he would come to town the day before he had to work. He would stay at my apartment like two nights to work, and then he would go back to his family. And from my understanding, he was actively looking for his own place. He just hadn't found anything that was affordable yet."

Chief King further stated that he helps people he works with because he feels they are all part of a "team." Chief King then provided examples of where he's helped others in the past:

"Before people when I was with Alaska that I didn't even know when they were hired by the department, they would move to an island. They didn't have anything. I personally purchased furniture and vehicles for my new officers to use until they could get their own stuff, either shipped to the island or buy their own stuff. And then once I got the department up to full staff, I sold all the vehicles off and sold the furniture that I had accumulated. I personally gave up two apartments that I was living in so that new officers could move into 'em. And then relocated somewhere else because we had city housing and I lived in city housing. And when I was living in a three-bedroom apartment by myself, we were hiring two officers. So, I moved out of the three-bedroom apartment so two officers could live in there."

Officer Picard stated that he only stayed at Chief King's apartment for a few weeks and only on his regular workdays. On his days off he lives with his family on Camano Island which is 250 miles away from Prosser. Officer Picard explained that he felt awkward staying at the

⁸ Officer Picard grew up on the Washington Peninsula and owns a house on Camano Island.

apartment, kept to himself, and the two men rarely saw each other. He said they did not socialize and never discussed work.

- c. Allegation that Chief King was changing the work schedule to benefit Officer Picard.

Chief King announced to staff that he wanted to switch the officers to work schedule to a Kelly Work Schedule (“Kelly Schedule”). Kelly Schedules are common among law enforcement agencies and fire departments and consist of rotating shifts during a specific cycle. For example, during a twenty-two (22) day cycle an officer may work 4 consecutive days, then have 4 consecutive days off, then work 3 consecutive days, then have 3 consecutive days off, then work 4 consecutive days and have 4 consecutive days off.

Most officers strongly opposed the planned schedule change and many surmised that Chief King wanted to change the schedule because the new schedule would benefit Officer Picard.⁹ When interviewed, Chief King stated that the proposed schedule change had nothing to do with Officer Picard. Chief King stated that the new schedule was being planned prior to Officer Picard even applying for the Prosser officer position. When I interviewed Sgt. Blackburn, he stated that he believed the new schedule was more beneficial for the operation of the Department and corroborated that he had discussions with Chief King about the schedule change prior to Officer Picard working for the Department.

Officer Picard also stated he had no conversations about the schedule with Chief King prior to working for Prosser and was adamant he has received no preferential treatment from Chief King.

Because the new schedule was in the planning stage prior to Officer Picard arriving in Prosser, there is no evidence that Officer Picard, or anyone else, has received any preferential treatment from Chief King.

As for allowing Officer Picard to live at his apartment for several weeks, I believe it was a kind gesture for Chief King to offer Officer Picard to reside with him and was something he had done in the past. However, it is my opinion that it probably was not a good idea. Law

⁹ By changing the schedule, Officer Picard would have less days he would have to commute the long distance between Prosser and Camano Island.

enforcement agencies are quasi-paramilitary organizations and Chief King is the highest-ranking member of the Department. During his interview, Chief King made a point of stating that it's important for Department members to follow the chain of command. By allowing a subordinate to live with him, at best the optics diminished the principle of the chain of command within the Department. With that said, I could not find any policy that Chief King violated by allowing Officer Picard to live with him.

Determination: **NON-SUSTAINED**

7. Allegation that Chief King does not Wear a Body Camera While Engaged in Law Enforcement Activities and Does Not Have his Vehicle Dash Camera Turned On.

While not in the Complaint, several officers raised the issue that Chief King does not wear a body camera and does not have his vehicle camera turned on during stops.

The Body/Vehicle Policy states, in pertained part;

BODY/VEHICLE CAMERAS

473.1 PURPOSE AND SCOPE

Body/Vehicle cameras are a valuable tool for promoting transparency in law enforcement by recording citizen contacts with police officers. The Prosser Police Department (PPD) uses body/vehicle cameras to contemporaneously and objectively document citizen contacts. Video footage produced by body/vehicle cameras may be used as evidence in civil or criminal investigations, reviewed administratively for officer compliance with department policies (as set forth below), used as a tool in law enforcement training, and utilized as a reference in incident documentation.

