

SUMMARY REPORT OF INVESTIGATION

Date: February 25, 2015

To: Susan Slonecker, Esq.
King County Prosecutor's Office

From: Martha Norberg, Principal
Seabold Group

Ref: Whistleblower Complaint [REDACTED]
Charles Gaither, Former Director
King County Office of Law Enforcement Oversight (OLEO)

INTRODUCTION AND BACKGROUND

Charles Gaither was hired as the Director of the Office of Law Enforcement Oversight (OLEO) in October 2011.¹ One of the main functions of OLEO is to monitor the King County Sheriff's Office's internal investigations to assess whether the investigation was fair and thorough and offer recommendations for additional investigative steps where necessary. OLEO also may look beyond the individual cases to identify systemic issues and make recommendations for change. OLEO cannot conduct independent disciplinary investigations, but may participate in interviews

Until May 2014, OLEO had one administrative staff. On May 12, 2014, Mr. Gaither hired an investigative auditor, [REDACTED], to assist in his oversight of IIU's processes and procedures. On August 1, 2014, Ms. [REDACTED] wrote to Councilmember Larry Gossett of her concerns about Mr. Gaither, claiming that Mr. Gaither had created a hostile work environment by using extreme profanity in the office, denigrating her, making disparaging comments about county officials, and other behavior.

Additionally, she claimed that the working relationship between Mr. Gaither and the King County Sheriff was non-existent. She said that in May, just days after she was hired, Mr. Gaither had failed to submit a complaint to IIU within the three-day requirement and instead directed Ms. [REDACTED] to conduct an interview of the complainant. She said the case involved the retention of weapons and Mr. Gaither thought this might be an illegal search and seizure. When the Sheriff became aware of the interview he was upset because he believed OLEO conducted an investigation, something OLEO is strictly prohibited from doing. Mr. Gaither disagreed, and from that point on the relationship between them worsened. Ms. [REDACTED] added that the Sheriff was not informed of the extent of investigative activities she actually conducted at Mr. Gaither's direction, beyond the 35-minute interview of the complainant. She said this investigation occupied a majority of her time from May 14th through June 19th.

On June 9, 2014, the Sheriff and Mr. Gaither had a very heated exchange relating to the complaint and other matters. Both men were reported to be visibly angry. The Sheriff filed a complaint with the King

¹ The OLEO's functions are defined by King County Ordinance 16511, King County Code Section 2.75 and King County Police Officers Guild (KCPOG) Collective Bargaining Agreement (CBA) Article 22. The CBA effective January 1, 2008 to December 31, 2012 was in effect throughout the period under investigation because the subsequent CBA had not yet been ratified. Addendum 1 contains the pertinent provisions of the CBA.

County Council (KCC), and in subsequent meetings Mr. Gaither became upset with Ms. [REDACTED] because he did not feel she was backing him up sufficiently in her account of the June 9th argument. On July 21, 2014, Mr. Gaither again discussed his displeasure with Ms. [REDACTED] for not being “united as one voice in the office.” The length and tone of the conversation made Ms. [REDACTED] uncomfortable and she spoke with Councilmember Gossett’s Chief of Staff. Additional interactions between Mr. Gaither and Ms. [REDACTED] through July, including Mr. Gaither being very angry, increasingly monitoring her whereabouts, and engaging in other behaviors, caused Ms. [REDACTED] to talk to Councilmember Gossett, who on July 29th told her to report to work in the Council’s offices the next day.

As part of her duties at OLEO, Ms. [REDACTED] gathered IIU case statistics for their annual report. As she gathered statistics she also realized several shortcomings in OLEO’s case review process. She determined that for 2013, none of the IIU investigations that OLEO certified were reviewed within the five-day requirement set forth in the CBA. Of the 306 cases reviewed by OLEO, 182 of them took from 51 to 100 days to review and certify. Only 60 of the 306 cases were reviewed within the 180-days allowed for an internal investigation, rendering any recommendations for additional investigative steps moot.

Ms. [REDACTED] and other office staff also reported that until late July 2014, IIU case files were stacked all over the OLEO office and none were returned to IIU as required by the CBA. Ms. [REDACTED] had other concerns that are listed below. Additionally, the KCSO and Council staff each had concerns, which are also set forth below.

SCOPE

Seabold Group was retained to conduct a fact-finding investigation of the allegations raised by Ms. [REDACTED], the King County Sheriff’s Office, and Council staff, as follows:

[REDACTED] allegations:

1. The OLEO case certification process did not meet the requirements of Ordinance 16511 or the KCPOG Collective Bargaining Agreement with respect to the timeliness and thoroughness of case review.
2. Mr. Gaither failed to adequately oversee the safekeeping of IIU files in the OLEO office.
3. Mr. Gaither conducted investigative work outside the scope of OLEO authority.
4. Mr. Gaither behaved unprofessionally in the OLEO office by using profanity, directing insults at elected officials and the public, and bringing female friends into the office.

King County Sheriff’s Office allegations:

1. Mr. Gaither inappropriately accessed KCSO’s IIU files for reasons unrelated to OLEO duties, including to discredit the KCSO, in violation of the CBA.

Concerns Raised by Council and Staff:

1. Mr. Gaither attempted to destroy public records (emails and computer files).

2. Mr. Gaither made inappropriate expenditures using OLEO funds.
3. Mr. Gaither failed to adequately maintain records such as contracts and invoices, and failed to safeguard King County property purchased by OLEO.
4. Mr. Gaither purchased an unnecessary investigative database and made unauthorized access of the database to obtain sensitive personal information of County employees and others.

In the course of this investigation, Seabold Group interviewed 11 witnesses, most on several different occasions. Finance, IT and HR personnel were consulted for technical purposes.² Mr. Gaither declined to be interviewed, but he responded to several email requests with a significant number of documents and copies of emails, the pertinent parts of which were taken into consideration. Additionally, we reviewed thousands of pages of County documents, including Policies, Ordinances, the Collective Bargaining Agreement, personnel files, invoices, contracts, finance records, digital images from Mr. Gaither's cell phone, computer images and files, witnesses' notes and files, spreadsheets and analyses of case reviews, and other documents. Finally, we accessed KCSO's IIU software to conduct an analysis of the OLEO case review process and history.

In accordance with County regulations and the CBA, Seabold Group will not reveal any names of KCSO personnel who were subjects of an IIU investigation.

This report is intended to be a summary report and is not intended as a comprehensive detail of all of the information that was collected, reviewed and considered as part of the investigation. The findings and conclusions set forth in this report are based on the entirety of the evidence considered and are not limited to the factual information contained herein. Nothing in this report is intended nor should it be construed as a legal conclusion. Finally, the findings herein are based on a preponderance of the evidence; that is, whether it is "more likely than not" that a particular incident happened or did not happen as alleged.

DETAILED FINDINGS

██████████ allegations:

1. **The OLEO case certification process did not meet the requirements of Ordinance 16511 or the KCSO Collective Bargaining Agreement with respect to the timeliness and thoroughness of case review.**

The evidence overwhelmingly establishes that Mr. Gaither failed to complete his review and certification of IIU investigations in a timely or thorough manner, thereby rendering his oversight ineffective.

Timeliness

OLEO has the responsibility to actively monitor IIU investigations, participate in investigative interviews, and request additional investigative steps it deems necessary for a complete and impartial investigation. For this to be meaningful, OLEO must complete its review and make its recommendations in a timely manner. In particular, an internal investigation, including any OLEO

² A list of witnesses is provided in Addendum 2.

review and recommended follow-up, must be completed within 180 days or the Sheriff’s Department forfeits the ability to impose discipline.³ If OLEO’s review takes place after the 180 day limitation on administrative investigations and imposition of discipline, it becomes an historical review rather than a real-time factor in ensuring fair, complete and impartial internal investigations.

A former OLEO office manager told this investigator that during the period that Mr. Gaither was Director, they might get a case from IIU after 90 days, and it was common that it would sit on a desk in OLEO “way past” the 180 day limitation. Ms. [REDACTED] analysis reflects that of all 2013 IIU investigations reviewed and certified by Mr. Gaither, 80% of the reviews took place after the 180 day limitation had expired.⁴

Additionally, the CBA requires that OLEO be notified by IIU when an investigation is completed. OLEO has five days from that notification to review the case and either certify that the investigation was fair, complete and impartial; recommend that additional investigative steps be taken; or decertify the investigation. OLEO never requested additional investigative steps be taken, and only decertified one case. Mr. Gaither did not review any closed IIU cases within the required five-day timeframe, and in fact the average time it took him to review and certify 2013 cases was 77 days.⁵

As part of her auditor responsibilities, Ms. [REDACTED] conducted a statistical analysis of all closed IIU cases for 2013. She conducted a similar analysis of 2014 cases. Ms. [REDACTED] accessed the case data in IIU’s case management software, IA Pro, and tracked certain benchmark dates to be described further in this report. In many instances she also examined which documents from certain case files were reviewed by the OLEO Director in order for him to certify the case. The Seabold Group investigator conducted an independent examination of a random selection of 2013 IIU cases to assess the accuracy and reliability of Ms. [REDACTED] analysis and found no substantive errors in her data.⁶

Ms. [REDACTED] analysis revealed that for 2013, 306 cases were certified by OLEO out of the total 347 closed cases.⁷ The following chart summarizes Ms. [REDACTED] findings:

Description	Number of Cases	%
Cases reviewed by OLEO within five days of notification of IIU closure, as required by the CBA.	0	0%

³ CBA Article 19 Section 9.

⁴ Witnesses informed this investigator that Mr. Gaither’s failure to complete his reviews in a timely manner did not adversely affect IIU’s ability to impose discipline because they did not wait for OLEO’s review to resolve their investigations.

⁵ This report focuses on 2013 performance when OLEO had access to the IIU database and the ability to monitor investigations in real time.

⁶ The Seabold Group investigator, a CPA and Certified Fraud Examiner, randomly sampled approximately 10% of the 306 closed IIU cases in IA Pro to compare to Ms. [REDACTED] analysis. Additionally, the investigator conducted a random review of additional closed cases to examine the time between OLEO file access and OLEO certification, and other specific issues to be described in this report.

