



## Lewis County Prosecuting Attorney's Office

345 W. Main Street, 2<sup>nd</sup> Floor  
Chehalis, WA 98532  
Phone: (360) 740-1240  
Fax: (360) 740-1497  
TDD: (360) 740-1480

February 5, 2021

Sheriff Jerry Hatcher  
Benton County Sherriff's Office  
180 NW 5<sup>th</sup> Street  
Corvallis, OR 97330

Re: PID Inquiry

Sheriff Hatcher:

Thank you for your email of February 4, 2021 regarding the letter issued by Prosecutor Andy Miller. It is apparent from the tone of your email and attachments this matter has touched a nerve. In the email and attachments, you accuse Prosecutor Miller of, among other things, bias against you. You also indicated your desire to have another Prosecutor review the matter in hopes that the letter will be rescinded. As I am sure you are aware, you lack the authority to require such review. Throughout Prosecutor Miller's career he has proven himself, time and again, to be committed to fulfilling his role of Prosecutor, independent of other elected officials, and outside influence and pressure.

In my role as President of the Washington Association of Prosecuting Attorneys (WAPA), and as a Prosecutor, I created the original inquiry regarding the issuance of a letter. As you may know, the issue surrounding potential impeachment disclosures (PID), commonly referred to as *Brady*, is ever-evolving. However, what has been made clear by both the federal and state courts, is that information that will, *or may*, impact the credibility of a witness must be disclosed. This standard, frankly, does not care who the person is or what the issue is.

In your case in particular, you are facing some very serious allegations. I would agree that, at this time, the allegations are not proof of any illegal, unethical, or improper activities. However, that is not the standard for PID. As outlined in the Model Policy adopted by WAPA in 2013:

The potential impeachment disclosure (PID) standard depends on what a reasonable person could believe. It does not necessarily reflect the belief of this office or a law enforcement agency. Consequently, disclosure may be required in cases where this office and/or the law enforcement agency believe that no misconduct occurred, if a reasonable person could draw a different conclusion. If this office concludes that an officer is subject to PID that does not reflect a conclusion that the officer committed misconduct or that the officer is not credible as a witness.

**It is the Mission of the Lewis County Prosecutor's Office to zealously seek justice in all criminal matters, consistently promote public confidence in the legal system, and diligently represent county government while adhering to the highest ethical and moral standards**

Regardless of the information you provide, the conclusion reached by the Washington State Supreme Court in your recall matter demands the issuance of a PID letter. For a recall petition to proceed, the allegations must be *legally* and *factually* sufficient. Factual sufficiency means, in recall matters, "...the petitioner has alleged facts that establish a prima facie case of misfeasance, malfeasance, or violation of the oath of office." *In re Recall of Hatcher*, No. 98968-1 at 7 (filed December 3, 2020); other citations omitted. To be legally sufficient, "...the charge must define substantial conduct clearly amounting to misfeasance, malfeasance or a violation of the oath of office." *Id.* at 9; other citations omitted.

However, that is not to say anyone can come forward with any allegation. "If an official has a legally cognizable justification for the conduct, the recall petition is insufficient." at 8; other citations omitted. The Court, in its ruling, found you *did not* have a "legally cognizable justification for [your] conduct." If it found otherwise, the recall petition would not be allowed to proceed. Instead, the Court determined "[t]here is a reasonable inference that Sheriff Hatcher both knowingly and intentionally violated the law." *Id.* at 16. When a Court, regardless of level, makes such a finding, a PID is not only advisable, but required. The conclusion remains unchanged if the allegations are considered as a whole, or individually.

I acknowledge you do not agree with the issuance of the PID letter and, as a result, will not agree with this letter. This only goes to emphasize why the Prosecutor's Office and the Sheriff's Office are independent of each other. The Prosecutor's obligation is not to *you* as an individual. Your allegation that Prosecutor Miller's decision "...will [sic] altering the standards for drastically altering the PID decisions" is not accurate. Rather, if Prosecutor Miller were to acquiesce to your demands, then the standards would be altered. Further the fact your Office investigated itself (as per attachment from Deputy Raymond) is alarming. It is one thing to investigate a deputy for misconduct on an administrative level. It is a completely different matter to do so when the matter concerns the *actual Sheriff*. The fact this is not apparent is nearly as alarming as the allegations leveled against you.

You offered to submit additional information for consideration. While I will not tell you not to, I will let you know it will be of no consequence. The Court made its ruling. The letter was properly issued. If you have any additional questions, or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,



JONATHAN L. MEYER  
Prosecuting Attorney

JLM/bb

**It is the Mission of the Lewis County Prosecutor's Office to zealously seek justice in all criminal matters, consistently promote public confidence in the legal system, and diligently represent county government while adhering to the highest ethical and moral standards**