473.2 POLICY

It is the Policy of the Prosser Police Department that commissioned personnel working in a patrol function shall wear body cameras to record their encounters on duty. (Emphasis, added.) (Exhibit "E").

When asked about the cameras, Chief King acknowledged he does not wear a body:

"I'm admin staff, so as admin staff from previous agencies, we never wore body cams and it's to me, my prerogative if I want to wear one or not."

Chief King further states he has electrical issues with his vehicle, so he does not have his vehicle camera plugged in. During his interview, Chief King acknowledged that he periodically makes traffic stops and estimated that he averages about one traffic stop per month.

Pursuant to policy 473.2, “commissioned personnel working in a patrol function” are required to have body and vehicle cameras. While Chief King duties are generally administrative, and he does not work a patrol position, he is “commissioned personnel” and is “working in a patrol function” when he makes traffic stops. Therefore, it’s my determination that he violated Policy 473 when he conducted traffic stops without wearing a body camera and without having his vehicle camera turned on.

As the stated purpose of the cameras is articulated in the policy, body and vehicle cameras are “valuable tool[s] for promoting transparency in law enforcement by recording citizen contacts with police officers.” There is no more important individual in the Department to promote “transparency” than the chief of police and his failure to utilize the cameras as required by Policy 473 bellies that transparency.

Determination: **SUSTAINED.**

8. Chief King Prioritizes His Own Training at the Expense of Other Officers.

The Complaint alleges:

“Chief King prioritized his own alumni conference attendance over required, and necessary training for officers.”

In reviewing Chief King’s training records, I could only find one time he attended out-of-town training while at Prosser. He attended an executive development training conference in Anchorage, Alaska in December 2023. In his original request to attend the training, Chief King stated the purpose of the training was to:

“...gain training specific to: Leadership, Mental Health Response, Generational Leadership, Genealogy & Investigations, Work Culture, Ethics in Law Enforcement and Community Engagement,...” (Exhibit “F”).

In his request, Chief King offered to pay for the training and travel himself:

“The cost associated with this travel can be covered by me personally. I request that the City cover my time which should reflect regular/training (there is no anticipated overtime expense).” (*Id.*)

When I questioned Ms. Yost and Mr. Glover, they stated that Chief King did offer to pay for the training, but since it was training that was work-related the City decided to pay for it.

When I interviewed staff, some stated that they had discretionary training denied¹⁰ but most witnesses stated that they had never been denied mandatory training.

The facts do not support the assertion that Chief King takes an excessive amount of training. Moreover, the record shows the Department has only spent approximately \$1,000 on travel expenses on Chief King, and Chief King had offered to pay for the training and travel expenses himself. Lastly, most employees stated that they had never had training requests denied. Therefore, I do not believe Chief King has prioritized training for himself at the expense of his staff.

Determination: **NON-SUSTAINED.**

9. Allegation that Chief King Does not Wear a Seat Belt.

During their witness interviews, numerous officers stated that they have personally witnessed Chief King operating his Department vehicle without wearing his seatbelt. When interviewed about the allegation, Chief King admitted he has operated Department vehicles without wearing a seatbelt:

“Typically, I put a seatbelt on, sometimes I don't. Just depending on if I'm on the phone and don't think about it or just driving around and do it and don't do it.”

Prosser PD Policy seat belt policy states:

Policy 1018 - Seat Belts

1018.1 PURPOSE AND SCOPE

This Policy establishes guidelines for the use of seat belts and child restraints. This Policy will apply to all members operating or riding in department vehicles. (Emphasis, added.)

1018.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (RCW 46.61.688; RCW 46.61.687). Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement. (Emphasis, added.) (Exhibit “G”).

¹⁰ For example, one officer requested to attend lockpicking training and his request was denied by Chief King. Another officer was denied FTO training.

There's no question Chief King violated Policy 1018 by operating his Department assigned vehicle without wearing his seatbelt. Chief King admitted he does not wear his seatbelt and did not proffer any "exceptional situations" due to "unusual circumstances" that would constitute an exception to him wearing his seatbelt. By failing to wear his seatbelt, in violation of Policy 1018, he sets a poor example to others in the Department.¹¹

In addition to violating Policy 1018, failing to wear a seatbelt violates RCW 46.61.688. Citizens can plainly observe when law enforcement is driving without using their seatbelt, and it sets a terrible example for the public.