⁷ The remaining 41 cases were either not closed as IIU investigations by IIU and therefore not subject to OLEO review (21 cases) or were not closed/certified by OLEO during 2013.

Cases reviewed within the 180-day limitation on administrative investigations. <i>(From opening the case to final disposition/Loudermill).</i>	60	20%
Cases reviewed 60 days or longer after IIU notified OLEO that they completed their investigation. <i>(4 cases took over 300 days to be reviewed and certified by OLEO, and the bulk of cases in this timeframe – 182 cases - were reviewed from 51 to 100 days after notification).</i> <i>Note: the above reviews should have been completed within five days of notification.</i>	202	66%

Mr. Gaither refused to be interviewed for this investigation. However, there is ample written documentation that he felt understaffed throughout his tenure at OLEO. Until Ms. [REDACTED] came to OLEO, the OLEO office consisted of Mr. Gaither and an office manager. Notwithstanding, every office staff interviewed by this investigator reported that Mr. Gaither spent a considerable amount of time in his office with the blinds closed and the door shut, and when they went into his office he was on his computer or studying for the Bar exam. They also observed that he frequently came into the office late. With the exception of one case that the Ombudsman’s office inquired about, they never observed him review a closed IIU case.⁸

Further, in early 2013, OLEO was given access to the IA Pro database to allow for real-time monitoring and review of on-going IIU investigations. Mr. Gaither never accessed the database. Instead, Mr. Gaither instructed his staff that when OLEO received notification from IIU of a closed case, they were to go into the database and print out the case file and provide it to him for review.

A potentially mitigating factor not raised by Mr. Gaither but evident in the statistics is that in most instances the office managers did not access the database within the required five days. However, none of them reported that Mr. Gaither ever established standards for them to follow. They instead reported that they were left to establish their own protocols for case processing. Each of them devised their own system for tracking and processing cases, only to be replaced by the next office manager who invented her own system. Additionally, each of them inherited an increasingly large volume of unprocessed cases that they had to determine how to handle. The emphasis for each office manager since at least May 2013 was to get the stacks of cases processed, without adequate instruction on the requirements of the Ordinance and the CBA.

The following graphic reflects how many workdays, on average, it took for OLEO office staff to access and prepare the 2013 IIU case files for review after IIU notification that the case was closed [“Office Staff”], and then how many days it took Mr. Gaither to review and certify the investigation after his staff prepared the files. [“Mr. Gaither”].⁹

⁸ In addition to the one complaint that the Ombudsman asked about from an inmate alleging being beaten in the jail, Mr. Gaither paid special attention to at least two matters: a shooting in Auburn and the “Reynolds” complaint, to be addressed further in this report.

⁹ The investigator analyzed the statistics of 129 IIU cases for this data set, only including the cases for which the date of OLEO access/file preparation was tracked. This analysis does not include the cases that were printed out and certified on the same day.

	Total # of weekdays from IIU Notify to OLEO Certify <i>[Should be 5 days]</i>	# of weekdays from IIU Notify to OLEO FilePrep <i>[Office Staff]</i>	# weekdays from OLEO FilePrep to OLEO Certify <i>[Mr. Gaither]</i>
Avg # days	78.60	46.79	31.81

While the office staff contributed to the lack of timely case review, they are not the sole cause, and it was Mr. Gaither’s responsibility to ensure that the IIU closed cases were reviewed timely and in a manner that provided meaningful oversight. The evidence reflects that this was not done. Mr. Gaither failed to properly train and direct his staff and ignored his clear oversight responsibilities relating to timeliness.

Another potentially mitigating factor is that in some cases IIU failed to notify OLEO of case closures in a timely manner. We did not examine how many of these failures caused OLEO to exceed the 180 days for review, if any. However, we are only aware of a few instances where IIU did not notify OLEO in a timely manner, compared to the 80% (202 cases) that OLEO failed to timely certify.

Thoroughness

The evidence establishes that on numerous occasions Mr. Gaither either did not review cases he certified or his review was cursory. In 2013 he was allowed access to IIU’s database to review investigations in real time, yet he never accessed the database. Additionally, from October 2011 through Mr. Gaither’s departure in September 2014, it appears that there was no effective system in place in OLEO to track complaints or monitor their progress.

Former OLEO office managers reported that case files would commonly be stacked around the office awaiting Mr. Gaither’s review. The current office manager told this investigator that she had stacks of cases on her desk and would often place a stack of cases on Mr. Gaither’s desk as well, and those cases would not be touched for long periods of time. Often many of the cases that were stacked on Mr. Gaither’s desk at close of business on one day would be back on her desk the next day with a request that she issue a certification letter to the complainants indicating that OLEO had reviewed the investigations and found them to be fair and impartial. The office manager said there could be as many as 25 cases returned for certification from one afternoon to the next morning.

Many IIU cases include videos, transcripts of interviews, emails and many other documents that take a significant amount of time to adequately review. It is implausible that Mr. Gaither could have adequately reviewed 25 cases in that amount of time.

Additionally, approximately 12% of 2013 IIU closed cases were accessed and certified on the same day. For example, on July 22, 2013, at least nine cases were printed out for review and certified that same day. On August 7, 2013, five cases were printed out and certified. On August 8th, six cases, and on August 9th there were four cases.¹⁰ Both this investigator’s and Ms. [REDACTED] analyses of OLEO’s processing of closed IIU files revealed that in July and August 2013 (and on one occasion on

¹⁰ See the schedule “IIU Cases Accessed and Certified by OLEO Same Day” at Addendum 3.

September 12, 2013, and one on January 13, 2014), 36 of the 196 sample cases examined for this data were accessed by the current office manager and certified on the same day. In some cases the files were printed out toward the end of the day and yet were still certified on that same day. For example, on August 8th the office manager spent 33 minutes printing out files for a closed IIU case. She finished at 2:38 PM and the case was certified the same day. One case was accessed after 4:00 PM and was certified that same day. On August 9, 2013, the current office manager printed out 28 files for one case, including video and emails. That case was certified on the same day. Further, in many of the cases the office manager only printed out the incident report, final memo and/or signed disposition letter, and the case was certified on the same day. No other files were reviewed for that case. One of those cases contained 7 witness statements, the officer's report, the incident report and many other documents, but the office manager only accessed the case summary and the corrective counseling memo. This case was certified on the same day.

Regarding those July and August 2013 cases, the current office manager told this investigator that at that time she had been newly hired and "it was very chaotic." She said "cases were everywhere and I didn't have a tracking mechanism for verifying the location of a case, whether it was in [Mr. Gaither's] office, the other office, that desk or the cabinet..." The cases identified as having been certified on the same day that she accessed them were all two to three months or more past OLEO's review deadline, and the current office manager was tasked at that time with cleaning up the outstanding cases. The current office manager told this investigator that she did not have an answer for why there were so many cases accessed and certified on the same day. But she said it was very confusing during that time. She said Mr. Gaither would tell her, "These are certified so go ahead and close." But she said since she was so confused about the process at that time it could have been her mistake. She then said that for July that might be true, but she could not explain why this would occur in August or later, after she had been there a while.

This investigator told the current office manager that the schedule of cases printed out and certified on the same day indicated that Mr. Gaither was not reviewing case files. The office manager replied, "Oh, I know he didn't. He would hand me a stack of files that I knew he didn't review, and he gave them to me to certify. I've seen that. Also, we get phone calls from complainants saying IIU didn't interview so and so, and I'd tell Mr. Gaither. He would try to go in and not certify [the investigation] and he realized he had already certified it."

From approximately May 2013 through July 2013, the OLEO office had an interim office manager who was a long-time county employee that was well-respected by IIU staff during her time at OLEO. She said that when she came to OLEO there were around 300 cases that needed to be processed and she was tasked with cleaning those cases up, as well as performing current office duties. The interim manager said when she came to OLEO there were disks with IIU files on them, as yet uncertified. Additionally, IIU would send emails with notification of case closures that the interim manager was to process. Mr. Gaither told her to "do the best you can." She was instructed to go into IA Pro and print out the case files, put the files together and place on a table for Mr. Gaither to review. She said in addition to the disks, the prior office manager had also printed out a lot of files and they were stacked on the credenza waiting for his review. The interim manager started adding to that pile and she said they stacked up quickly.

The interim manager said that on one occasion she generated 50 certification letters in one week. When asked if Mr. Gaither actually reviewed those cases, the interim manager told this investigator that those 50 cases were from prior to her coming to OLEO, and Mr. Gaither put them on her desk,

telling her they were certified and instructing her to generate the letters. She did not observe him reviewing those cases.

The interim manager said she was not instructed on any deadlines that OLEO had to abide by, she was “just cranking [the cases] out.” She said it took Mr. Gaither a long time to review cases. She put the files on his desk and “they just sat there.”

The interim manager attempted to train the current manager when she came to OLEO in July 2013. The interim manager told this investigator that she had developed a system for processing the cases but when the current manager was hired she would not follow that system, instead choosing to do it her own way. The interim manager said she thought Mr. Gaither and the current office manager had discussed and agreed on how the new current manager was going to process cases. Further, with Mr. Gaither’s blessing and without consulting the interim manager, the current manager changed a tracking spreadsheet that the interim manager had developed.

She could not describe the system the current manager used and said, “What they were doing as a team I can’t say. All I know is she was doing it her way and I felt like I wasn’t welcome.” One reason the interim manager went back to her old job early was because the current manager would not accept her instruction, thinking she could do it a better way “and the person over the department allowed her to do that.”

The interim manager said Mr. Gaither’s pattern never changed. He would go to a meeting or something, come in late (11:00 AM), go into his office, shut his door and close his blinds, “and the case files would sit there for days.” When she knocked on his door for something she always found him on his computer, never reviewing cases. She said she only saw him review one case, the matter referred to OLEO from the Ombudsman’s office from a former inmate who alleged he had been beaten in jail.