Determination: **SUSTAINED.**

10. Allegation that Chief King Failed to Wear Body Armor While Responding to Calls.

The Complaint alleges:

"Chief King...does not wear body armor..."

During witness interviews, several officers have witnessed Chief King making traffic stops, and one witness stated he responded to a domestic violence call, without wearing his body armor. In his interview, Chief King acknowledged he does not wear body armor. Chief King asserted that he works in administration; therefore, is not required to wear body armor. Chief King also shared that the former mayor, Randy Taylor, gave him permission to work without having to wear his body armor.

Policy 1020 – Body Armor

1020.2 POLICY

It is the policy of the Prosser Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1020.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following: (a) Officers shall only wear agency-approved body armor. (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action. (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action. (d) Body armor shall be worn when an officer is working in uniform. (e) An officer may be excused from wearing body armor when he/she is involved in

¹¹ Two other officers admitted they occasionally do not wear their seatbelts.

undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor (Exhibit “H”).

Pursuant to Policy 1020, “officers must wear body armor when they are engaging in duties where they are expected to engage in law enforcement actions.” (Emphasis, added.) Officers are not required to wear body armor when they are “functioning primarily in an administrative capacity and could not reasonably be expected to take enforcement action.”

Chief King is not an officer, he is the chief of police – an administrative position. While Chief King stated that approximately once per month he will make a traffic stop if he see a traffic violation, his primary duties are administrative. Furthermore, Chief King received permission from his supervisor, the former mayor, not to wear his body armor.

Since Chief King does periodically make traffic stops when he observes a traffic infraction, it’s puzzling why for his own safety he wouldn’t wear his body armor while he is in uniform and traveling in his Department vehicle. However, based on the fact that Policy 1020 only requires officers to wear body armor, he had received permission by his supervisor to not wear body armor, and his primary duties are administrative, it is my opinion that Chief King’s failure to wear body armor does not violate Policy 1020.

Determination: **NON-SUSTAINED.**

11. Allegation that Chief King Does Not Have an Ammunition Clip in his Service Weapon While Responding to Calls.

The complaint alleges Chief King “violated the most basic officer safety practices while on uniformed duty and at critical scenes” by failing to have a magazine clip loaded in his duty weapon. Several officers stated during their witness interviews that they have personally witnessed Chief King failing to have a magazine clip in his weapon. When interviewed, Chief King acknowledged that there were at least five occasions where he unintentionally did not have a magazine loaded in his duty weapon:

“There have been probably since I’ve been here, five instances where the, well lemme start back. Part of me getting dressed and ready for work is to make sure that my gear is ready. That means weapon loaded in the holster, the whole nine yards rounding. The chamber magazine in the magazine. Well, when I was driving the Ford Taurus that was assigned to me, it’s a vehicle, it’s an unmarked Ford Taurus, the seatbelt. So therefore, my

duty weapon is on the left side. The seatbelt mechanism, because of where I wear my weapon would depress the magazine release button and the magazine would fall out of my weapon and go between the seat and the door jamb. There've been probably five instances where that happened. Since I've been here, two times. One of the officers says, 'Hey Chief, you don't have a magazine in your weapon.'”

Chief King’s explanation that his seatbelt dislodges his clip is problematic for two reasons. First, by his own admission, there are times Chief King does not wear a seatbelt. Second, as part of my investigation I asked a seasoned deputy and sergeant¹² if they had ever heard of left-handed deputies having the same problem. Neither had ever heard of such an issue. Furthermore, the sergeant asked a left-handed deputy if he had ever had his seatbelt dislodge his clip from his weapon and the deputy stated it had never happened to him in the 20+ years he has been a deputy.

Department Policy 312.3 – Authorized Firearms, Ammunition, and other Weapons states, in pertinent part:

“ A firearm is a weapon with lethal ammunition carried by an officer that meets the firearm specifications of the Department or that has been authorized as a specialty firearm by the Chief of Police or the authorized designee...”

Several officers stated that Chief King did not have a magazine in his weapon while he was acting in the capacity as an officer while making traffic stops and when answering a domestic violence call. Therefore, I find he violated Policy 312.3

Determination: **SUSTAINED.**

12. Allegation that Chief King Posting a Picture of Himself, in Uniform, Diminishes the Public Trust in the Department.

The Complaint alleges:

“Chief King has brought public scrutiny and embarrassment to the department members, and the body as a whole, due to his careless and exploitive presence...adult dating profiles in uniform.”

A Prosser citizen, while searching for information about Chief King, claims he/she discovered a picture of Chief King in a law enforcement uniform on a dating website. (Exhibit “I”). During their interviews, most Department employees believed that Chief King posting a

¹² I formerly worked at the King County Sheriff’s Department, a large agency in King County and contacted former colleagues.

picture of himself in uniform was “unethical,” and brought “embarrassment” to the Department, which diminished the public’s trust.

Prosser PD Policy 1053¹³ - Employee Speech, Expression and Social Networking, states in pertinent part:

1053.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Prosser Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees speech and expression.

The Department Code of Ethics also states:

“I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency.” (Exhibit “J”).

At his investigatory interview, Chief King was shown a picture of his profile on the dating site. Chief King denied creating the profile and denied ever joining the dating site. He stated that all the pictures that were on the profile, including the pictures of him in his Montgomery Police Department uniform, were accessible from other internet sites:

“...that picture and that picture are from different profiles of mine. That's off of a Facebook page that I had set up for military that's off of a Facebook page. I had set up for, I believe PBA and that's off of a Facebook page I had set up just as a normal person. So those pictures are all obtainable by anybody.”

It’s my opinion that the facts support that Chief King did not create the profile.

First, I found Chief King to be credible in answering questions honestly. He admitted he didn’t wear a seat belt at times. He admitted that he didn’t wear his body armor. He admitted he didn’t wear a body camera. In my opinion it’s unlikely he would admit to all other allegations and be untruthful about creating the dating profile.

Second, I performed a Google search of Chief King and quickly found all of the pictures that were on the dating profile on other, legitimate internet websites. As such, anyone had access to the pictures that were used to create the profile.

Third, recently Chief King had another incident where someone created a fake email account under his name to embarrass him:

“...someone created an email account using my name and sent an email what was supposed to be from me to the newspaper reporter from an Alaska, giving him a copy of the grievance letter from the Union to the city of Prosser... It was supposed to have been from me. And the reporter contacted me and he says, ‘Hey, I got your email.’ And I’m like, what email are you talking about? And then he looked and said, ‘okay, the email wasn’t from you, it was somebody claiming to be you.’”

It defies credulity that Chief King would send a journalist the Complaint against him, as it contained serious allegations of misconduct and embarrassing information about him.

Fourth, and most significantly, in order to view member profiles on the dating website you have to be a member of the site. Therefore, only a member of the dating site would have access to the profile that Chief King allegedly created. As stated above, an unnamed Prosser citizen came forward and stated he/she came across Chief King’s dating profile while conducting a search of Chief King.¹⁴ It’s fantastical that a citizen would randomly join a dating website in the off chance that they would find Chief King’s profile on the site.

I find it extremely unlikely Chief King created the profile with a picture of him in uniform. I believe someone else created the profile to embarrass Chief King; therefore, I find he did not violate Department Policy 1053.2

Determination: **NON-SUSTAINED**

13. Allegation that Junior Officers had to Intervene to Prevent Chief King from Violating Citizens’ Civil Rights.

The Complaint alleges:

“[Chief King’s] actions have required junior officers to act and intervene to prevent clear civil rights violations.”

¹⁴ Witnesses were reluctant to give me the name of the citizen. I provided my contact information and told several officers that the citizen was free to contact if they wished to be interviewed. I was never contacted by the citizen.

In questioning witnesses, the genesis of this allegation emanates from a *Terry*¹⁵ stop Chief King made in 2023, involving two vehicles. During his investigatory interview, Chief King explains why he made the stop:

“I think it was late at night, probably 10, 11, 12 o'clock at night. I was headed home from work, noticed two vehicles traveling over the posted speed limit. I think it was on Sixth Street. And then they turned onto Bennett and then from there, once they got past city hall, they turned into the neighborhood and they were zigzagging around. And I was watching 'em because of the whole issue on Ellen Drive¹⁶ and I called for a unit...”