Mr. Gaither’s Explanation

In numerous documents supporting Mr. Gaither’s requests for additional staff, Mr. Gaither remarked that IIU was generating 20 to 25 or more cases per week and for much of his tenure he was without adequate assistance. He said it was difficult for him to keep up with that volume of cases by himself.¹¹

While Mr. Gaither may have been without adequate staff to help him accomplish many of the goals of OLEO, such as meaningful community outreach, a mediation program, and other things, a primary function of OLEO is oversight of IIU investigations, including review and certification, and only Mr. Gaither could perform that function. When OLEO had access to IA Pro, that function should have been made much easier because Mr. Gaither could have tracked IIU ongoing investigations and provided real-time input, rather than having to review an entire case in one sitting. However, Mr. Gaither continued to have his staff print out closed case files for his review. Several OLEO staff told this investigator that the majority of an office assistant or manager’s time was spent printing out case files.

¹¹ Why Mr. Gaither did not have adequate staffing was not addressed in this investigation. However, the staffing issue does not affect Mr. Gaither’s ability to review cases, particularly in 2013 and 2014 when he had real-time access to IA Pro and did not have to have his staff print out the case files.

Further, we could not reconcile Mr. Gaither's assertion that IIU generated 20 – 25 (in some documents he said it was 30 or more) cases per week, in light of the fact that in 2013, IIU only sent approximately 326 cases to OLEO for review. That would very roughly result in 6 – 7 cases per week.

2. Mr. Gaither failed to adequately oversee the safekeeping of IIU files in the OLEO office.

The evidence establishes that from at least the end of 2012 through July 2014,¹² IIU case files were maintained in a chaotic manner throughout the OLEO office, including on top of desks and filing cabinets out in the open area, and in unlocked filing cabinets. OLEO has a locked front door and staff can see who is requesting entry via a camera. However, people did come through the office, including female friends of Mr. Gaither, who were not authorized to have access to IIU case files. There was no evidence, however, that case files were in fact accessed by unauthorized individuals.

The CBA requires that OLEO return all hard copies of case files to the IIU after OLEO has reviewed the files. Further, it prohibits OLEO from allowing access to the files to anyone not authorized to view them. No one interviewed in this investigation could recall a case file ever being returned to IIU as required by the CBA. OLEO staff sent many cases to a storage unit after a period of time, but there has never been a tracking mechanism for those cases.¹³ For example, as a result of a September 2014 Public Disclosure Request, the current office manager had to access IA Pro to determine all cases that OLEO should have relating to that deputy, then physically search to determine whether the files were in the office and if not, she had to verify if they had been sent to storage. In a few cases she determined that OLEO should have certain case files but had not actually printed those out during the course of OLEO's review, even though the cases had been certified. (This will be addressed in more detail below.)

Prior to 2013, IIU provided OLEO with disks or hard copies of case files for review and certification. When Capt. Nesel became commander of IIU in January 2013, he discontinued that practice in order to provide more strict control over IIU files. Instead, IIU allowed OLEO access to the IIU database, IA Pro. In part, this access eliminated the need to print out case files because all documents in the investigation could be accessed and reviewed from the database. In spite of this access, Mr. Gaither never looked at case documents in the database, and instead continued to have his staff print out case files for his review. Due to his failure to promptly review cases, IIU files piled up and were commonly stacked out in the open, potentially accessible to anyone allowed into the office.

3. Mr. Gaither conducted investigative work outside the scope of OLEO authority.

The evidence supports the allegation that Mr. Gaither conducted an independent investigation into the facts of an enforcement action that resulted in a complaint which is prohibited by the Ordinance and the CBA. Further, it establishes that Mr. Gaither spent considerable effort in an attempt to find fault and error in the Sheriff's disposition of a complaint, which is also prohibited by the CBA.

The Ordinance and CBA allow OLEO to ask the KCSO if they have considered certain things in their investigations, and to recommend additional steps. There is no evidence that Mr. Gaither ever shared

¹² For reasons unknown, in July 2014, at around the time Ms. ██████ began to express concerns about Mr. Gaither, Mr. Gaither sent an email to her and the current office manager instructing them to keep IIU case files in a locked filing cabinet. This directive notwithstanding, when this investigator went to the OLEO office in November 2014 there were stacks of IIU case files all over the office.

¹³ In 2012, OLEO purchased an Administrative Investigations Management (AIMS) software for \$24,850 but it was never used.

with the KCSO the investigative steps he was directing Ms. [REDACTED] to perform. However, during the time period of the complaint described below, it is clear that Mr. Gaither felt he should have the authority to perform the investigative steps he was taking. After the Sheriff learned of the complaint and Mr. Gaither submitted it to IIU, the two of them exchanged many emails about OLEO's authority to interview complainants and assess the complaint prior to forwarding it to IIU, but Mr. Gaither never revealed all of the other work he was having Ms. [REDACTED] do on this case.

Reynolds Complaint

In October 2013, a KCSO deputy accompanied the Department of Corrections to check on Mr. Reynolds's son who was on DOC probation. The felon was prohibited from residing where there were firearms, among other restrictions. He was living with his father. Part of the contact involved a search of the home for weapons. Three weapons belonging to Mr. Reynolds were found in the residence. The DOC seized the weapons and turned them over to the KCSO for retention. On May 14, 2014, the King County Ombudsman's office forwarded a complaint to OLEO that Mr. Reynolds had filed. The complainant wanted to know how to get his guns back, and also claimed that a specific deputy misled him by saying if the son were not charged he would be able to get his guns back.

On May 16, 2014, Ms. [REDACTED] conducted a telephone interview with the complainant to clarify the nature of his complaint. At this time, the complainant confirmed that he wanted his guns back, and that a particular deputy misled him. There were no other issues raised in this conversation or in the original complaint forwarded by the Ombudsman. She told this investigator that she advised Mr. Gaither that they should forward the complaint to the IIU.

Mr. Gaither did not submit the complaint to IIU within the required three-day period, later justifying this by claiming that he needed to determine whether it was a complaint about a particular deputy or just a desire to have the weapons returned.¹⁴ Mr. Gaither eventually submitted the complaint to the IIU on May 22, 2014, after he mentioned the case to the Sheriff, who then instructed him to forward the complaint. It is unclear why Mr. Gaither took special interest in this complaint. OLEO's current office manager told this investigator that the only complaints Mr. Gaither takes an interest in are those coming from the Ombudsman's office. The office manager normally would receive a complaint and forward it directly to IIU and "Mr. Gaither wouldn't even look at it at all."

The evidence shows that Mr. Gaither did more than necessary to determine whether this was a complaint about a particular deputy or just a desire to have his weapons returned. The evidence establishes that prior to submitting the complaint, Mr. Gaither instructed [REDACTED] to conduct extensive investigation and research into the facts of the incident. He continued to investigate the matter after submitting the complaint on May 22nd.

On May 16, 2014, Ms. [REDACTED] drafted an audit plan based on her understanding of what Mr. Gaither wanted and of OLEO's authority to examine systemic issues. Her plan was as follows:

Potential Audit objective

1. Determine if the KCSO has policies and procedures in place to ensure that confiscation or seizure of firearms is in accordance with applicable County, State and Federal laws and regulations.

¹⁴ IIU also failed on at least one occasion to inform OLEO of a complaint within the three-day requirement.

2. Assess the adequacy of the KCSO accounting for, storing, safeguarding, disposing or returning of confiscated firearms in its possession.

Potential Methodology

1. Interview personnel responsible for processing firearms which includes seizing, maintenance, disposal or safe return of firearm.
2. Determine the number of seized firearms for calendar years TBD.
3. Review and analyze County, State and Federal laws and regulations
4. Review a sample KCSO internal reports or log books documenting justification for confiscating or seizing firearms, storing, safeguarding, disposing or returning of firearms.
5. In cases where firearms were released back to the legal owners, determine the length of time the KCSO possessed the firearms and whether any communication was had with the owners.
6. Review and identify whether the controls in place are sufficient to provide reasonable assurance that such firearms are adequately handled.

Mr. Gaither rejected the audit plan, telling her he thought she had more experience than that. Instead he instructed her to conduct an investigation into the facts of the incident and the Sheriff's decisions on disposition of the complaint. At Mr. Gaither's direction, Ms. [REDACTED] made the following contacts:

Unknown date: Contact Ian Goodhew, King County Deputy Prosecuting Attorney

There is no indication this contact ever took place, but Ms. [REDACTED] outline for the conversation contained the following questions:

- Is KCSO acting outside the law?
- Is a court order required for the release of the guns?
- If firearms had been in a safe or elsewhere in the home, does it still constitute actual or constructive possession?

May 16, 2014: Contact Jana Lewis, Ombudsman's Office

Ms. [REDACTED] notes indicate that OLEO's ultimate goal was to determine whether KCSO violated the complainant's Second and Fourth Amendment rights by searching the premises and seizing the firearms. As to the court order issue, Ms. Lewis informed Ms. [REDACTED] that it is not unusual for KCSO to require a court order to release firearms.

This was the first of many experts who informed OLEO that the requirement of a court order is not uncommon for the release of seized firearms.

May 16, 2014: Mr. Gaither contacted Chris Barringer, KCSO Chief of Staff

He inquired about the status of the MOU with Department of Corrections and under what conditions or circumstances can KCSO and DOC work together. He asked if that policy was in writing. He did not inform Mr. Barringer of the complaint or the purpose of his questions.

May 16, 2014: Contact Jim Harms, Regional Administrator for Department of Corrections (original attempt to contact May 16th; actual discussion May 21st)

Emails reflect that there were telephone calls back and forth and finally on May 21st Mr. Harms and Ms. [REDACTED] discussed the facts of the October 2013 search and seizure. Ms. [REDACTED] needed to verify where the complainant (or his son) was at the time of the search and whether anyone was in the home to observe the search.

Mr. Harms gave Ms. [REDACTED] a history of the felon, including the facts of his conviction. On the day after this contact, May 22nd, Ms. [REDACTED] filed a PDR with Dept. of Corrections, requesting the case file, including the DOC officer's notes and anything that would indicate the extent of the search (which rooms were searched), whether there was a signed written consent, and other details of the incident.

May 21, 2014: Interview the complainant in person

Ms. [REDACTED] provided her interview outline to Mr. Gaither prior to interviewing the complainant. The 35-minute interview covered many issues, including the details of the search, how extensive it was, which rooms the officers searched, the conditions of the complainant's son's release, whether the son ever went into the rooms where the firearms were found, past home certification checks by DOC and KCSO, whether there had been any previous seizures of weapons from the home, description of KCSO's and DOC's process regarding checking on the son, and whether the complainant's consent to search was voluntary, among other questions.