Chief King further explained why he requested backup for the stop:

“We had a drive-by issue, the drive issue. I called for a unit to come assist me with a vehicle stop so that we could find out why they were driving weird through the neighborhood. Went ahead and initiated a traffic stop. One car stopped, one car didn't. I'm talking to the driver of the car, couple of issues, vehicle registration, insurance. He's giving me a story of, and he's not from Prosser, he's from somewhere else, which we assume that the drive-by shooters were from out of town as well. So, he's talking about how he has this friend who has relatives that live here and they were going to stay in town. And I'm like, well, why didn't you go straight to the house? Why are y'all going through several blocks backtracking and making all these weird turns and speeding through the neighborhood? And he said that he and his friend were just, he hung around.”

While questioning the driver of the vehicle he had pulled over, he told the driver to call the driver of the other vehicle and tell him to return to the scene so he could question him.

Officer Bustamante and Officer Serrano arrived on the scene shortly after Chief King had made the initial stop. Soon after arriving on the scene Officer Bustamante asked Chief King if the first driver was free to go. Chief King responded “no” and explained that he was still investigating the matter. Officer Bustamante then told Chief King that the stop was taking “too long” and he had to let the drivers go.

When I questioned Officer Bustamante, he rationalized telling Chief King to let the drivers go because, “The fact the traffic stop was more than 10 minutes was improper” and characterized the stop as an “unlawful detention.”

¹⁵ *Terry v Ohio*, 392 U.S. 1 (1968)

¹⁶ Ellen Drive was where the drive-by shooting incident had occurred.

In questioning Chief King about the incident it's clear Chief King has a good understanding of how long a suspect may be detained during a stop, and Officer Bustamante's understanding of detentions is inadequate.

Department Policy 439 - Contacts and Temporary Detentions states:

439.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

439.1.1 DEFINITIONS

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

439.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion. (Emphasis, added.) (Exhibit "K").

Department Policy 439 is a codification of existing caselaw related to *Terry* stops and detentions. The U.S. Supreme Court in *United States v Hernandez*¹⁷ clearly and unambiguously held that a suspect may be detained for as long a period as is "reasonable" to conduct a proper field investigation. There is no rule where an officer must either write a ticket or immediately let the driver leave within 10 minutes as Officer Bustamante incorrectly believes. Whether the period of the stop is reasonable must be decided on a case-by-case basis and is dependent on the facts and circumstances of each individual case.

In *Hernandez*, there was reasonable suspicion that the suspect had swallowed drugs. Officers detained the suspect for twelve (12) hours until the suspect had a bowel movement. The drugs were discovered, and the suspect was arrested and convicted of possession. In a subsequent lawsuit, the suspect argued that the twelve (12) hour period of his detention violated his civil rights. The Supreme Court held the period of time Hernandez was detained was reasonable under the circumstances.

¹⁷ *United States v. Hernandez*, 473 U.S. 531 (1985).

Here, Chief King held the suspects for less than twenty minutes while he conducted a field investigation. The duration of the stop was reasonable based on the following facts; 1) the suspects were speeding and running through stop signs; 2) were suspiciously zigzagging around in a residential neighborhoods late at night; 3) the drivers did not live in Prosser; 4) one of the driver's bill of sale and registration didn't match; 5) the drivers did not have a good explanation as to why they were in Prosser; and, 6) there had been a drive by shooting in the area several weeks previously.

Chief King was not on the precipice of detaining the suspects longer than was reasonable under the circumstances and, Bustamante's intervention certainly did not "prevent clear civil rights violations." Therefore, I find that Chief King did not violate Department Policy 439.

Determination: **NON-SUSTAINED**

B. Staff's Opinions About Chief King's Leadership at Prosser.

I found all the witnesses I interviewed, including Chief King, to be credible, honest, and sincerely concerned about the Department and the services they provide in protecting the citizens of Prosser. While it's clear some of the discontent addressed in Section A of this report is based on rumor and third-hand misinformation, it's equally clear that almost the entire staff in the Department have lost "all trust, faith and confidence" in Chief King.

Most Department employees had nothing positive to say about Chief King's management style and do not wish to work for Chief King. Furthermore, the few staff who are satisfied with working for Chief King did not give Chief King many accolades. Multiple staff stated that morale in the Department has never been as low as it has been during Chief King's tenure. Moreover, staff almost unanimously feel that there's nothing that can be done in the future for Chief King to restore the staff's faith in him as their leader. A significant number of employees stated they have either applied for jobs in other jurisdictions or will apply for jobs if Chief King remains as the Chief of the Department.

The most common complaints against Chief King are that he's a "micromanager," "dismisses input from staff," "lacks integrity," is a "bully," and is an "embarrassment" to the Department. As already stated, I believe some of those opinions are based on third-hand accounts and rumors. However, I found the staff to be honest and sincere in their feelings and their personal assessment of Chief King; therefore, it's not my place in this report to give my opinion

as to Chief King's leadership abilities. I have never worked for Chief King and my only real interaction with him was during our investigatory interview. Therefore, this Section of the report will simply be a summary of what each witness had to say about Chief King's leadership qualities and their assessment of whether their working relationship with Chief King can be salvaged.

Several witnesses pointed to Chief King's supervision of Ms. Mendoza when giving examples of why they believe Chief King is not an effective leader; however, I touched on some of those concerns in Section VI (A)(4) of this report, and will not repeat them in this Section.

Some of the witnesses were concerned about retaliation from Chief King; therefore, I will keep the witnesses' identities confidential.¹⁸

1. Summary of Witness Statements

a. Witness A.

Witness A was generally complimentary about Chief King's leadership but understands why Chief King is characterized as micromanager. Witness A stated he had one conversation with Chief King where he explained why he wants things done in a certain way:

"This is how I've seen it work and this is how I want it done. If you have a better way, come to me and tell me but don't just criticize."

Witnesses A offered that he believed the previous Prosser chief was "much more of a micromanager." Witness A stated that Chief King didn't delegate duties and took over duties that had been historically performed by officers because the officers wouldn't do it "his way."

Witnesses A stated King had never treated him inappropriately or in an unprofessional manner and had no problem working for Chief King.

b. Witness B.

Witness B opined that Chief King's style was classic "do as I say, not as I do." As examples he pointed to Chief King's failure to wear his seatbelt, not wearing a body camera, not wearing body armor, and not having an ammunition clip in his weapon.

¹⁸ To protect the identity of the witnesses they are randomly listed, and I will refer to all witnesses with male pronouns.

Witness B stated that at Chief King's first staff meeting, out of the blue Chief King said, "You don't have the guts to do half the stuff I've done." Witnesses B said this comment offended him and most of the other officers.

Witness B said Chief King has never spoken to him in an unprofessional manner and he has never personally witnessed Chief King exhibiting unprofessional behavior. However, he did say he heard about instances of Chief King treating employees unprofessionally, Ms. Mendoza in particular.

Witness B stated that Chief King was open to taking suggestions, "but never follows through" with those suggestions. As an example, Witness B said that officers have unanimously told Chief King they do not want their schedules changed and he has ignored them.

c. Witness C

Witness C described Chief King's management style as, "Sheer micromanaging and I don't use that term loosely." He further stated that Chief King wants to "shape the department into something it's not and shouldn't be." Witness C offered that Chief King has had a "negative impact on morale for everyone." He said Chief King is "controlling."

Witness C stated that the change in the patrol log is one of the major contributors to low morale, as it promotes "quantity over quality."

Witness C did have several positive things to say about Chief King, stating he was "very organized" and "approachable." He also stated he appreciates that when he has questions, he will get clarification from Chief King.

Witness C lamented Chief King does not lead by example, citing him not wearing body armor, no magazine clip in his weapon, and not wearing seatbelts as examples.

Witness C stated that he has applied for jobs elsewhere and knows of many other officers who have applied to other jurisdictions. He said it's, "Too late to make amends" and said Chief King can't lead current staff in the future because he doesn't have their respect. Witness C ended his interview by stating Chief King "Sucks the sole out of the room."

d. Witness D

Witness D complained that Chief King does not designate anyone to be in charge when he is away from Prosser. He said Chief King is available by email but that can “take hours” for him to respond.