It should be noted that the complainant told Ms. [REDACTED] on several occasions during this interview that a specific deputy had lied to him about the process for getting his guns back. Ms. [REDACTED] relayed that information to Mr. Gaither.

Unknown date: Mr. Gaither researched Mr. Reynold's son's name using proprietary investigative software

CLEAR is a database used by Federal, state and local law enforcement to assist in their investigations. It provides information from public sources and from private sources such as credit headers. Law Enforcement versions of the software provide very sensitive identifying information such as social security numbers that can only be obtained for specific law enforcement purposes or other purposes narrowly defined in several federal laws including the Graham Leach Bliley Act, and the Driver's Privacy Protection Act.

Mr. Gaither requested a demonstration of the software, which he subsequently purchased using OLEO funds. According to the current office manager, in the trial demonstration provided prior to purchase, Mr. Gaither requested information on Mr. Reynold's son, specifically looking for the conditions of his release. This information was not available in CLEAR, but Mr. Gaither purchased the software anyway, telling the current office manager they might need it in the future. The two-year commitment to CLEAR was to cost approximately \$187 per month.

May 22, 2014: Ms. [REDACTED] filed a Public Disclosure Request with the Department of Corrections

Ms. [REDACTED] requested the son's file, and in clarifying emails she told the Public Disclosure Officer that she was specifically looking for:

- The complainant's son's conditions of release;
- Any documents that identify the dominion and control of warrantless searches (to verify whether Reynolds signed a consent for warrantless searches)
- The DOC account of the events that took place during the search and seizure
- Any information regarding the extent of the searches (which rooms, how much of the house was searched; she said this was "really important.")

On **May 22, 2014**, Mr. Gaither met with the Sheriff and mentioned the Reynolds matter. Later that day the Sheriff told him to forward the complaint "ASAP" to IIU. Mr. Gaither responded, *"Will do. We didn't have enough information on our end to view this as a complaint against a particular deputy or a want to have the guns returned. We will forward the information ASAP."* Mr. Gaither also forwarded the recording of Ms. [REDACTED] 35 minute interview with Mr. Reynolds.

On **May 22nd and 23rd** there were several email exchanges between Mr. Gaither and the Sheriff relating to the Reynolds matter and the extent of OLEO's authority to investigate it. The Sheriff felt that the 35 minute interview constituted an investigation. Mr. Gaither explained that OLEO was not conducting an investigation, rather that OLEO has authority to identify systemic issues impacting the KCSO, and he believed the issues in the Reynolds matter could be systemic in nature relative to search and seizure. He said he was going to look into this matter as he did with the Risk Assessment and the Auburn Shooting Investigation. He said he understood the extent of his authority and felt that he did not exceed it. He also expressed concern that the Reynolds matter involved a DOC specialist who was also involved in the Auburn Shooting. He said, "There were major concerns then [about him] and those concerns remain."

On **May 27, 2014**, the Sheriff wrote his disposition letter, which provided three options to Mr. Reynolds for getting his weapons back: 1) convince a judge to give a court order, "trumping our interpretation of the law;" 2) sell or transfer the weapons to someone else with the court's blessing; and 3) decide not to live with any convicted felons. According to Ms. [REDACTED] the Sheriff's letter angered Mr. Gaither. He began looking into whether the Sheriff's options were legal and/or permitted by policy.

On **May 28th** Mr. Gaither wrote a letter to the KCSO requesting all information relating to the Reynolds seizure, including the incident report and property records, and he requested all training materials on similar searches and seizures since the Auburn shooting, which also involved KCSO deputies accompanying DOC officers to a home to locate a felon. The Auburn shooting was the only IIU case that Mr. Gaither decertified. This might be a factor in why Mr. Gaither was so focused on this incident. The Sheriff referred his request to the Public Disclosure officer, and said he would provide what was available at their meeting the following week. Mr. Gaither misunderstood his email and asked if the Sheriff was refusing to provide the documents. They then engaged in some prickly email exchanges relating to this matter.

On **May 29 and into the early part of June 2014**, at Mr. Gaither's instruction, Ms. [REDACTED] communicated with at least four lawyers with the Attorney General's office, regarding the facts of the Reynolds search and seizure. She stated that Mr. Gaither was looking for any opinion regarding the custody or retention of weapons seized from persons living with someone on parole. After providing a narrative of the facts around the search and seizure, Ms. [REDACTED] specifically asked the lawyers the following:

- Is ongoing retention of such weapons against the law?
- If firearms were stored elsewhere in the home or in a safe is it acceptable for a released felon to live in the home?
- Were the guns seized appropriately?
- Are the options provided by the KCSO (in the Sheriff's 5/27/14 disposition letter) reasonable?

On **May 30, 2014**, Mr. Gaither instructed Ms. [REDACTED] to verify with DOC whether “the consent [to search] form allows the DOC to search the entire house or just the areas in which the parolee has dominion and control (e.g. his bedroom, common areas, etc.)”

On **June 3, 2014**, Lana Weisman of the Attorney General's Office, Criminal Division, informed Ms. [REDACTED] that at the County level only the County Prosecutor can ask for an opinion from the ATG. Notwithstanding, she said that even if they could give an opinion they would not do it because there are disputed facts in this case. She added that it is not uncommon to require a court order for the release of weapons. She said if an agency did not, they could face a lawsuit if anything happened as a result of returning the firearms.

Mr. Gaither instructed Ms. [REDACTED] to verify whether in fact only the prosecutor could request an opinion from the ATG. Two other lawyers confirmed that and they echoed Ms. Weisman's statements. One ATG lawyer added, “An opinion would be a public document; I think instead you want a quiet consultation about strategy in determining your position.”

On or before **June 4, 2014**, Mr. Gaither contacted the Second Amendment Foundation, which according to their website is an organization “dedicated to promoting a better understanding about our Constitutional heritage to privately own and possess firearms.” He described the details of the Reynolds matter, including the three options the Sheriff gave to Mr. Reynolds, and asked, 1) Is the ongoing retention of the weapons against the law? 2) If the firearms were stored elsewhere or in a safe at the home, is it acceptable for the son to live in the home? and, 3) Are the options provided by the KCSO reasonable? Ray Carter, the Director of Development for SAF replied, requesting more details and asking for the KCSO case number, indicating that “the Public Records request is being formulated as I type this.”

On **June 4, 2014**, the current office manager emailed King County Senior Deputy Prosecutor Mike Sinsky asking whether the CBA limits OLEO's review of complaints that have been classified by the Sheriff as a Non-Investigative Matter (NIM). Mr. Gaither added on **June 6th** that he was “concerned that personnel complaints could be downgraded to a NIM or a Supervisory Action Log (SAL) to escape review by the OLEO.” He felt that OLEO should have the authority to review all NIMs and SALs to allay that concern.

On **June 10, 2014** Mr. Sinsky told him that neither the King County Code nor the CBA draw clear cut lines between where a misconduct complaint ends and other types of disputes begin, and that both sides have an argument based on the language of the documents. He said there is “no obviously correct legal answer to that issue.” KCC 2.75 sets forth OLEO's functions, including “monitor[ing] investigations and resolutions.” According to the Code, he said that if Mr. Gaither felt the KCSO was classifying internal investigations as NIMs or SALs to keep them from the oversight process his options were to 1) work out OLEO's functions, etc., in a collaborative way with all parties (Sheriff, labor, executive, others); or 2) include this in his annual report, making recommendations about the

policies, procedures or practices he is concerned about. He said the Sheriff is not obliged to follow OLEO's recommended actions, but the critique would focus public attention on the concern.

While Mr. Gaither argued to both the Sheriff and Mr. Sinsky that OLEO should have the authorization to monitor NIMs and SALs, there is no evidence that he informed either of them of the investigative steps he had taken on this matter.

4. Mr. Gaither behaved unprofessionally in the OLEO office by using profanity, directing insults at elected officials and the public, and bringing female friends into the office.

The evidence supports the allegation that Mr. Gaither has an explosive temper which he often did not rein in and which caused a negative impact on his ability to conduct the business of police oversight. The evidence also supports that from at least August 2013, he brought into the OLEO office several women who had no official reasons to be there.

The CBA, Article 22 Section 16, requires that one of the minimum job requirements for the OLEO Director is "to have a history that includes the establishment of a reputation for even-handedness and fairness in dealing with both complainants and regulated parties." Ordinance 16511, Section 3, states in part that the OLEO Director shall have:

"a reputation for integrity and professionalism, [and] the ability to maintain a high standard of integrity in the office; an understanding of and a commitment to the responsibilities of the office; demonstrated leadership and a history of effective management and administration; the ability to gain the trust and respect of sheriff's office employees; the ability to work effectively with the executive, council, prosecuting attorney and sheriff, as well as other public agencies, labor organizations, private organizations and citizens; ... the ability to work effectively under pressure with controversial issues and the ability to effectively communicate with diverse groups..."

Mr. Gaither failed to demonstrate many of the characteristics required of his position in the day to day dealings with the Council and other entities, in particular with the Sheriff's Office and with IIU.

Behavior in the OLEO Office

Ms. [REDACTED] alleged in her complaint that on several occasions she witnessed Mr. Gaither using "extreme profanity" in addition to berating the Sheriff and Councilmembers. She claimed he told her that the Sheriff is a "fucking idiot, stupid as hell," and that he has no real experience. He called a Councilmember "crazy," and told her another Councilmember had a bad temper. Ms. [REDACTED] also alleged that Mr. Gaither called the people of Seattle and Washington State "hillbillies" and "cowboys in the wild west." She also alleged that he spent a great deal of his time in the office with his door closed and the blinds on his office windows closed. She overheard many phone conversations in which Mr. Gaither was very angry and repeatedly complained of encounters he had had with County officials that upset him.

Further, she alleged that Mr. Gaither treated her rudely and made disparaging comments like, "I thought you had more experience than that" when she would ask him for clarification on the research he was looking for relating to the Reynolds complaint.

We could not independently verify the statements Mr. Gaither is alleged to have made to Ms. [REDACTED]. However, this investigator has talked to most, if not all, of the office managers that have worked at OLEO under Mr. Gaither¹⁵ and, with the exception of the current office manager, they all confirm that Mr. Gaither has a very extreme temper that they had experienced in similar detail. Even the current office manager, who said Mr. Gaither was very nice to her, told the investigator that when Ms. [REDACTED] came on board “he had never talked to me the way he talked to her.” The current manager said she had seen Mr. Gaither become angry and when that happened she would become scared, wondering if it was about her.

The interim office manager, who was ‘on loan’ from Council, told this investigator that she never discussed the case processing shortfalls with Mr. Gaither out of fear due to one experience she had with him when she was first assigned to OLEO. She was talking on the phone to someone at Council about a work issue and Mr. Gaither became “livid,” telling her, “You work for me, what are you talking to her for?” She said his head was bobbing back and forth and he was shouting. She said she saw many mood swings with Mr. Gaither. Sometimes he would not talk to her; sometimes he would come into the office “beet red, you could tell he was mad.” He would shut his door and close the blinds. She said sometimes she could hear him in his office shouting, arguing with someone. She said she knew something was seriously wrong, and she had to “take him out of the element of [my] experience [at OLEO] in order for it not to affect me.” She said by her second week at OLEO she had no desire to work at OLEO permanently. Mr. Gaither was “very moody; he would go to Council meetings and come back pissed.”

This description is consistent with the many experiences described by other office managers.

Additionally, Ms. [REDACTED] said Mr. Gaither would take his shoes off and put his bare feet on his desk, and conduct personal grooming such as clipping his nails in front of her. In a news article, Mr. Gaither is quoted as admitting to taking his shoes off on occasion, and to saying “BS once or twice but I don’t walk around cursing.”¹⁶ [REDACTED] described entering the OLEO office in October 2013 and stated that Mr. Gaither “immediately apologized for” the office’s appearance. [REDACTED] described it as a disheveled college dorm room, “with an odor to match.” He said Mr. Gaither was dressed in jeans and cowboy boots, with his long sleeved shirt untucked. He told this investigator that the office smelled like a gym.

Relationship Between OLEO and IIU

For OLEO’s oversight to be effective, it must engage in real-time interaction with the KCSO IIU, which means developing a relationship with IIU staff to promote trust, respect and professional rapport so that, at a minimum, OLEO’s input will have the weight it merits and be given the appropriate consideration by the KCSO. The relationship between OLEO and IIU, and the Sheriff’s office in general, was contentious at best for most of Mr. Gaither’s tenure as OLEO Director, and particularly since John Urquhart became Sheriff.

The interim manager told this investigator that in 2013 the IIU Commander, Capt. D.J. Nesel, contacted OLEO in attempts to meet with Mr. Gaither and create a relationship between the two offices. She said he would tell her, “Let’s get our staffs together and have coffee.” He wanted

¹⁵ To the investigator’s knowledge there have been four office managers/administrative staff since Mr. Gaither became Director of OLEO, and the investigator has interviewed those four.

¹⁶ Crosscut, September 18, 2014, “KC Sheriff Watchdog’s resignation was preceded by turmoil and complaints.”

everyone to meet each other face to face. She relayed the invitation to Mr. Gaither and he said no. She said the rapport between IIU and OLEO (including when the prior office manager was there) was “a little aggressive,” and there was a lot of tension.

Captain D.J. Nesel, Commander of the IIU since January 2013, [REDACTED], [REDACTED] wrote in a memo to the Sheriff on October 21, 2013, that he made numerous attempts to connect with Mr. Gaither, to no avail. [REDACTED] said that since the first of January 2013 he made “exhaustive efforts” to communicate with Mr. Gaither, and even asked the then-HR Director Virginia Gleason to intervene and set up an appointment with the three of them. She facilitated a meeting during which Mr. Gaither was “amicable.” At that meeting, [REDACTED] suggested that he and Mr. Gaither start meeting weekly with their staffs. [REDACTED] said Mr. Gaither made many promises to meet with [REDACTED] and IIU staff on a regular basis but “that has never happened over the last ten months, not once” until [REDACTED] meeting in October 2013, and it never happened again after that meeting.

That meeting occurred on Friday, October 18, 2013, when [REDACTED] went to Mr. Gaither’s office to discuss IIU’s failure to timely notify him of a case that Mr. Gaither had been asked about by a reporter, among other topics. The two disagreed on many of the topics discussed, and the meeting became heated, with both parties becoming tense and using profanity. [REDACTED] described the rest of the meeting as follows:

“Two adult males with police backgrounds stating their opinions rather fervently is a far cry from what then took place. Director Gaither went from exuding a disagreeable raised voice to a man completely absorbed by anger. His temper exploded and he physically moved forward, standing up and leaning across his desk towards me, slamming his right hand down on his computer keyboard... [He displayed] physical intimidation and a tirade of commentary that included the word ‘Fuck’ being used numerous times, as well as the term ‘Motherfucker...’ [REDACTED] left Mr. Gaither’s office and headed back to the Courthouse, a block away, with Mr. Gaither pursuing him down the hill yelling at him to ‘Come here.’ He continued to shout at [REDACTED] and eventually caught up to him] Mr. Gaither displayed behavior and demeanor that was intimidating and threatening, getting ‘right up in my face.’ He said loudly, ‘So this is the way you want it.’ He had an ‘explosive temper and he was acting completely irrational.”

An investigation of [REDACTED] behavior in this encounter concluded that both men contributed to the escalation of emotions, and that while both raised their voices and used profanity, [REDACTED] was the first to do so. The investigator was focusing on [REDACTED] role and found [REDACTED] to be in violation of several General Orders Manual (GOM) sections relating to officer conduct. The investigator also observed that the Sheriff should recognize mitigating factors, including Mr. Gaither’s role in “allowing the discussion to deteriorate into an argument,” and that “both individuals explicitly recognized they could have handled the situation better and should have avoided using profanity.”¹⁷

Witnesses provided other examples of Mr. Gaither becoming angry and behaving inappropriately to County employees, including to his staff, to former King County Council Chief of Staff in early 2013, to Sheriff Urquhart on June 9, 2014, and to another high-ranking KCSO official on August 18, 2014.

¹⁷ The investigator also observed that prior to the October 2013 encounter the two coordinated and consulted with each other regularly, and that they had “an effective working relationship.” He also concluded that “there have been no adverse impacts to the operations of the IIU or OLEO.” Witnesses in this current investigation do not support those findings.

Bringing Female Friends into the OLEO Office

Ms. [REDACTED] stated that the janitors in the county building where OLEO's office is often told her that Mr. Gaither brought women into the office after hours. The janitors could not be identified and were not contacted to corroborate this information. However, the current office manager told this investigator that Mr. Gaither often brought women into the OLEO offices, and that they had no business reasons for being there. She said that practice didn't occur while both she and the interim office manager were together at OLEO, but after the interim manager left in late July or early August 2013, Mr. Gaither started bringing them to the office. The current office manager kept notes on the women and provided that information to the investigator.

In general, she said that there were six women that came to the office, sometimes during the lunch hour and sometimes in the evening as the office manager was leaving. The first woman who started coming to the office would come every Wednesday for lunch. She also came to an evening outreach put on by OLEO, during which Mr. Gaither had his arm around her. The office manager said this woman "disappeared after a month or two." On one occasion she observed what she thought was inappropriate behavior of a potentially sexual nature in the OLEO office. In a moment of surprise when the lights illuminated Mr. Gaither's office, she observed this woman leaving the area behind Mr. Gaither's desk where he was sitting and going back to her chair on the other side of the desk.

According to the current manager, on many occasions Mr. Gaither and a few of the women would fight. On one occasion after an argument with a woman, she brought a box of Mr. Gaither's belongings and left it at the OLEO office.

One of the women included in the office manager's list was someone who was paid by OLEO for consulting services. She was allegedly hired to do a project for community outreach, but the office manager, who is the coordinator for community outreach, has never seen her work product.¹⁸ She came to the office two or three times, and on one occasion she and Mr. Gaither "had a huge fight like you would have with your significant other." The office manager thought, "Wow, you don't talk to contractors that way." She said both were yelling, and she eventually stormed out, grabbing up some items on his desk, including his keys. She said Mr. Gaither kept having her check to verify if that woman had gotten paid.

King County Sheriff's Office allegations:

1. Mr. Gaither inappropriately accessed KCSO's IIU files for reasons unrelated to OLEO duties, including to discredit the KCSO, in violation of the CBA.

The evidence establishes that some of the IIU case files accessed by the current office manager from August 18 – September 5, 2014, were accessed at the direction of Mr. Gaither for purposes other than official OLEO business.

¹⁸ The investigator asked Mr. Gaither about this consultant via email and he provided an 8-page power point presentation that he said was her work product, although there was no identifying information on the power point or in the properties of the document. Attempts are being made to contact the consultant, who is not listed in Washington State business licensing records. She was paid \$3,700 by the County.

On August 18, 2014, Mr. Gaither and a high-ranking KCSO official had a heated telephone conversation during which Mr. Gaither told the official that things were going to “go south” between KCSO and OLEO. On that same date, the current office manager accessed the IA Pro database and accessed 101 IIU cases, including a closed case involving the official. The [REDACTED] [REDACTED] discovered this and was concerned that Mr. Gaither was targeting the official because of their argument. He researched the office manager’s access to IA Pro during that period and found that she accessed many cases that he felt were for no other purpose than to embarrass the Sheriff. The cases involved deputies/KCSO personnel who were in the news for negative reasons, or who were in the process of suing the KCSO, or other similar situations. On the afternoon of August 19th the office manager searched for all IIU cases on a captain against whom a deputy complained, and which became public. On September 5th, Mr. Gaither’s last day as Director, she accessed the files of the same deputy, who had also filed an EEO complaint against the Sheriff. On September 11th, six days after Mr. Gaither resigned and was no longer with OLEO, she accessed several cases involving that deputy and printed out a significant number of files on three of those cases. These and other searches caused concern with the KCSO.

Legitimate Access of IIU Case Files in IA Pro

The evidence establishes that the searches made on August 18, 2014, including the case involving the official, were conducted for legitimate OLEO business. Both the current office manager and Ms. [REDACTED] were involved in updating the OLEO files and gathering statistics for the annual report. Ms. [REDACTED] had moved out of the OLEO office by this time and the task of gathering statistical data on IIU cases was given to the current office manager. However, Ms. [REDACTED] was authorized by the Council Chief of Staff to look into OLEO’s case review process, an analysis that required her to extensively access IA Pro and that was the basis for many of her current allegations.

The process that both women used to gather data involved accessing IA Pro, pulling up IIU cases and tracking the various benchmark dates, allegations, findings, and other pertinent data. This process did not involve printing out files, but simply taking the data and adding it to a spreadsheet. All IIU cases were accessed in this manner by both of these women during this time period.

IA Pro access history reflects that Ms. [REDACTED] accessed the case of the high-ranking official on July 21 and 31, and August 8 and 9. Mr. [REDACTED] also accessed the file several times during this period. The office manager accessed it in February and June, and for one minute on August 18.

OLEO Access of IA Pro for Reasons Other Than Case Review or Statistics

The evidence establishes that on at least two occasions the office manager accessed IA Pro at the direction of Mr. Gaither for other than statistical or case-review purposes. Additionally, a significant amount of case files accessed were for the purpose of tracking Ms. [REDACTED] activity in IA Pro.

Tracking [REDACTED] Activity

After Mr. [REDACTED] asked Mr. Gaither why his office accessed the official’s file on August 18th, Mr. Gaither learned that Ms. [REDACTED] was still accessing IA Pro even though she was no longer in the OLEO office and no longer assigned to gather statistics. He was not aware that Ms. [REDACTED] was conducting an analysis of OLEO’s case review performance. He directed the current office manager to track what Ms. [REDACTED] was looking at. He created a computer folder called “OLEO-Control” to

which he restricted Ms. [REDACTED] access. All documents related to the KCSO complaints against OLEO, including the IA Pro issues and the office manager's tracking of Ms. [REDACTED] IA Pro access, went into that folder. In Mr. Gaither's response to the KCSO's concerns about the office manager's access to IA Pro, he included Ms. [REDACTED] history to show that she had also been accessing IA Pro.

Chronology of Events

OLEO has the authority to track on-going IIU investigations, and in some of the cases below, OLEO accessed IA Pro to track what IIU was doing on them. The underlying motivation, however, appears to be to negatively impact the Sheriff, rather than to provide effective oversight.

From May through June and beyond, 2014, the OLEO office was dealing with the Reynolds complaint, which is addressed in detail above. The office manager admitted that she continually monitored the Reynolds case in IA Pro and reported back to Mr. Gaither because "things were getting heated." At first she said Mr. Gaither did not instruct her to monitor the case, but that she was upset that they had classified the case as a Non-Investigative Matter (NIM) and so she chose to monitor the case and report back to him. She said she kept logging into Reynolds "to see what they were doing; I felt like it wasn't being handled properly." She later admitted that Mr. Gaither wanted her to monitor that complaint. Further, many emails and letters, including requests for legal opinions, reflect Mr. Gaither's concern that the case was classified as a NIM in order to keep it from OLEO's oversight. Mr. Gaither appeared very upset about this in emails to the Prosecutor's office and he felt strongly that OLEO should be able to review NIMs and SALs.

Also in May 2014, a captain sent an email to his squad regarding emphasis patrols, and he said they were going to "kick ass and take names," among other things. On or about August 15, 2014, four months later, Deputy BB (mentioned below) sent the captain's email to the NAACP and expressed his concern about it. The NAACP forwarded the deputy's email to Mr. Gaither's personal email address. Mr. Gaither did not turn this email over to the IIU, claiming later that it was not a complaint. It is not known why the deputy waited until August to send the captain's email to the NAACP. The incident came to the attention of the ACLU and news outlets, and Mr. Gaither was interviewed by the media. In those interviews he expressed his concern about the captain's email in a way that caused some in the KCSO to think he "threw the Sheriff under the bus." On August 19, 2014, Mr. Gaither instructed the office manager to research IA Pro regarding the captain. The office manager ran a search on all matters relating to the captain, and she told this investigator that Mr. Gaither wanted to see if this particular matter had been entered into IA Pro. On August 28, 2014, Mr. Gaither told the KCSO and certain Councilmembers and staff that the office manager accessed IA Pro to determine whether the "whistleblower" complaint regarding the captain's email, which he said the KCSO was aware of in May at the time of the email, was in IA Pro and whether any action had been taken. He found that it had not been entered into IA Pro.

After Mr. [REDACTED] became aware that the office manager had accessed the captain's file he called Mr. Gaither and asked if he had directed her to do that. Mr. Gaither denied it. The office manager was sitting there when he denied it. After they hung up, according to the office manager, she reminded Mr. Gaither that he had in fact directed her to do that. He then called Mr. [REDACTED] and left a message correcting his answer to yes. Mr. [REDACTED] confirmed that he did leave that voicemail.

Approximately ten days after Deputy BB sent the captain's email to the NAACP, on August 26, 2014, - one of the few times Mr. Gaither sat in on an IIU interview - he attended an interview of Deputy BB relating to Deputy BB's EEO complaint against the Sheriff. On September 5th, his last day, he told the office manager he wanted to put a note in that case file and wanted to make sure it went into the right file. She accessed IA Pro and identified the case number, IIU2014-159, which she provided to him. The note that he put in the file stated,

"On August 26, 2014, I sat in on an interview with Deputy BB [and others, including the EEO investigator]. During the interview, Deputy BB raised several concerns involving retaliation by Sheriff Urquhart, Chris Barringer and other members of the KCSO. The timing of changes to Deputy BB's work schedule and abrupt change in work assignment suggest strong merit to his claim. I will continue to monitor the investigation."

Mr. Gaither knew when he placed this note in the file that he would no longer be with OLEO and would not continue to monitor the case. He was probably also aware that the EEO case was going to litigation and that his note might be helpful to Deputy BB and harmful to the Sheriff's office.

Further, on or about September 10, 2014, Deputy BB filed a Public Disclosure Request for all IIU case files involving him, and in particular asked for "any notes kept by Charles Gaither relative to my Internal Affairs cases at King County Sheriff's Office."

On September 11, 2014, the office manager accessed all files relating to Deputy BB and spent considerable time printing out case files on three of those cases.

In our first interview, the office manager told this investigator that she researched Deputy BB's IA Pro files to identify all relevant case numbers in response to the PDR because OLEO had no tracking system. She said she could then look among the files in the office and determine if OLEO had any files responsive to the PDR. She denied having printed out any files, and did not mention that Mr. Gaither had asked her to access Deputy BB's files in order to place a note in the file. During our second interview, she admitted that Mr. Gaither directed her to access the file on September 5th so he could place the note in the file. She also stated that on September 11th she printed out the files for three of Deputy BB's cases, but she stated that it was not at the direction of Mr. Gaither. She said the deputy had contacted the OLEO office to inform them that he had filed a PDR. The office manager realized that for three of the cases that OLEO was supposed to have in their office - cases that Mr. Gaither had already certified - the files were incomplete. She said that if that's all she produced in response to the PDR it would look like she hadn't done her job by providing all of the case files to Mr. Gaither for his review. She printed out the files for those cases and then photocopied the complete files in response to the PDR. There is no evidence that she provided the case files to Mr. Gaither, and the Clerk of the Council confirmed that the office manager provided her with the case files in response to the PDR.

The office manager told this investigator that Mr. Gaither did not ask her to look at cases involving any specific person other than the captain, Deputy BB, and the Reynolds complaint.

Concerns Raised by Council and Staff:

1. Mr. Gaither attempted to destroy public records (emails and computer files).

The evidence establishes that on or about September 5, 2014, his last day at OLEO, Mr. Gaither transferred or deleted approximately 1.3 GB of data, not including his email files, from the personal drive (P-Drive) of his OLEO computer.

The office manager observed Mr. Gaither spending a large part of his last day moving files from his work computer to his personal laptop.¹⁹ Further, this investigator compared folders from the August 29th extract of his P-drive with the September 5th extract and determined that approximately 1.3 GB of data, at least 1,392 files, had been deleted or moved.²⁰ King County Council IT ran a much more detailed, file-by-file comparison of the two dates with similar results. [REDACTED] with Council IT told this investigator that the P-drive is a personally-owned folder and only the owner of the folder has access. “The only way that the size or amount of files would change is if the user removes those folders or files.”

Many of the deleted files from Mr. Gaither’s P-Drive were of a personal nature or general resource material, but many pertained to OLEO business and employment issues. A significant number of OLEO documents remain in the OLEO-Control folder created in August 2014.²¹ However, many of the OLEO documents Mr. Gaither provided to this investigator in response to this investigation could not be found on Mr. Gaither’s P-drive nor in the OLEO-Control folder, so while he still has them in his possession, they cannot be located in the county’s records system.²²

2. Mr. Gaither made inappropriate expenditures using OLEO funds.

Mr. Gaither had authority to make purchases within his budget for OLEO purposes. However, the evidence establishes that several purchases appear to have been for purposes other than OLEO business.

OLEO purchased items either with a credit card called a “P-Card,” or by having them paid for directly by Council. Either way, the items were charged to OLEO’s budget.

Mr. Gaither made several expenditures that benefited, and were welcomed by, the KCSO. He worked with the KCSO Training Unit to provide substantial financial support for training equipment, including simulated firearms training equipment. Emails between Mr. Gaither and Andrew McCurdy, KCSO Training Unit, reflect that the equipment was welcomed and utilized by the unit. OLEO contributed \$25,000 for the simulated training equipment, and continued to provide support by supplying at least \$6,968 in tactical gear that was purchased by OLEO but shipped directly to the training unit. In July 2012, Sheriff Strachan sent an email to the Council informing them that OLEO and the KCSO had been working together to acquire a firearms training simulator, and later emails from Sheriff Urquhart and Chief of Staff Chris Barringer informed Council that OLEO had contributed \$25,000 to the Firearms Training Simulator. Mr. Gaither also made substantial up-front expenditures to set up the OLEO office with needed equipment such as computers.

¹⁹ Addendum 4 is a comparison of the size of several folders in Mr. Gaither’s computer on August 29th, and after September 5th.

²⁰ Files responsive to a Public Disclosure Request for the Reynolds complaint were not deleted.

²¹ OLEO-Control contains 613 MB of data, with 587 files and 109 folders.

²² No one currently at OLEO was aware of another location that Mr. Gaither might have saved his documents, and Mr. Gaither refused to be interviewed.

Law Enforcement Tactical Equipment

When Mr. Gaither first started at OLEO he purchased many tactical-type items for himself and his office manager, including 2 bulletproof vests, combat light holders, tactical flashlights, 4 black folding knives, and other equipment he thought the office might need if they went out to crime scenes. The cost of this equipment was \$2,739.

Also in 2014, Mr. Gaither purchased additional law enforcement equipment, including rifle slings, extended pistol magazines, a tactical patrolling harness, and a \$3,200 Leupold rifle scope. The total cost of this additional equipment was \$6,900. Mr. Gaither directed his office manager to take some of the rifle slings and a large pack to the KCSO training unit. The remainder of this equipment stayed at OLEO.

Approximately \$1,016.00 of this equipment cannot be located.

Other questionable expenditures

In 2014, Mr. Gaither purchased a wireless music player, Bose headsets, and a Blackberry Music Gateway for use in his office or vehicle. These items cost \$1,000. Mr. Gaither also paid \$365 for a Rosetta Stone Spanish language program.

Additionally, Mr. Gaither spent over \$8,000 on preparation courses and related expenses to study for and take, on at least two occasions, the Washington State Bar exam. The Council Chief of Staff told this investigator that a Councilmember had authorized Mr. Gaither to use OLEO time and funds to prepare for the bar exam. Several OLEO office managers observed that Mr. Gaither spent a significant amount of time in his office studying for the bar exam.

In July 2014, Mr. Gaither committed the county to a two-year contract to pay \$187.00 per month for an investigative database that is used by investigators to locate people and gather information on their property ownership, criminal history, litigation history, and other personal information. The database provides information on neighbors, relatives and associates of the individuals searched. Mr. Gaither only used the database for personal research of various individuals and county employees, including Ms. [REDACTED] and her husband. The county's finance department provided information reflecting that since September 2014, the county has paid \$991.00, and the county continues to pay on this contract. Additionally, the county is required to notify individuals whose privacy has been breached by unauthorized access to personal sensitive information, and considerable time is currently dedicated to identifying and notifying those individuals.

As described in another section of this report, a female consultant hired by Mr. Gaither in late 2013 appeared to also be personally involved with him. The office manager stated that she came to the OLEO office two or three times and that on one occasion she and Mr. Gaither became very angry and yelled at each other, and she stormed out, taking his keys with her. She was paid \$3,700 on December 10, 2013, for 34 hours of work to develop an eight-page power point recommending three community outreach ideas. No contract or RFP was located for this work, even though several other consultants were retained by OLEO and their contracts, resumes and other pertinent documentation were maintained in OLEO's files. There is no record of a business license or an account with the state Department of Revenue or the Secretary of State's Office in the consultant's name. A public records search indicated that she is or has been a hostess at a restaurant in Seattle. The investigator made

several calls to the phone number she provided to OLEO, and a message left on her voicemail was not returned.

Parking Expenditures

County employees' parking is not paid for by the county, although the county will facilitate parking in some cases by deducting the parking costs from the employee's paycheck. Councilmembers must also pay for their own parking. From October 2011 to September 2013, Mr. Gaither's parking charges were deducted from his paycheck. In September 2013, Mr. Gaither contacted the Facilities Management Division and requested that his parking fees be paid out of OLEO's budget. As a result, his payroll deduction was canceled and as of October 2013 OLEO has been paying for two parking stalls at \$300 per month. Even though Councilmembers pay for their own parking, it appears the Finance employee who made this change was not aware of that. Emails indicate that she thought Mr. Gaither was a Councilmember, and he did not correct her in his correspondence with her. The KCC was not aware that the county was paying for Mr. Gaither's parking until November 6, 2014, when Ms. [REDACTED] contacted KCC Administration asking for Mr. Gaither's parking remote so she could give it to the new interim OLEO Director. KCC Administration did not return the remote to OLEO.

The county paid \$900 in 2013 and \$2,700 in 2014 for Mr. Gaither's parking for a total of \$3,600 in unapproved expenses.

Council Oversight of OLEO Purchases

In or about the summer of 2014, Council staff noticed OLEO purchases of tactical equipment, including a \$3,200 rifle scope, that were outside the normal kinds of purchases made by the Council. Council staff notified Chair Larry Phillips, who informed another councilmember about them and intended to ask Mr. Gaither as well. Before Mr. Phillips could contact him, Mr. Gaither called Mr. Phillips. He was very upset and began the conversation by angrily asking Mr. Phillips what he thought he was doing interfering with OLEO business. He interspersed this introduction with the "F word." He said he could not do his job if Council was always questioning him, and he told Mr. Phillips essentially to stay the "F" out of his way.

Mr. Phillips explained that his role was to provide oversight in the representation of Council's constituents, and that Council staff had appropriately brought the expenditures to his attention because they were beyond the nature of what Council normally purchases. Mr. Gaither told him the equipment was for community outreach, and for training. Mr. Phillips accepted that explanation. This was the only time questionable purchases came to Mr. Phillips' attention.

While some of the tactical equipment purchased by OLEO was given to the KCSO Training Unit, much of it, including the \$3,200 scope, stayed in the OLEO office. There is no evidence that the scope was ever used for community outreach or any other official purpose. This scope was located in the OLEO office after Mr. Gaither left but it was found in a box belonging to a much cheaper scope.

Mr. Gaither's Explanations for the Expenditures

In an email exchange with this investigator, Mr. Gaither stated that he made the initial purchases of tactical equipment because it was contemplated that he and other OLEO staff would be attending crime scenes and doing ride-alongs with deputies. His prior experience as a special investigator with

the LAPD's OIG included having shots fired in the direction of a crime scene that he was monitoring. When "momentum for OLEO's participation and access to crime scenes faded, the vests were set aside and/or donated." Mr. Gaither provided documentation of the donation of one of the bulletproof vests to a Community Service Officer and Explorer Advisor with SeaTac Police Department. The interim office manager was at OLEO during this time and she facilitated the transfer of the vest. The other vest was with Mr. Gaither until sometime in late September 2014. A week or two after he left OLEO he arranged to meet the current office manager at a park in West Seattle and he gave her the vest. The current office manager kept it in her home and returned it when asked about it by this investigator during our second interview on November 20, 2014.

Mr. Gaither also told this investigator that all items purchased from Hazard 4 (one of the main vendors of tactical equipment) were left with the current office manager or left in the OLEO office. "With respect to the handcuff key, combat light holders and folding knives, these items were purchased in late 2011 or early 2012 and placed in an equipment drawer, and then moved to a filing cabinet. I did not use these items and if you're unable to locate them I have no idea where they could be. I did not retain any of those items."

Additionally, he said that the female consultant "offered expertise in community outreach to King County's diverse communities and designed a plan of action in that regard." He provided the 8-page power point presentation and said that this work product of hers "detailed the program she developed for OLEO."

The potential use of tactical equipment at crime scenes does not explain the 2014 purchases of tactical equipment after it was clear that Mr. Gaither was not going to attend crime scenes. There is no evidence that much of that equipment was provided to the KCSO, and it is unclear what purpose OLEO had for it.

Other Personal Use of County Equipment

Photographs retrieved from Mr. Gaither's county cellphone reveal that he used the phone extensively for personal use. The photographs fall into four main categories: women, many of who are scantily clad and taking "selfies" in a mirror; weapons, including photographs of a pistol lying on the photographer's lap while sitting in a vehicle; vintage vehicles; and artwork, including several African statues that Mr. Gaither purchased. There were also a number of "selfies" of Mr. Gaither taken in front of a mirror in work-out attire.

3. Mr. Gaither failed to adequately maintain records such as contracts and invoices, and failed to safeguard King County property purchased by OLEO.

The evidence establishes that for most of the purchases made by Mr. Gaither he properly maintained contracts and/or supporting documentation such as receipts. However, some of the items purchased were not properly safeguarded and are missing.

Multiple searches of the OLEO office by the KCSO and King County Council's Administrative Services Supervisor resulted in the location of most of the equipment purchased by Mr. Gaither using the OLEO credit card, called a P-card. The items that they were unable to locate are as follows:²³

²³ This investigator is relying on [REDACTED], Administrative Services Supervisor for KCC, who conducted the searches and reported the missing equipment.

Item	Cost
Extended Pistol Magazine	25.98
USA Flag (left arm) Morale Patch	5.39
Padded Divider – set of two	8.06
Hazard 4 Diamond Shape Morale Patch (3 out of 4 missing)	12.36
LaunchPad tactical iPad Sleeve (2 of 4 missing)	70.84
Parker Mountain Machine Magpul PRS Ambidextrous QD Mounts (<i>Mr. Gaither's expense report reflects that this was an "Automotive Expense."</i>)	225.00
Total missing P-card items	347.63

In addition to the above equipment, some items are missing that Mr. Gaither purchased from Blumenthal's, a law enforcement uniform and supply store, when he became Director:

Item	Cost
4 Tactical Flashlights	460.00
2 Combat light Holders, Molded	50.00
Handcuff key	7.95
3 Black Folding Knives – SOG Salute	150.00
Total missing Blumenthal items	667.95

Mr. Gaither told this investigator in an email that the tactical equipment he purchased for use at crime scenes was put in a cabinet when it was determined that it would not be used. He said it should have still been in the OLEO office after he left and he is not responsible if it is missing.

4. Mr. Gaither purchased an unnecessary investigative database and made unauthorized access of the database to obtain sensitive personal information of King County employees and others.

The evidence establishes that on July 31, 2014, Mr. Gaither committed the county to a two-year contract to pay \$187.00 per month for an investigative database called CLEAR. To date, the county has paid \$991.00 for this database.

CLEAR contains information gathered from public records, credit agencies and other sources, and is used by investigators to gather background information on subjects or witnesses; to locate individuals for service of process, investigative interviews or other law enforcement reasons; to research an individual's litigation history, property ownership and professional licenses, and many other investigative purposes. A search of an individual can result in personal information being provided on associates, relatives and neighbors of that individual as well.

Other than using Mr. Reynolds' son's name in a demonstration, Mr. Gaither's first search was of himself and a family member on August 6, 2014. On August 16 and subsequent dates he researched Ms. [REDACTED], the interim office manager, the Council Chief of Staff's phone number, a former girlfriend, an employee with Council's IT division, Ms. [REDACTED] husband and a couple of unknown phone numbers and addresses. Although he left the county on September 5, 2014, the searches of his former girlfriend, the IT employee, Ms. [REDACTED] husband and a national comprehensive report on Ms [REDACTED] took place from September 9th to September 19th. Mr. Gaither made himself the administrator of the CLEAR account and no one else had authorization to access it. Therefore, when he left OLEO there was no one to delete him as a user, and he continued to use the database for purposes related to his personal disputes with Ms. [REDACTED] and the county. The database generated sensitive personal information on many neighbors, relatives and associates of the subjects of Mr. Gaither's searches, which has caused the county to spend considerable time and resources dealing with these unauthorized breaches.

Because of the sensitive information available in the database, its use is regulated by various federal laws. Mr. Gaither indicated that the purpose for the majority of his searches was to "Comply with federal, state or local laws, rules or other legal requirements; and for official use by a Court, law enforcement agency, or other government agency." His purpose for investigating the Chief of Staff's phone number was "For use by a person holding a legal or beneficial interest relating to the consumer (the "consumer" is the Chief of Staff); and for official use by a Court, law enforcement agency, or other government agency."

Addendum 1

OLEO's rights and responsibilities are defined in CBA Article 22, which states, in part:

- OLEO will actively monitor all Sheriff's Office internal investigations. OLEO will forward all complaints [it receives] to the IIU within three business days for processing, and when appropriate, investigation.
- OLEO will not conduct independent disciplinary investigations, but may participate in interviews as provided herein. IIU will notify OLEO of all administrative interviews on all complaints of a serious matter ... and all complaints originating at the OLEO. A single representative of OLEO may attend and observe... and ask questions within the scope of [the investigation] after completion of questioning by the Sheriff's office.
- OLEO will be notified by IIU within five business days of case closure of all complaints of a Serious Matter and all complaints originally filed with the OLEO. Upon completion of internal investigations, IIU will forward a complete copy of the case file to the OLEO for review.²⁴
- Once the case is closed, OLEO will return all case file materials and any other records to IIU for retention, including copies. OLEO shall not retain investigative files beyond one year and will return the same to IIU for safekeeping.
- As part of the review process, the Director of the OLEO may believe that additional investigation is needed on issues he/she deems material to the outcome. After completion of the additional investigation, or the conclusion that no further investigation [is necessary], OLEO will certify, in writing, whether the investigation was thorough and objective in the opinion of the Director of OLEO. This determination will be made within five business days [of OLEO being notified of the completion of the IIU investigation].
- Once the above finding is entered in the investigation, OLEO will not be involved further in the processing of that case except as provided herein.
- All final disciplinary decisions will be made by the Sheriff. OLEO may make statistical observations regarding the disciplinary results of sustained internal investigation, but shall not take issue with discipline imposed by the Sheriff in specific cases.

Article 19, Section 9, states: "Administrative Investigations must be completed within 180 days of the matter coming to the attention of the Sheriff's Office Command Staff/Captains." It further states that **"Compliance with this provision is required if findings are to be entered or discipline is to be imposed. (Emphasis added).** Issuance of a Loudermill notice of intent to discipline will constitute conclusion of the administrative investigation for purposes of this section."

Additionally, OLEO has the opportunity to make a recommendation for mediation prior to investigation.

²⁴ In early 2013 OLEO was granted real-time access to IIU's tracking database, IA Pro, so copies of case files were no longer provided to OLEO. However, Mr. Gaither continued to direct his staff to make hard copies of the case files for his review.

Addendum 2

List of Witnesses



Addendum 3

IIU Cases Accessed and Certified by OLEO Same Day

Case #	IIU Close Notice to OLEO	OLEO FilePrep Date	OLEO Cert Date	Notes	Days from IIU Close to OLEO Certify
2013-027	3/6/2013	7/18/2013	7/18/2013		97
2013-024	4/8/2013	7/19/2013	7/19/2013		75
2013-010	4/3/2013	7/22/2013	7/22/2013	9 cases accessed and certified on 7/22/13.	79
2013-014	4/18/2013	7/26/2013	7/22/2013		68
2013-029	7/11/2013	7/22/2013	7/22/2013		8
2013-030	6/27/2013	7/22/2013	7/22/2013		18
2013-039	4/3/2013	7/22/2013	7/22/2013		79
2013-070	4/3/2013	7/22/2013	7/22/2013	OLEO accessed, printed Signed Final Memos and Signed Disposition letters only.	79
2013-081	4/12/2013	7/22/2013	7/22/2013	OLEO printed out Incident report, Case Opening/Closure notice, Signed disposition letter; final memo.	72
2013-108	5/10/2013	7/22/2013	7/22/2013		52
2013-115	5/16/2013	7/22/2013	7/22/2013		48
2013-043	4/9/2013	7/23/2013	7/23/2013		76
2013-077	4/12/2013	7/23/2013	7/23/2013	OLEO printed out Signed Disposition Letter only, and Signed Final Memo. No case files.	73
2013-025	4/17/2013	7/24/2013	7/24/2013	OLEO viewed only case summary and corrective counseling memo - Nothing done with 7 witness statements, officers report, incident report, etc.	71
2013-006	4/18/2013	7/25/2013	7/25/2013		71
2013-051	4/18/2013	7/25/2013	7/25/2013		71
2013-064	4/18/2013	7/25/2013	7/26/2013	Certified one day after access. OLEO viewed the Incident access report and Signed Written Reprimand only.	72
2013-015	4/23/2013	7/26/2013	7/26/2013		69
2013-002	3/22/2013	8/7/2013	8/7/2013		99
2013-019	3/27/2013	8/7/2013	8/7/2013		96
2013-026	3/18/2013	8/7/2013	8/7/2013		103
2013-035	3/19/2013	8/7/2013	8/7/2013		102
2013-062	3/27/2013	8/7/2013	8/7/2013	OLEO accessed Incident report, Final Memo and Signed Disposition Letter only.	96
2012-058	3/28/2013	8/8/2013	8/8/2013		96

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2012-106	3/27/2013	8/8/2013	8/8/2013		97
2012-185	3/27/2013	8/8/2013	8/8/2013	OLEO spent 33 min printing files. Search ended 2:38 pm. Case certified the same day.	97
2013-007	3/28/2013	8/8/2013	8/8/2013	OLEO search on this case ended 4:08 pm. Case certified the same day.	96
2013-040	3/27/2013	8/8/2013	8/8/2013		97
2013-058	3/28/2013	8/8/2013	8/8/2013		96
2012-157	3/22/2013	8/9/2013	8/9/2013	OLEO certification input into IA Pro 8/21	101
2012-160	3/26/2013	8/9/2013	8/9/2013	OLEO certification input into IA Pro 8/21	99
2012-222	3/29/2013	8/9/2013	8/9/2013		96
2013-042	3/27/2013	8/9/2013	8/9/2013	20 day investigation. OLEO accessed 1 page on 8/7; on 8/9 printed 28 files, videos, emails. Certified same day.	98
2013-012	5/15/2013	8/16/2013	8/16/2013		68
2013-022	6/20/2013	9/12/2013	9/12/2013		61
2013-166	10/31/2013	1/13/2014	1/13/2014		53

Addendum 4

Comparison of Computer Folders

Folder Name	# Files	Size 8/29/2014	Size 9/5/2014	Notes
Access	2	34 KB	Empty	One photo of CG in a suit and tie
AlejandraFile	219	53.5 MB	Empty	Files compiled in or about 4/2013 relating to office manager.
Calderon Investigation	7	33.4 MB	Empty	6 files relating to the employment investigation of Mr. Gaither in March 2013.
Charles Gaither	5	10.6 MB	Folder Deleted	Personal documents such as WSBA invoice for the bar exam; bill from Direct TV; retainer letter from Karstetter; IRS eFile authorization 2012
Desktop: Alejandra File	713	605 MB	Folder Deleted	Catch-all containing AC-related files but also many others, including Bar-related; OLEO accomplishments; close-out letters; one minute briefs 2005 - 2011; Rigos; others.
Desktop: BarPerfect	9	5.49 MB	5.49 MB	Training documents for the bar exam
Desktop: Briolis	6	1.85 MB	1.85 MB	4 photos of a steroid product; 2 photos of an automatic rifle with a note to the seller requesting a quote.
Desktop: Resume Stuff	48	5.14 MB	5.14 MB	Lists of references; many letters and applications for jobs from June 2012 - June 2014; File titled "Cheryl" with 3 photos - one of two women in evening dresses; one of a head shot of a woman; and 1 of a woman in a dress taking a selfie in a mirror.
Excel	1	11.1 KB	Empty	"Copy of Prices for Charles updated.xlsx." A list of sculptures totaling over \$4k that CG proposed to purchase (converted from Rands).

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IE: Favorites	63	76 KB	Empty	List of favorite websites; many of cars and weapons.
Laptop	31	5 MB	Empty	Misc. OLEO-related documents, e.g. Garrity rights; OLEO Performance notes; Principle-Centered Policing. Files re: law, civil procedure, constitutional etc.
Laptop: NewFolder	75	326 MB	Folder Deleted	Personal documents, letters; photos of CG with a large pit bull; "vbpics:" photos of CG and a woman hiking, posing by a lake, in a cave; photos of a vintage Cadillac.
Model Practices	15	42.1 MB	Empty	Folders named Charnay, Colinas and Lopez; containing LAPD guidelines, other sample policing and oversight documents. (<i>Charnay folder deleted on 9/5; other folders intact but contents deleted.</i>)
My Documents	189	79.8 MB	Empty	Many work-related documents, closing letters, coaching topic suggestions, others; six files names "Attachments" with dates in March and April 2012 containing photos of two different vintage vehicles and documents re: debt collection of someone in California.
Notes	14	4.55 MB	Empty	Deputy BB phone notes 3/26/2012; lists of cases filed; draft presentations; various lists of cases received; misc.
Speaking Notes	10	235 KB	Folder Deleted	Notes for meetings with sheriff, councilmembers, etc.