Witness D states Chief King will make contradictory decisions which causes confusion and frustration. He also stated that Chief King does not like him and will avoid him. Witness D stated he has applied to another agency and characterized Chief King as “controlling” and is “100% a micromanager” which “kills morale.”

Witness D stated that Chief King could not be an effective leader if he remained at Prosser.

e. Witness E

Witness E states that Chief King has never treated him unprofessionally and has never witnessed Chief King treat anyone unprofessional, but said, “I’ve heard stuff.” He states Chief King is a micromanager and reviews all of Witness E’s work product. Witness E did say Chief King is good about receiving input.

Witness E does not believe anything can be done to repair Chief King’s relationship with the staff.

f. Witness F

Witness F stated that Chief King “lost me” at the first staff meeting when Chief King said, “none of you guys have the balls to do half the things I have.” He felt the comment was “rude” and made him angry, especially in light of the fact that he and some others in the room had been in combat while serving in the military.

Witness F stated he is considering leaving the Department and finding employment elsewhere. He further stated that Chief King “ranks in the top 3 of worst leader” he has worked for. When I asked him if there was anything that could be done to repair the relationship between Chief King and the rest of the staff, he responded, “Absolutely not.” He characterized Chief King as “narcissistic” and stated he would leave if Chief King returns and guessed that half of the staff would leave as well.

g. Witness G

Witness G stated morale in the Department is “up and down like any department.” He also stated that compared to other law enforcement agencies he has worked for, things are better at Prosser than at those agencies. When asked about Chief King’s leadership, Witness G said he had no issues with Chief King’s leadership style, and it was typical of other administrations he has work for.

He states Chief King is never disrespectful or unprofessional. Witness G also stated that Chief King communicates effectively, has an open-door policy, and has been receptive to ideas and input he has provided.

Witness G stated he is satisfied with Chief King’s leadership and that he enjoys working for the Department.

h. Witness H

Witness H states he once witnessed Chief King being “belligerent” with a group of officers. He said the officers were giving their opinion about something that was not work related. He stated that Chief King kept saying “You’re wrong.” He thought it was “harsh” as they were only giving their opinion, but Chief King wouldn’t let it go and was adamant that they were wrong and he was right.

Witness H states that he thinks Chief King is a micromanager, but his micromanaging doesn’t bother him. Witness H further stated that Chief King is not communicative and not very friendly. He states that rather than wanting to learn about the department, he came in “with a hammer.”

Witness H shared that he doesn’t have any real problems with Chief King but doesn’t like it when Chief King seems to dismiss Witnesses H’s knowledge and experience.

i. Witness I

Witness I stated Chief King micromanages everything. As an example he said he is an experienced patrol officer, and can take criticism, but is put off by Chief King explaining to him how he is supposed to do patrol, especially since he has many more years of experience in patrol than Chief King.

Witness I pointed to the patrol activity log as a prime example of Chief King's micromanaging. Other examples that he shared were Chief King taking over duties traditionally performed by others and putting the ammunition, firearms and flashlights in his office and under his control.

Witness I stated Chief King has never acted unprofessional toward him and has never witnessed him mistreating anyone but has heard stories of Chief King "belittling" Ms. Mendoza. Witness I was another officer who was highly offended by Chief King telling staff that they "didn't have the balls to do half the things I've done."

Witness I stated he stays away from Chief King, but because he respects the chain of command, not because Chief King mistreats him. He also shared a story of Chief King doing a ride-along with him. Chief King told Witness I that he was not doing the ride-along to supervise or judge, "he just wanted to get to know me, but then spent 4 hours talking about himself."

Witness I said Chief King is a "stickler for policy" but is a "do as I say, not as I do" leader. As an example, he said Chief King does not follow the ride-along policy as he doesn't fill out the proper paperwork when he takes citizens and recruits on ride-alongs.

Witness I said he has applied at other law enforcement agencies, but it didn't have anything to do with Chief King. However, he said if Chief King remained, it would be hard for him to stay with the Department.

Witness I also criticized the fact that Chief King tells staff that he believes in giving employees promotional opportunities but opened the sergeant's exam to outside candidates.

j. Witness J

Witness J recounted a story where Chief King was angry with him for not being able to answer a question and in an angry, loud manner said, "Meet me in HR." Witness J assumed this meant that he was going to be placed on administrative leave or terminated. As he was walking down the stairs to go to human resources, Witness J said Chief King said, "Come back. Toni

Yost isn't in the office.”¹⁹ He said they never had the meeting and now feels Chief King was trying to intimidate him.

Another incident that he discussed was when Chief King was upset with officers coming into the department to do reports rather than in their patrol car. Witness J said he told Chief King that he has a hurt shoulder and it's painful when he spends a long time turned sideways typing in his vehicle on the MDT. Witness J said that Chief King responded in an aggressive voice, “Well are you fit for duty?” Witness J was worried Chief King would send him for fitness for duty evaluation.

Other comments that Witness J attributed to Chief King were, “I'm so angry I can't even talk,” “I don't like repeating myself,” and “If you want to bump heads with me, I can bump heads with the best of them.”

Witness J says Chief King is a micromanager and has taken over many duties that in the past were delegated to other employees. He says Chief King is “dismissive” and doesn't accept input from the officers. Witness J said Chief King was particularly angry that officers were complaining about the new patrol log policy and told him, “Oh I'm going to have fun at negotiations.” Witness J said he took the comment to mean that Chief King was not going to work collaboratively with the officers' union during bargaining.

k. Witness K

Witness K said it's his belief that Chief King will build up his confidence and then break it down. He said Chief King has complimented him and told him he was “doing a great job,” but then on another occasion asked him how he thought he was doing and when Witness K responded “good,” Chief King asked him, “How do you know there's no complaints against you?”

Witness K said Chief King has him do duties that are unrelated to his job. For one example, Chief King made him assembly storage lockers.

Witness K states, “people aren't happy at Prosser” and shared that he was looking for employment elsewhere. He said he doesn't like all the changes implemented by Chief King and

¹⁹ Ms. Yost is the Prosser Director of Human Resources.

said that he “feels uneasy,” like he “can’t breathe.” Witness K admits he doesn’t like being at the station because of Chief King and stays out on the road as much as possible.

Witness K’s does not think Chief King is an effective leader. He said things briefly improved after Chief King gave everyone cowboy hats, but that was only temporary. He said, “morale is horrible,” the worst since he’s worked in the Department. Finally, Witness K said the Department “can’t get back from this” and that he is scared of retaliation by Chief King if he returns to work.

l. Witness L

Witness L states Chief King treats staff professionally, but he needs to “trust officers” and delegate more duties to them. He states Chief King is a “little OCD” and tends to micromanage employees. Witness L doesn’t view Chief King’s micromanaging as negative, but sees how it can come across negative to others. He states Chief King does a good job at trying to keep track of things and is very organized. He said Chief King can be dismissive of input from others. Witness L thinks Chief King is an “effective leader,” but acknowledges that “morale is low.” He believes its possible for Chief King to win back the trust of staff, but in the future Chief King, “Needs to step back and learn from junior officers who have been in Prosser.” He suggests Chief King asks others, “What can I do to help you?”

m. Witness M

Witness M stated that Chief King’s first meeting with the staff set the tone of discord among the employees. He stated that Chief King made some statements at the meeting that offended employees and was braggadocios about his accomplishments.

Witness M characterizes Chief King as a micromanager who does not delegate duties with staff. He complained that Chief King took over a community function Witness M had been organizing for years but didn’t know what he was doing.

Witness M said there was “too much water under the bridge” for Chief King to win back the trust of Department staff. Witness M stated he feared retaliation from Chief King if he remained chief.

VII. CONCLUSION

Chief King violated Department policy by; 1) failing to wear his seatbelt while driving Department vehicles; 2) failing to have an ammunition clip in his weapon while engaging in law enforcement activities; 3) failing to wear a body camera when engaging in law enforcement activities like conducting traffic stops; and 4) failing to have his vehicle camera turned on when conducting traffic stops.

Furthermore, most of the staff do not respect or trust Chief King as the leader of the Department. A few employees have no problem with Chief King's leadership style, but the majority of employees do not like working for Chief King and a significant number of staff state they will leave employment with the Department if Chief King remains as chief.

Respectfully submitted,

Lance King
Lance King, Attorney, WSBA No. 30473

February 15, 2024
Date: