



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

MONROE CORRECTIONAL COMPLEX

P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600

FAX (360)-794-2569

September 8, 2011

PERSONAL DELIVERY

(Revised)

Charles Maynard

Mr. Maynard:

**Notification of
Potential
Disciplinary
Action**

This is to advise you that the Department of Corrections (DOC) at Monroe Correctional Complex (MCC), is considering taking disciplinary action against you, up to and including discharge. This contemplated action is in accordance with Article 8 of the Collective Bargaining Agreement (CBA) between the State of Washington and Teamsters Local Union 117.

The purpose of this letter is to extend to you an opportunity to respond to the allegations and to present any information you believe should be considered.

Allegations

The following allegations have been investigated, and if true, may be the basis for taking disciplinary action against you:

- On January 29, 2011, you failed to make proper notification that you had located missing offender Byron S., DOC #287281, in the Chapel.
- On January 29, 2011, you failed to properly inspect and secure the Chapel after locating missing offender Byron S., DOC #287281.
- You submitted an Incident Report, on January 29, 2011, in which you falsely documented that you had inspected and searched that Chapel after locating missing offender Byron S., DOC #287281.
- You failed to honestly answer questions asked of you during a DOC investigation.
- You failed to honestly answer questions asked of you by external law enforcement agencies during an investigation.

Evidence

Jennifer Piukkula, Workplace Investigator completed a fair and thorough investigation into this matter. A copy of the report is included as Attachment 1.

"Working Together for SAFE Communities"

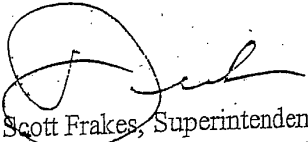
September 8, 2011
Page 2 of 2

Pre-disciplinary Meeting A pre-disciplinary meeting has been scheduled for Wednesday, September 14, 2011, at 2:00 p.m., in my office. MCC Human Resource Manager Linda Gilstrap, and Human Resources James Bennett will also be in attendance.

Representation Rights In accordance with the CBA, you have the right to representation at this meeting.

Responding in Writing You may respond to the allegations and evidence in writing if you prefer. If you choose to respond in writing, please address your response to myself. I must receive your response by 5:30 p.m. on Tuesday, September 13, 2011, at PO Box 777, Monroe, WA, 98272, attention HR Department, or fax to 360-794-2569.

Decision I encourage you to take advantage of the opportunity to respond to the allegations listed. I will carefully consider information you present and will make no final decision about what, if any, action to take until you have had the opportunity to respond.


Scott Frakes, Superintendent
Monroe Correctional Complex

SF/jb

Enclosures

c: Teamsters Local Union 117 (letter only)
Administrative File

Gilstrap, Linda S. (DOC)

To: Sarena Davis
Cc: Frakes, Scott R. (DOC); Bennett, James P. (DOC)
Subject: RE: Charles Maynard

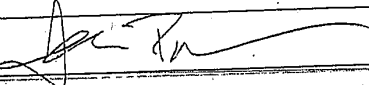
Thank you.

From: Sarena Davis [<mailto:Sarena.Davis@Teamsters117.org>]
Sent: Wednesday, September 14, 2011 10:05 AM
To: Gilstrap, Linda S. (DOC)
Subject: Charles Maynard

He will not be attending the predis meeting scheduled today. I had informed Bennett but maybe he forgot. So Maynard had notified me last night I told him I would contact you.



INVESTIGATION REPORT

Case Number:	HQ 06-032-11-3107
Name of Investigator:	Jennifer Piukkula 
Assigned by:	Scott Frakes, Superintendent of Monroe Correctional Complex (MCC) at the Washington State Reformatory Unit (WSRU)
Date Opened:	June 6 th , 2011
Date Completed:	August 5 th , 2011
Name of Accused Staff:	Charles Maynard, Correctional Officer 2
Name(s) of Alleged Victim(s):	N/A
Origin of Report:	On or about April 1 st , 2011, information was received by Department of Corrections (DOC) Management during a Critical Incident Review (CIR) surrounding the death of Correctional Officer Jayme Biendl on January 29 th , 2011 at the Monroe Correctional Complex (MCC) at the Washington State Reformatory (WSR).
Persons Interviewed:	Charles Maynard, Correctional Officer 2, Accused Brenda Fredricks, Correctional Officer 2, Witness Samuel Wahleithner, Correctional Officer 2, Witness
Persons not Interviewed:	Offender Byron Scherf, DOC #287281; offender found in the WSRU chapel on 1/29/11.
Referral to Local Law Enforcement:	Monroe Police Department is conducting a criminal investigation into the staff homicide on January 29 th , 2011 at MCC-WSRU.
Summary of Allegations:	<ol style="list-style-type: none"> 1. It is alleged that on January 29th, 2011, Correctional Officer Charles Maynard failed to properly inspect and secure the chapel after locating and securing a missing offender at that location. 2. It is further alleged that Officer Maynard falsely and/or inaccurately documented in an incident report that he had inspected and secured the chapel. 3. It is alleged that on January 29th, 2011, Officer Maynard failed to make proper notification that he had located a missing offender. 4. It is alleged that Officer Maynard failed to cooperate with a Department investigation and/or failed to fully and honestly answer all relevant and material questions. 5. It is alleged that Officer Maynard failed to cooperate with outside law enforcement agencies and/or failed to fully and honestly answer all relevant and material questions. <ol style="list-style-type: none"> 1. It is alleged that on January 29th, 2011, Correctional Officer Charles Maynard failed to properly inspect and secure the chapel after locating and securing a missing offender at that location. <ol style="list-style-type: none"> A. On or about April 1st, 2011, a Critical Incident Review (CIR) surrounding the death of Officer Jayme Biendl on January 29th, 2011 at the Monroe Correctional Complex was initiated by a team from the Washington State Department of Corrections (DOC). Information was provided by the CIR

	<p>Team to DOC Management. Information from the CIR Team noted that Officer Maynard secured the Chapel but did not search the building. His written incident report included a statement that he inspected and secured the building. A review of the Chapel video indicated a thorough inspection of the building did not occur.</p> <p>B. Officer Maynard submitted an incident report that documented he "inspected and secured the chapel" after locating a missing offender in the WSR chapel at approximately 2119 hrs on 1/29/11. (Exhibit 2)</p>
	<p>C. In an interview on 5/25/11 with DOC investigators, Officer Maynard recalled on 1/29/11, he and Officer Wahleithner had just completed the Extended Family Visiting (EFV) count and were walking on the breezeway towards Tower 9 when they came across Officer Fredricks near the PAB walkway. He stated that Officer Fredricks told them she was on her way to check out the PAB and Chapel for a missing offender during count. He recalled that Officer Wahleithner accompanied Officer Fredricks to the PAB and he turned around and went back towards the Chapel. He stated that as he got closer to the Chapel, he noticed the front door was open and the lights had turned on. He stated that he yelled out to Officers Fredricks and Wahleithner that he had an offender in the Chapel. He stated that he continued to the Chapel and found Offender Byron Scherf sitting in a chair in the Chapel foyer. He stated he then inspected and secured the Chapel while Officers Fredricks and Wahleithner restrained Offender Scherf. Officer Maynard indicated after the Chapel was secure, he and Officers Wahleithner and Fredricks escorted Offender Scherf to the shift office. (Exhibit 14)</p> <p>D. During an interview on 6/29/11 with DOC investigators, Officer Maynard was informed the surveillance video from inside the Chapel hallway on 1/29/11 was reviewed; the video reflected Officer Maynard walked straight down the hallway to the Chapel library where he entered the room, shut off the lights, turned around and walked straight back down the hallway towards the foyer. It did not depict any action that could be construed as "checking" or "inspecting" any of the interior Chapel doors. (Exhibit 12)</p> <p>E. Upon hearing there was video evidence; Officer Maynard admitted he did not "inspect" the Chapel on 1/29/11. Officer Maynard stated, "I shut the lights off in the library. I don't believe I checked any doors except maybe the library door. I think I closed the library door behind me after I shut off the lights, but I can't remember." (Exhibit 8)</p> <p>F. Officer Maynard stated he also did not check the door that led into the Sanctuary. (Exhibit 8)</p> <p>G. In an interview on 6/23/11, Officer Fredricks stated she did not observe Officer Maynard "check or inspect" any of the Chapel doors once she and Officer Wahleithner arrived on the scene. (Exhibit 9)</p> <p>H. In an interview on 6/29/11, Officer Wahleithner stated, "I'm not sure if Maynard went in the Chapel. I think he might have 'peeked' in to see if all the doors were shut. He might have taken one step inside the foyer to shut off the lights. I am not sure if the lights turn off or are security lights that are always on." (Exhibit 10)</p> <p>2. It is further alleged that Officer Maynard falsely and/or inaccurately documented in an incident report that he had inspected and secured the chapel.</p> <p>A. Officer Maynard submitted an incident report that documented he "inspected and secured the chapel" after locating a missing offender in the WSR Chapel at approximately 2119 hrs on 1/29/11. (Exhibit 2)</p> <p>B. During an interview on 6/29/11, Officer Maynard admitted he did not</p>

"inspect" the Chapel on 1/29/11 as he wrote in his incident report. (Exhibit 8)

- C. During the interview on 6/29/11, when asked why he falsely/inaccurately documented that he inspected and secured the Chapel; Officer Maynard stated he was in a hurry on 1/29/11 to submit his incident report before the end of his shift. He stated, "I wrote down what was expected of me, not what I did. I wasn't sure what they wanted from me and things were really busy that night." (Exhibit 8)

3. It is further alleged that on January 29th, 2011, Officer Maynard failed to make proper notification that he had located a missing offender.

- A. Officer Fredricks documented in an incident report she submitted on 1/31/11 that she made the radio notification of finding Offender Scherf in the Chapel on 1/29/11. (Exhibit 3)
- B. The radio transmissions were reviewed from 1/29/11; Officer Fredricks' made radio notification at approximately 2117 hrs saying she had located the offender in the Chapel. (Exhibit 4)
- C. In an interview on 6/23/11 with DOC investigators, Officer Fredricks stated she and Officer Wahleithner were on their way to check the PAB for the missing offender when Officer Maynard yelled out he had an offender in the Chapel. Officer Fredricks recalled she and Officer Wahleithner switched direction and headed towards the Chapel as they made their way through the locked gates. She stated that she made the radio notification of finding the missing offender as soon as she arrived at the Chapel location and found Officer Maynard talking with Offender Scherf. (Exhibit 9)
- D. Officer Fredricks indicated that Officer Maynard did not wait for assistance from her and Officer Wahleithner after he yelled out to them. She stated, "He yelled out that he had an offender and kept walking towards the Chapel. (Exhibit 9)
- E. In an interview on 6/29/11, Officer Maynard acknowledged that he was the first staff member to arrive at the Chapel location. He recalled as he made his way to the Chapel to look for a missing offender, he noticed the lights were on and the front door was open. He stated that he yelled out to Officers Wahleithner and Fredricks who were making their way to the PAB, but continued on towards the Chapel. Officer Maynard stated that he entered the Chapel and observed Offender Scherf sitting in a chair in the foyer. Officer Maynard stated, "I was talking to Scherf. Fred was right behind me and she made the radio call." (Exhibit 8)
- F. Officer Maynard was asked how much time he estimated had elapsed from the point he yelled out he had an offender in the Chapel until Officers Fredricks and Wahleithner arrived to his location (Chapel); he stated, "I really couldn't tell you... 4 to 40 seconds. I don't know how to judge time in a situation like that. It all runs together. I remember saying, "Come here, there is something wrong with the Chapel." He stated he was unsure of the amount of time that passed until the responding officers arrived to his location. (Exhibit 8)
- G. In an interview on 5/25/11 with DOC investigators, Officer Wahleithner stated, "Fred didn't know the keys on the key ring since the PAB is not her normal post. It took at least two minutes to get through both gates and catch up to Maynard in the Chapel. (Exhibit 13)
- H. In an interview on 6/29/11 with DOC investigators, Officer Wahleithner clarified and said he believed, "One to two minutes" had elapsed from the time Officer Maynard had yelled out to them until he and Officer Fredricks arrived at the Chapel location. (Exhibit 10)

I. In the interview on 6/23/11, Officer Fredricks said she was not sure how much time elapsed from when Officer Maynard yelled out he had an offender and the time it took for her and Officer Wahleithner to catch up to him in the Chapel. Initially she stated it was "seconds" but after taking into consideration the distance from the Chapel to the PAB gates (approximately 250 ft), and her unfamiliarity with the PAB keys as they made their way through the gates, she stated that it was likely to have taken "closer to a minute" for her and Officer Wahleithner to catch up to Officer Maynard in the Chapel. (Exhibit 9)

J. The distance from the PAB gates to the chapel is approximately 250 ft. (Exhibit 11).

K. During the interview on 6/29/11, Officer Maynard was informed that responding staff reported that "at least two minutes" elapsed before they were able to get to his location in the Chapel; Officer Maynard responded, "I thought they were right behind me, but again, I don't know how to judge time in a situation like that. I really couldn't tell you how much time went by." (Exhibit 8)

L. During the interview on 6/29/11, Officer Maynard stated he was familiar with the term "detect & notify" in the Emergency Response section of his post orders. (Exhibit 8)

M. The Emergency Response Post Orders under "[REDACTED]" states; "You are to determine the nature of the emergency and [REDACTED] notification has been made and assistance has arrived" (Exhibit 15). Officer Maynard stated he was familiar with the expectation of [REDACTED] he responded, "When I opened the gate and engaged Scherf, Fredricks was right behind me and on the radio saying that Scherf was located in the Chapel. At the most, it was just a few minutes until she (Fredricks) was there." (Exhibit 8)

4. It is alleged that Officer Maynard failed to cooperate with a Department investigation and/or failed to fully and honestly answer all relevant and material questions.

A. In an interview on 5/25/11 with DOC investigators, Officer Maynard reported he inspected and secured the chapel doors on 1/29/11 after he found a missing offender in the same location. (Exhibit 14)

B. In an interview on 6/29/11 with DOC investigators, Officer Maynard stated he "inspected and secured" the interior Chapel doors on 1/29/11 by pushing on doors, turning door handles and looking in windows; upon learning that investigators had video footage, he admitted he did not check any interior doors, with the exception of possibly closing the library door after he shut off the lights. (Exhibit 8)

- Officer Maynard submitted his signed statement from the interview on 5/25/11 on 7/06/11 to DOC investigators. Officer Maynard noted on the statement that he "made the statement in error" regarding "inspecting and securing" the interior Chapel doors. The initial date given to Officer Maynard to review and return his interview summary/statement was 6/27/11; he was informed that if he did not return it by this date that it would be concluded that he concurred and approved of the statement as written and would be formally submitted as his final statement. (Exhibit 14). No response was received from Officer Maynard by 6/27/11. At the conclusion of Officer Maynard's second interview with DOC investigators on 6/29/11, Officer Maynard was given another opportunity to review his statement from 5/25/11; he returned the statement on 7/06/11 with the noted change after he had been informed of the existence

of video footage from the Chapel on 1/29/11 (Exhibit 14).

- C. Officer Maynard told DOC investigators on 5/25/11 that Zone 3 (area including PAB, chapel, education) was "invisible" to him because of the chain link fencing. He stated he could not see through the fence and was unable to identify if a specific staff member on 1/29/11 stood near the Chapel during offender movement. He stated that he does not observe faces and can only see colors of clothing such as blue for staff uniforms and khaki/brown for offenders. (Exhibit 14)

1. On 2/1/11, Officer Maynard told detectives from the Monroe Police Department (MPD), that he observed Offender Scherf entered the Chapel (Zone 3) at the 1850 hrs movement on 1/29/11. (Exhibit 5)

- D. Officer Maynard read and signed the Interview Acknowledgment Form during interviews with DOC investigators on 5/25/11 and 6/29/11; the form states, in part, *"I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions."* (Exhibits 8 & 14)

5. It is alleged that Officer Maynard failed to cooperate with outside law enforcement agencies and/or failed to fully and honestly answer all relevant and material questions.

- A. Officer Maynard reported to MPD detectives on 2/1/11 that he yelled out to Officers Fredricks and Wahleithner when he found an offender in the Chapel and that he went back towards the PAB to wait for them as "back-up." (Exhibit 5)
- B. Officer Maynard reported to MPD detectives on 2/1/11 that Officers Fredricks and Wahleithner immediately followed him into the Chapel upon discovery of the offender. (Exhibit 5)
- C. In the same MPD interview, Officer Maynard reported he engaged Offender Scherf inside the Chapel foyer with Officers Fredricks and Wahleithner. (Exhibit 5)

1. Officer Wahleithner reported the entire exchange with Offender Scherf took place outside the Chapel, except for when Officer Maynard took one step into the Chapel and "peeked in" to shut off the lights. (Exhibits 6 & 10)

2. Officer Fredricks reported the entire exchange with Offender Scherf took place outside the Chapel; she stated, "I never saw him enter the Chapel," referring to Officer Maynard. (Exhibit 9)

3. Officer Fredricks told MPD detectives that she never observed Officer Maynard enter the Chapel on 1/29/11. (Exhibit 7)

- D. Officer Maynard reported to MPD during his interview on 2/1/11 that he "went through the unlocked part of the chapel and checked" it over. (Exhibit 5)
- E. On 2/1/11, MPD detectives asked Officer Maynard specifically which areas he checked in the Chapel on 1/29/11; he stated, "The library and offices to the left, near the library." (Exhibit 5)

	<p>F. On 2/1/11, MPD detectives asked Officer Maynard if any doors were open in the Chapel; he stated, "No, they were all locked." (Exhibit 5)</p> <p>1. The video footage on 1/29/11 showed Officer Maynard shut off the library lights and walk straight down the hallway toward the exit/foyer without checking or inspecting any of the interior doors or offices. (Exhibit 12)</p>
	<p>G. Officer Maynard reported to MPD detectives on 2/1/11 that he was inside the Chapel for approximately one minute checking and inspecting doors on 1/29/11. (Exhibit 5)</p> <p>1. The video footage of the chapel from 1/29/11 reflected Officer Maynard was in the Chapel hallway less than 30 seconds. (Exhibit 12)</p> <p>H. On 2/1/11, MPD detectives asked Officer Maynard if all the doors were secured in the Chapel when he left the building on 1/29/11; he stated, "Yeah." (Exhibit 5)</p> <p>1. The video footage of the Chapel from 1/29/11 did not reflect the Chapel hallway doors being checked by Officer Maynard. (Exhibit 12)</p> <p>I. During the interview with MPD on 2/1/11, Officer Maynard stated he specifically recalled that the Sanctuary doors were closed and locked on 1/29/11. (Exhibit 5)</p> <p>1. During Officer Maynard's interview with DOC investigators on 6/29/11, he stated he did not check the Sanctuary doors on 1/29/11. (Exhibit 8)</p> <p>J. At the conclusion of Officer Maynard's recorded police statement on 2/1/11, detectives asked if he declared under the penalty of perjury under the laws of the State of Washington that the facts he stated on tape were a true and accurate depiction of events; Officer Maynard agreed and signed his statement. (Exhibit 5)</p>
Report of Retaliation:	N/A
Exhibits:	<p>Exhibit 1: Assignment letter (2 pages)</p> <p>Exhibit 2: Incident Report from C/O Maynard dated 1/29/11 (1 page)</p> <p>Exhibit 3: Incident Report from C/O Fredricks dated 1/31/11 (1 page)</p> <p>Exhibit 4: Transcribed Radio Transmissions from 1/29/11 from 2000 hrs to 2202 hrs. (5 pages)</p> <p>Exhibit 5: Transcribed Statement of Officer Maynard by MPD on 2/1/11 (19 pages)</p> <p>Exhibit 6: Transcribed Statement of Officer S. Wahleithner by MPD on 2/16/11 (23 pages)</p> <p>Exhibit 7: Transcribed Statement of Officer Brenda Fredricks by MPD on 2/1/11 (31 pages)</p> <p>Exhibit 8: Interview Summary of Charles Maynard from 6/29/11 (10 pages)</p> <p>Exhibit 9: Interview Summary of Brenda Fredricks from 6/23/11 (9 pages)</p> <p>Exhibit 10: Interview Summary of Samuel Wahleithner from 6/29/11 (6 pages)</p> <p>Exhibit 11: Photographs</p> <p>Exhibit 12: Surveillance Video of Chapel Hallway on 1/29/11 (Available upon Request)</p> <p>Exhibit 13: Interview Summary of Samuel Wahleithner from 5/25/11 (9 pages)</p> <p>Exhibit 14: Interview Summary of Charles Maynard from 5/25/11 (10 pages)</p> <p>Exhibit 15: Post Orders—Emergency Response—[REDACTED] (2 pages)</p>



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P.O. Box 41105 • Tumwater, Washington 98504 • (360) 725-8553
FAX (360) 664-0271

To: Jennifer Piukkula, Workplace Investigator
From: Todd Dowler, Labor Relations Manager
Date: June 6, 2011
Case Number: 06-032-11-3107

Investigation assignment

On behalf of Scott Frakes, I am designating you as the fact finder to conduct a full and fair investigation into allegations of employee misconduct.

Allegations

1. It is alleged that on January 29, 2011, Correctional Officer Charles Maynard failed to properly inspect and secure the chapel after locating and securing a missing offender at that location.
2. It is further alleged that Officer Maynard falsely and/or inaccurately documented in an incident report that he had inspected and secured the chapel.
3. It is alleged that on January 29, 2011, Officer Maynard failed to make proper notification that he had located a missing offender.
4. It is alleged that Officer Maynard failed to cooperate with a Department investigation and/or failed to fully and honestly answer all relevant and material questions.
5. It is alleged that Officer Maynard failed to cooperate with outside law enforcement agencies and/or failed to fully and honestly answer all relevant and material questions.

Timeframes

Please submit a draft report by June 27, 2011. Should you need additional time to complete the investigation, contact Heidi Loveall, Human Resource Consultant.

Submitting the draft

Once you have a draft report prepared, send it to LRAAdmin@doc1.wa.gov for review before finalization.

"Working Together for SAFE Communities"

Exhibit 1

June 6, 2011
Page 2 of 2

Review call

An investigation review call will be scheduled. The purpose of the call is for the appointing authority to review and finalize the draft report.

If you need assistance

If you have any questions about the investigation process, feel free to contact .

- Angela Roberts, Labor Relations Consultant
- James Bennett, Human Resource Consultant

Attachments

Attached please find the following documents:

- Investigation Report Template
- Interview Acknowledgement Form
- Interview Summary Template

TAD:hml
Attachment

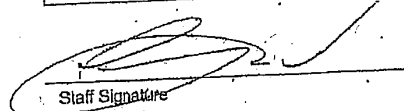
cc: Scott Frakes, Superintendent
Angela Roberts, Labor Relations Consultant
James Bennett, Human Resource Consultant



INCIDENT REPORT

☐ Confidential

Date/Time of Incident: 01/29/2011, 2119hr.	Offenders Involved: Scherf, Byron	DOC Number: 287281	Living Unit: WSRU A-1-12
Location: Chapel	Witnesses Involved: C/O Fredricks, C/O Wahleithner		
Use of Force Incident? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Staff Involved: C/O Maynard		
Description of Incident: Inmate missing during count.			
DETAILS: Who was involved, what took place, how did it happen, description of any injuries, damage, use of force, etc. Attach additional sheet, if necessary. On 01/29/2011 at 2119hr. I C/O Maynard went to the chapel to look for a missing inmate. I notice that the lights were on and the door to the chapel was open. I called out to C/O Fredricks and C/O Wahleithner to join me and I then proceeded to the chapel gate and observed inmate Scherf, Byron DOC #287281 sitting on a chair in front of the open chapel door. C/Os Fredricks and Wahleithner joined me, C/O Fredricks placed I/M Scherf in cuffs while I inspected and secured the chapel. We then escorted the I/M to the shift office.			
Immediate Action Taken:			

 01/29/2011 C/O 2 Maynard, Charles
Date Title Staff Name (Please Print)

TO BE COMPLETED BY SUPERINTENDENT/DESIGNEE	
Date/Time Received	Incident Number
Investigation Assigned To	By
Date	
Comments:	

Signature _____ Date _____

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

DOC 21-017 (Rev. 11/18/10) DOC 390.350, DOC 420.250, DOC 420.360, DOC 420.390, DOC 420.500, DOC 490.800, DOC 490.850, DOC 620.200
Exhibit 2



INCIDENT REPORT

☐ Confidential

Date/Time of Incident: 1/29/11 9:10pm	Offenders Involved: I/M Scherf, Byron	DOC Number 287281	Living Unit A1-12
Witnesses Involved:			
Location WSR Chapel			
Use of Force Incident? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Description of Incident: Mis-Count		Staff Involved: C/O Wahleithner, C/O Maynard	

DETAILS: Who was involved, what took place, how did it happen, description of any injuries, damage, use of force, etc. Attach additional sheet, if necessary.

On 1-29-11 at approx. 9:10 pm I was ordered by WSRU Shift Sgt Johnson to go search the PAB and Chapel due to I/M Scherf, B. #287281, (A1-12L) missing from his cell during count. I immediately started for the PAB when just after I passed through Tower Nine gates I saw C/O Wahleithner and C/O Maynard coming from the back area of Gate 7. I hollered to them that an inmate was missing during count and could they check the Chapel and I was going to the PAB. At this time C/O Wahleithner started with me to the PAB. As we entered the first gate leading towards the PAB we heard C/O Maynard holler that there was an inmate standing at the Chapel. We right way went to the Chapel at which time I saw I/M Scherf standing just outside the Chapel doors with his hands in his coat pockets. The Chapel door was open. I then recognized I/M Scherf so I immediately, on the radio, notified the Shift Sgt. that the inmate was found at the Chapel. As I walked up to I/M Scherf he stated to me "Fred, I fell asleep in the Chapel." I then said that happens some times. He then stated "I guess I will have to go to the hole." I then said yes that is the routine. At this time the shift Sgt came over the radio and ordered the inmate to be cuffed and brought to the shift office. I then patted I/M Scherf down and placed him into two sets of cuffs due to his hands could not reach each other. C/O Wahleithner and I then began to escort I/M Scherf to shift office. As we approached the hall way to shift I heard over the radio that a picture card count was in progress. I then told C/O Maynard to take I/M Scherf to the shift as he was the first person to find the inmate. I then proceeded to C/D Units to help out on count. They had sufficient staff so I went to A/B Units. I then helped out in A Unit and counted tiers 1&2.

Immediate Action Taken: I notified Shift Sgt that the inmate was found.
I cuffed the inmate and took him to shift as ordered.

Staff Signature	1-31-11 Date	C/O Title	Fredricks, Brenda Staff Name (Please Print)
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TO BE COMPLETED BY SUPERINTENDENT/DESIGNEE

Date/Time Received	Incident Number	
Investigation Assigned To	By	Date

Comments:

Signature	Date
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DOC 21-917 (Rev. 11/18/10) DOC 390.350, DOC 420.250, DOC 420.360, DOC 420.390, DOC 420.500, DOC 490.800, DOC 490.850, DOC 520.200

MCC-WSRU Radio Transmissions on 1-29-11

King-241 to King-409, 2 sponsors enroute (00:02) (equates to 8:10)

K409 (acknowledges) (00:07) (equates to 8:10)

King 230 to WSR Base, Tower secure (05:35) (equates to 8:15)

WSR Base (acknowledging) 2015 hrs. (05:42) (equates to 8:15)

King-237 to King-409, one from the field house to his unit; work complete (06:25) (equates to 8:16)

K409 (acknowledges) (06:30) (equates to 8:16)

King-223 to King-410 (09:24) (equates to 8:19)

King-223 to King-410 (09:41) (equates to 8:19)

King-410 (09:44) (equates to 8:19)

K-223, when available call x2920 (09:49) (equates to 8:19)

King-410 received (09:54) (equates to 8:19)

Paul-572 to WSR Base, all concerned towers; 1 staff clear outer perimeter/IMU (10:11) (equates to 8:20)

WSR Base received at 2019 hrs (10:21) (equates to 8:20)

WSR Base to all portables, recall in progress; 2030 hrs. (20:28) (equates to 8:30)

King-409 field house clear (22:17) (equates to 8:32)

King-409 (acknowledge) (22:20) (equates to 8:32)

Hot Mic no transmission (22:43-22:46) (equates to 8:32)

Hot Micno transmission (23:03-23:05) (equates to 8:33)

King-400 to King-409, you guys clear of inmates/2 officers remain (23:46) (equates to 8:33)

King-409 (acknowledges) (23:53) (equates to 8:33)

King-235 to King-409; PAB is clear (25:34) (equates to 8:35)

King-409 (25:38) (equates to 8:35)

~~King-534 to K-409: Breezeway clear of offenders (26:50) (equates to 8:36)~~

~~King-409 (acknowledges) (26:57) (equates to 8:36)~~

King-250 to King-409; be advised V/R is not clear (27:01) (equates to 8:37)

King-409 (acknowledges) (27:07) (equates to 8:37)

King-202 to King-235 (27:54) (equates to 8:37)

King-235 (acknowledging K202) (27:59) (equates to 8:37)

Can you landline 2796? (K-202) (28:01) (equates to 8:38)

King-515 to King-409 (28:34) (equates to 8:38)

King-409 (acknowledge) (28:39) (equates to 8:38)

~~You're breezeway is clear (from K515) (28:41) (equates to 2038 hrs)~~

King-409 (28:48) (equates to 8:38)

King-515 to King-511/521; A/B hallway entrance is clear (28:50) (equates to 8:38)

King-511 (acknowledging) (28:58) (equates to 8:38)

King-250 to King-515; you got 2 inmates enroute from the visiting room/break King-250 to K409; visiting room is clear and secure (29:03) (equates to 8:39)

King-409 (acknowledging) (29:12) (equates to 8:39)

King-515 (acknowledging) (29:15) (equates to 8:39)

King-220 to K531/K541; C/D entry hallway clear (29:17) (equates to 8:39)

King-531 (acknowledging) (29:24) (equates to 8:39)

King-223 to King-515 (33:03) (equates to 8:43)

King-515 (acknowledging) (33:07) (equates to 8:43)

Disregard (K223) (33:09) (equates to 8:43)

King-515 (acknowledging) (33:12) (equates to 8:43)

WSR Base to all WSR portables; yard-in at 2045 hrs (35:23) (equates to 8:45)

WSR Base to all concerned portables; count in progress 2100 hrs (50:25) (equates to 9:00)
King-223 to WSR Base/all concerned Towers; 2 staff on foot outer perimeter check WSR (53:06) (equates to 9:03)

WSR Base received 2102 hrs. (53:12) (equates to 9:03)

King-239 to WSR Base; 2 behind gate 7 for EFV count (53:53) (equates to 9:03)

WSR Base received @ 2103 hrs (53:59) (equates to 9:03)

King-221 to WSR Base; 2 officers past Gate 7 for fire watch (55:49) (equates to 9:05)

WSR Base received at 2105 hrs. (55:55) (equates to 9:05)

King-235 to King-202; that individuals been found in the chapel (1:08:25) (equates to 9:17)

King-202 (acknowledges) (1:08:32) (equates to 9:17)

King-201; escort that offender in restraints to the shift office (1:08:38) (equates to 9:17)

King-236 to WSR and all concerned Towers; 2 staff clear of the outer perimeter check conducting outer perimeter check; WSR (1:09:59) (equates to 9:18)

WSR Base received; be advised that you one inmate in restraints coming from the chapel to shift (1:10:05) (equates to 9:19)

King-236 and 237 are advised (1:10:16) (equates to 9:19)

King-221 to WSR base; 2 officers clear of fire watch (1:10:53) (equates to 9:19)

WSR Base received at 2120 hrs (1:10:56) (equates to 9:19)

King-201 to WSR base (1:11:00) (equates to 9:20)

WSR Base (1:11:04) (equates to 9:20)

Issue a picture card count (K201) (1:11:06) (equates to 9:20)

WSR Base received at 2120/WSR Base to all WSR portables; formal picture card count now in progress 2120 hrs (1:11:08) (equates to 9:20)

King-202 to any unassigned portables; report to the units and assist with picture card count (1:11:25) (equates to 9:20)

King-250 to King-202 (1:11:33) (equates to 9:20)

King-202 (acknowledges) (1:11:44) (equates to 9:20)

You want me to shut down my post and assist with count? (K250) (1:11:46) (equates to 9:20)

King-202; negative (1:11:56) (equates to 9:20)

~~King-250; received (1:12:01) (equates to 9:21)~~

**Hot mic (1:13:42 to 1:13:43) (equates to 9:22)

WSR Base to King-239 (1:13:46) (equates to 9:22)

WSR Base to King-239 (1:13:58) (equates to 9:22)

King-238 for King-239 (1:14:10) (equates to 9:23)

Are you aware of 239's location? (WSR Base) (1:14:13) (equates to 9:23)

King-202; I've got 239 in the office (1:14:17) (equates to 9:23)

Received, transferring a outside line; WSR Base clear at 2123 hrs (1:14:22) (equates to 9:23)

King-236 to WSR Base and all concerned Towers; 2 staff clear of the inner perimeter check, WSR. (1:16:00) (equates to 9:25)

WSR Base received at 2125 hrs. (1:16:07) (equates to 9:25)

King-221 to WSR Base; 3 with 1 enroute to IMU (1:19:34) (equates to 9:28)

WSR Base received at 2129 hrs (1:19:34) (equates to 9:28)

King-521 to King-501 (1:33:00) (equates to 9:42)

King-501 (acknowledges)

Land line 5225 (K-521) (1:33:05) (equates to 9:42)

Received (K501) (Pause) I'm out here on the tier (1:33:09) (equates to 9:42)

King-223 to all concerned Towers; 4 staff in back of IMU (1:37:35) (equates to 9:47)

WSR Base received at 2147 hrs (1:37:44) (equates to 9:47)

Hot Mic (1:42:07) (equates to 9:52)

201 to 202 (1:44:55) (equates to 9:54)

King-201 (1:51:18) (equates to 10:01)

King-201 (WSR Base) (1:51:25) (equates to 10:01)

King-213; permission to release on time? (1:51:28) (equates to 10:01)

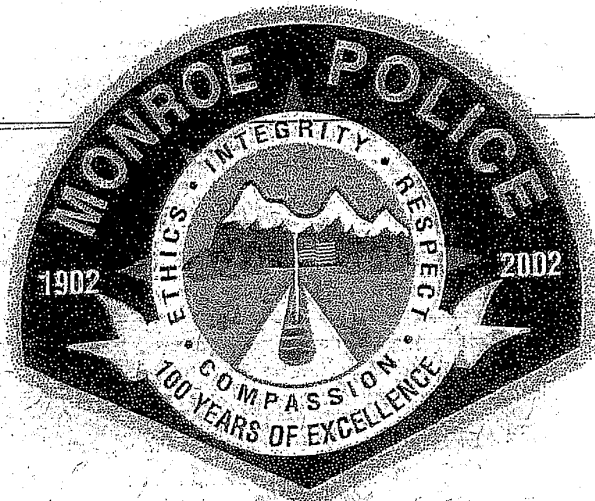
Negative (K-201) (1:51:32) (equates to 10:01)

~~King-213 received (1:51:37) (equates to 10:01)~~

WSR Base to all portables; formal picture card count is clear at 2201 hrs. (1:52:17)

201 to 213; go ahead and allow staff to leave (1:52:24) (equates to 10:02)

King-213 (acknowledging) (1:52:27) (equates to 10:02)



2011-0186

Transcription of:

Charles E. Maynard
Interview
02/01/2011
Detective Pince

000356

Exhibit 5

000019

#(MM)11-00186

#(SC)11-01859

SNOHOMISH COUNTY SHERIFF'S OFFICE
Tape Recorded WITNESS STATEMENT

NAME (last, first, middle): MOYNAARD, CHARLES E. DOB: 11/21/1950
STREET: [REDACTED] CITY: [REDACTED] ZIP: [REDACTED]
TELEPHONE-HOME: [REDACTED] WORK: (360) 774-2600 DATE/TIME: 2/1/2011 1350

OFFICER STATEMENTS:

This is the statement of OFFICER CHARLES MOYNAARD, date of birth 11/21/1950.
The date is 2/1/2011 and the time is now 1350. I am DET. B. PAXE of the
Snohomish County Sheriff's Office. This statement is being recorded at WSR-MONROE. There
are 3 persons present in the room. For purposes of voice identification, would each person
present besides Mr./Ms./Mrs. MOYNAARD who is giving a statement, state your
name and occupation, one at a time.

WITNESS STATEMENT:

- Q. OFFICER MOYNAARD, do you understand that this statement is being recorded?
Q. Do I/we have your consent to record this interview today?
Q. Would you state your full name and spell it please?
Q. Would you state your address please?
Q. Would you state your home telephone number?
Q. Would you state your work telephone number?
Q. Would you give me your date of birth?

QUESTIONS AT END OF STATEMENT:

- Q. Do you have anything else you would like to add to this statement?
Q. Do you certify or declare under penalty of perjury under the laws of the State of Washington that
the facts stated on this tape are true and correct to the best of my knowledge. My statement has
been made freely, voluntarily, and without threats or promises of any kind.

- Q. Would you please sign this document on the line indicated:

Signature: [Signature]
Witness: [Signature] 1125

- Q. The time is now 1417, and this concludes our statement.

INTERVIEW

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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

Det. Pince: This will be event number SO 11-01859. This is the statement of Officer Charles Maynard. The date of birth 11/21/of '50. The date is 2/1/of 2011 and the time is now 1350 hours. I am Detective Brad Pince of the Snohomish County Sheriff's Office. This statement is being recorded at WSR in Monroe. There are three persons present in the room. For purposes of voice identification, would each person present besides Mr. Maynard, who is giving a statement, state your name and occupation, one at a time?

Det. Wells: Uh, Detective Scott Wells, Snohomish County Sheriff's Office.

Det. Pince: Officer Maynard, do you understand that this statement is being recorded?

C. Maynard: Yes.

Det. Pince: Do we have your consent to record this interview today?

C. Maynard: Yes you do.

Det. Pince: Would you state your full name and spell it please?

C. Maynard: Charles E. Maynard, C-H-A-R-L-E-S, E, M-A-Y-N-A-R-D.

Det. Pince: And would you state your address please?

C. Maynard: [REDACTED], Washington [REDACTED]

Det. Pince: 'kay. And a telephone number for you?

C. Maynard: Telephone number is [REDACTED]

Det. Pince: And a work telephone number?

C. Maynard: 360 794-2600.

Det. Pince: 'kay. And your date of birth?

C. Maynard: 11/21/50.

Det. Pince: 'kay. Officer Maynard, um, you're an employee of the Department of Corrections, is that correct?

C. Maynard: Yes.

Det. Pince: How long have you been an employee there?

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AQA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

C. Maynard:	Approximately 11 years.
Det. Pince:	'kay. And during that time span have you spent most of your work time here at WSR?
C. Maynard:	I've uh, had three different jobs since I was here. First job I had was I was a, um, annual leave person and I worked all posts on the hill at one time or another. Second job...
Det. Pince:	Let, let, let's stop there. What, what does that mean all posts on the hill?
C. Maynard:	Every, every officer post there was I, at one time, worked.
Det. Pince:	But does that mean in the different facilities here other than WSR?
C. Maynard:	All the facilities.
Det. Pince:	Okay. That's, that's what I wanted to clarify.
C. Maynard:	Yeah.
Det. Pince:	'kay.
C. Maynard:	'kay. Um, then I was a hospital watch officer for a number of years in which I, most the time I was out in hospitals working rather than here in the facility.
Det. Pince:	'kay.
C. Maynard:	Since then I moved into the yard about five years ago and I've been doing the yard ever since.
Det. Pince:	'kay. And by the yard you mean here at WSR?
C. Maynard:	Here at WSR.
Det. Pince:	Okay. Um, you knew Officer Biendl?
C. Maynard:	Yes I did.
Det. Pince:	'kay. Um, how long have you known her?
C. Maynard:	For approximately five years.
Det. Pince:	Okay. Um, were you two friends?
C. Maynard:	Yes.

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

Det. Pince:	Okay. Um, kinda briefly, if you can, describe your, your working relationship with her.
C. Maynard:	We had a uh, positive coworker relationship. Um, she used to use me as a confidante since I'm older and uh, kinda looked at me for advice. Um, I looked at her like a daughter. Um, I'd give her advice when she asked for it. And uh, listened to what she had to say. Usually just uh, agree with what she was saying cuz she's very intelligent girl.
Det. Pince:	'kay. Um, from a coworker's perspective would you say she was a pretty good employee?
C. Maynard:	I think she was an excellent employee.
Det. Pince:	'kay. Um, on the 29 th , which was last Saturday, when, when she got killed, uh, did you see her that day?
C. Maynard:	Yes.
Det. Pince:	'kay. Did you and her have any discussions that day?
C. Maynard:	No, no long discussions. We, we said hi and, and, and she told me she had plans for the weekend when we talked for a minute but we didn't have a chance to have a long conversation.
Det. Pince:	'kay. Now did, did the both of you work the same shift?
C. Maynard:	Uh, no. She was uh, a crossover shift. Her shift started an hour before my shift and she would leave an hour before my shift is over.
Det. Pince:	Okay. Um, just for the record here, what were your shift hours?
C. Maynard:	My shift hours are from 1:30 to 10:00 o'clock.
Det. Pince:	In, in, in the afternoon?
C. Maynard:	Yes.
Det. Pince:	'kay. And what days of the week do you have off?
C. Maynard:	I have Sunday, Mondays off.

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

Det. Pince: Okay. Um, in your brief discussions with her that day did you notice anything unusual or different about your contact with her?

C. Maynard: No. She was in a very good mood.

Det. Pince: 'kay. And she was talking about the plans that she had that weekend?

C. Maynard: Yeah.

Det. Pince: 'kay. Do you remember about what time it was when you, you last saw her or spoke to her?

C. Maynard: That was at uh, 'bout 3:30 in the afternoon.

Det. Pince: 'kay. Um, let's, let's progress later on into the evening. Um, at, at some point um, did you find out there was a problem to do with the inmates here at this facility?

C. Maynard: Yes.

Det. Pince: What did you find out was wrong?

C. Maynard: Uh, Officer Wallitner and myself were out doing the trailer um, count. Uh, the 9:00, the 9:00 o'clock count at night. We went out there to do the count and we'd counted the trailers and we were returning back to main control turn in our slips. As we were headed back Officer Fredrick's came through the turnstile and told us that they were missing an inmate in count. And that she was coming out to start checking buildings. Officer Wallitner offered to go with her and I told them that I would go to the chapel and check the chapel.

Det. Pince: 'kay. Um, at that, do you know what time that was or approximately what time that was?

C. Maynard: Uh, (shuffling papers) uh, 2119 hours.

Det. Pince: 'kay. Um, at that time did you know the name of the inmate that was missing?

C. Maynard: Officer Fredrick's gave me the name of the inmate who was missing.

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011	REPORT NUMBER
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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

Det. Pince: Okay. And what was that name?

C. Maynard: Um, uh, Byron Scherf.

Det. Pince: Okay. And, and did you know that inmate by name?

C. Maynard: Yes.

Det. Pince: And by sight?

C. Maynard: Yes.

Det. Pince: Okay. Um, have you had other dealings with inmate Scherf in the past?

C. Maynard: Um, yes.

Det. Pince: 'kay. Kinda describe generally what your interaction with Scherf was uh, over what period of time.

C. Maynard: Um, inmate Scherf was uh, a common sight in the yard. He liked to run during his yard time. Um, we sometimes wa...waiting for movement at the gate would talk about uh, whatever is common on the news you know. Um, things like that. Uh, have a normal just a you know interaction when you talk to people. Uh, nothing ever personal or anything, just uh, but I did know him through conversations. He was an inmate that never created any problems for me to deal with.

Det. Pince: Okay. Was, was he always pretty respectful to you?

C. Maynard: Yes he was.

Det. Pince: Okay. Um, you know another thing that I've kinda glossed over here. Do you have generally a, a normal post or responsibility that you do during your shift or does it vary from day to day?

C. Maynard: My normal post is yard officer five days a week.

Det. Pince: 'kay. Describe what yard officers, what, what, what your duties as a yard officer is.

C. Maynard: Our job is to, to be in the yard. Walk the yard. Observe, correct any behaviors that uh, that are occurring. Um, if we have a group that uh, looks

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011	REPORT NUMBER
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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

inappropriate we bake...break the groups up. Make em get into small groups. Make em walk the field. Um, if inmates are behaving uh, uh, uh, in a way that uh, needs to be corrected we, we'll send em out of the yard or um, take em down to shift so that the lieutenant can talk to em or send em to the hole whatever the behavior was. Um, pretty much we're there to control the yard.

Det. Pince: 'kay. Now I, I, I've seen overhead pictures of the facility here and there, there's a field out there with kind of a track in it and, and, is, is that what referred to as the yard or is the yard kinda anywhere outside of the buildings?

C. Maynard: No. It's specifically on the uh, north wall. It's uh, surrounded by fencing. It has two turnstiles, one going in, one going out. Has a large gate so that we can move vehicles or whatever in or out as needed. Or, or during an emergency like medical emergency we can get the gurney's and stuff through to em. Um, and so it's locked off. It has a baseball diamond in it. It has two brick benches on either side of the baseball diamond. It has a number of brick picnic tables around and some brick benches around. It has a bocce ball court up in the uh, southwest corner. And it, like I said, it's enclosed by wire.

Det. Pince: So that's kinda where the inmates go when they're outside and it's

C. Maynard: That

Det. Pince: kinda their recreational area?

C. Maynard: that is the recreational exercise yard.

Det. Pince: Okay. Um, going back to Saturday evening you said that you would go check the chapel.

C. Maynard: Yes.

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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INTERVIEW

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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

Det. Pince: 'kay. Um, from the location where you were at, where you met the lieutenant, uh...

C. Maynard: I didn't meet any lieutenant. Officer Fredrick's.

Det. Pince: Fredrick's, I'm sorry. Okay. Fredrick's was gonna go check some, some buildings

C. Maynard: She was going to the PAB building.

Det. Pince: Okay. And, and from the point where you encountered her and you found out that, that Scherf was, was missing, how far is that location to the chapel approximately?

C. Maynard: Um, uh, about we're about 200, 250 feet from the chapel.

Det. Pince: Okay. Did you go directly to the chapel?

C. Maynard: Uh, yes I did.

Det. Pince: Okay. Tell me what you saw when you got to the chapel.

C. Maynard: Well as I, as I came up on the chapel I observed that lights were on in the chapel which are not normally on. Uh, be...as, as I was coming up on the gate I noticed the chapel door was open and the lights were on. So I went back towards the PAB area and yelled for the other two officers to come give me back-up.

Det. Pince: 'kay.

C. Maynard: And they came to follow me. I went to the chapel and I opened up the gate. Inmate Scherf was sitting on a chair inside the chapel, inside the door uh, just sitting there.

Det. Pince: Okay. We'll, we'll start from there in just a second. Now it's, it's, it's in the evening so I'm assuming it's dark outside.

C. Maynard: Yes it is.

Det. Pince: Okay. In the area outside the chapel how well lit is that?

C. Maynard: Uh, the field lights are on. Its' uh, 'bout like a dusk.

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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000364

1080-253

Exhibit 5

000027

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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

Det. Pince: Okay. So you, you didn't need like a flashlight to get around there?

C. Maynard: No.

Det. Pince: 'kay. To get to the chapel do you have to go through another gate?

C. Maynard: Yes.

Det. Pince: Was that gate locked?

C. Maynard: Yes it was.

Det. Pince: Okay. But you could see that there were lights on inside the chapel building and the door was open?

C. Maynard: Yes.

Det. Pince: 'kay. You go in there and, and, and you see Scherf inside the chapel.

C. Maynard: Yes.

Det. Pince: How far inside the chapel door was he?

C. Maynard: Mmm, 12 feet, 14 feet.

Det. Pince: 'kay. Um, des...describe your encounter. Now you said you called for the other officers to come back. Were they with you when you encountered him?

C. Maynard: No.

Det. Pince: Okay. Kinda describe what happened when you encountered him.

C. Maynard: I opened up the gate and started to walk into the chapel doors. He looked at me, he says Officer Biendl, I, he said, no, he said uh, I think I fell asleep and Officer Biendl musta missed me and I've been locked in here. I told him stand up. At that time the other officers arrived.

Det. Pince: 'kay.

C. Maynard: We placed him into cuffs.

Det. Pince: 'kay. You were inside the, the, the chapel at that time?

C. Maynard: Yes.

Det. Pince: 'kay. And, and you placed him in cuffs?

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

C. Maynard:	Yes.
Det. Pince:	'kay.
C. Maynard:	Officer Fredrick's placed him in cuffs.
Det. Pince:	'kay. Was he cuffed with his hands in front of him or behind him?
C. Maynard:	Behind him.
Det. Pince:	Okay. Other than he said that he fell asleep and, and Officer Biendl missed him, um, did he say anything else to you
C. Maynard:	No.
Det. Pince:	at that point? 'kay. Um, after he was cuffed...did you notice anything about his appearance, about his clothing or, or his person that, that stood out? Um, was, was he dressed any way unusual?
C. Maynard:	No he wasn't dressed unusual.
Det. Pince:	'kay. Um, how 'bout his demeanor?
C. Maynard:	Very passive.
Det. Pince:	Um, is that usual for him or unusual for him?
C. Maynard:	That is a normal baseline for him. He's not agg...well I shouldn't say he's not but my dealings with him he's never been an aggressive person.
Det. Pince:	Okay. Um, he ap...appeared pretty compliant?
C. Maynard:	Yes.
Det. Pince:	'kay. Um, was he sweating at all?
C. Maynard:	No.
Det. Pince:	'kay. Um, was he having any difficulty speaking? Um...
C. Maynard:	No.
Det. Pince:	Did he have any appearance to you like he was under the influence of, of a drug or alcohol or anything like that?
C. Maynard:	No.
Det. Pince:	'kay. Alright. You guys get him cuffed and, and what happens next?

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

C. Maynard:	We were giving directive over the radio to return him to the shift office.
Det. Pince:	'kay.
C. Maynard:	Okay. Officer Wallitner and Officer Fredrick's started to move him out of the chapel. I went through the unlocked part of the chapel and I checked it over. There was noth...nothing unusual in the chapel. I turned off the lights. I went out the door. Secured the chapel and followed them back to the shift office.
Det. Pince:	Now I've had the chapel described to me a little bit. As you come through the door straight ahead is kind of the sanctuary.
C. Maynard:	Yes.
Det. Pince:	And then off to the left is, is the offices?
C. Maynard:	Is offices and then further on is the library.
Det. Pince:	Okay. Which part did you check out?
C. Maynard:	The library and the office area.
Det. Pince:	'kay. And, and so you went back in there and you turned off the lights.
C. Maynard:	Yes.
Det. Pince:	'kay. Um, was there anything else back there that you noticed that was out of place?
C. Maynard:	No I didn't see anything out of place at that time.
Det. Pince:	'kay. Were any doors open that should have been opened or...
C. Maynard:	No. They were all locked.
Det. Pince:	Okay. And approximately how long did you spend in the chapel area before you left and, and locked the doors?
C. Maynard:	It's a small area. It took me about a minute.
Det. Pince:	Okay. So you weren't far behind
C. Maynard:	No.
Det. Pince:	the other two?

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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REPORT NUMBER

000367

1080-253

Exhibit 5

000030

INTERVIEW

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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

C. Maynard: No.

Det. Pince: Alright. Um, and as you left all of the doors were secured?

C. Maynard: Yeah.

Det. Pince: All of the lights were off?

C. Maynard: Yep.

Det. Pince: And where'd you go from there?

C. Maynard: Took him to the shift office. Um, lieutenants had him brought into their office and talked to him. At that time I was directed to go ahead and write an incident report.

Det. Pince: 'kay.

C. Maynard: So I sat down at the computers and started my incident report.

Det. Pince: Okay. Did you have any other dealings with Scherf?

C. Maynard: Not...no.

Det. Pince: How 'bout later that night?

C. Maynard: No.

Det. Pince: Okay. Since that day, when he left the chapel with the other two uh, custody officers, um, have you had any dealings with him at all?

C. Maynard: No.

Det. Pince: Okay.

Det. Wells: Um, I'd like to back up a little bit and just your dealings with Scherf throughout your career here, um, those dealings and conversations just in passing and talking about the current events or whatnot, did it seem to you that he was able to logically track the conversation?

C. Maynard: Yes.

Det. Wells: Okay. Did he seem appropriate to the situation um, were the conversations appropriate to what you guys were talking about?

C. Maynard: Yes.

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011	REPORT NUMBER
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INTERVIEW

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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

Det. Wells: With relevant to what the topic

C. Maynard: Yes.

Det. Wells: of the conversation was? 'kay. Has there ever been a time where there was a conversation with him where there was he just wasn't tracking what was going on and seemed like he didn't understand what was happening?

C. Maynard: No. He seemed very high level to me mentally.

Det. Wells: Okay. Um, do you know about any type of activities that he may have participated in here such as school or studies or anything like that?

C. Maynard: Um, I know that he you know he uh, tended uh, church quite regularly. Um, he also did other programs. I'm not sure what they were. I do believe he's uh, worked behind gate seven before. I don't know if he was employed at this time behind gate seven but...

Det. Wells: What would that be, gate seven?

C. Maynard: Gate seven is where the industries is.

Det. Wells: Okay. Okay.

C. Maynard: Okay.

Det. Wells: Um, a specific trade or job do you know what he would have done?

C. Maynard: No.

Det. Wells: Okay. Um, did, prior to being notified by Officer Fredrick's that the count was, something a little screwy with the count, had you seen him at all that day?

C. Maynard: I saw him go out to the chapel at uh, think it was uh, second movement after that'd be the 6:50 movement I believe.

Det. Wells: 6:50 movement. Okay.

C. Maynard: Yeah. I, I believe that's when he went out there.

Det. Wells: Was he with anybody?

C. Maynard: No.

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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REPORT NUMBER

INTERVIEW

PAGE 13 OF 17

SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince
<p>Det. Wells: Okay. Just by himself?</p> <p>C. Maynard: Yes.</p> <p>Det. Wells: Okay. Uh, did you talk to him at all during that day? Did you say hi or uh, anything in passing prior to encountering him in the day or...</p> <p>C. Maynard: I cannot remember.</p> <p>Det. Wells: Okay. Uh, when you get through the gate, I understand to get to the uh, after, you're, you're gonna go check the chapel. You had to key through that gate to get to the chapel,</p> <p>C. Maynard: Yes.</p> <p>Det. Wells: is that... Okay. Um, when you get there you're talking, it's dark out and I want you to think back about lights. You're able to see lights from the outside in? Do I understand it there's lights interior lights on inside?</p> <p>C. Maynard: Yes. Yes. That's why, that's why I notified the other team before I went in.</p> <p>Det. Wells: Okay. Do you recall where specifically lights were on inside the building?</p> <p>C. Maynard: They were on in the library.</p> <p>Det. Wells: Okay.</p> <p>C. Maynard: And in the um, where you walk into the chapel.</p> <p>Det. Wells: Okay. Is that unusual for em to be on?</p> <p>C. Maynard: Yes.</p> <p>Det. Wells: Okay. Um, the doors, you mentioned that the door was open. Was it just freestanding open? Was it ajar out?</p> <p>C. Maynard: It was, it was fully opened.</p> <p>Det. Wells: Fully opened?</p> <p>C. Maynard: Free...freestanding, yeah.</p> <p>Det. Wells: Okay. Um, and the only statement when you, you holler for the others to come cover you</p> <p>C. Maynard: Um huh [that's a yes].</p>		
INTERVIEWER NAME/NUMBER Det. Brad Pince #1125		DATE OF INTERVIEW February 1, 2011

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1080-253

000370

Exhibit 5

000033

INTERVIEW

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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

Det. Wells:	the other officers, and when you encounter him he's sitting on a chair inside the sanctuary
C. Maynard:	Yes.
Det. Wells:	if I heard you right? Okay. And this statement that he makes to use was something to the effect of I think I fell asleep and Officer Biendl must have missed me?
C. Maynard:	Yes.
Det. Wells:	Okay.
C. Maynard:	Oh, he did say one more thing. He says uh, he looked at me and he says you think I'm in trouble?
Det. Wells:	He's asking the question or is he making a statement?
C. Maynard:	He asked the question.
Det. Wells:	Okay. Oh, gotcha, okay. Um, and what'd...did you reply to that?
C. Maynard:	I said well (laughs) I mean the situation was the situation.
Det. Wells:	Okay.
C. Maynard:	There ain't much I can say about that.
Det. Wells:	You, you, and did he say anything after that?
C. Maynard:	No.
Det. Wells:	Okay. You described him as passive.
C. Maynard:	His normal demeanor.
Det. Wells:	Okay.
C. Maynard:	Yeah.

Det. Wells:	And with that did he appear appropriate for the situation that was taking place?
C. Maynard:	Yes he did.
Det. Wells:	Was he tracking any type of instruction that was being issued to him? Commands? Orders?

INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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REPORT NUMBER

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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince
<p>C. Maynard: He followed directives appropriately.</p> <p>Det. Wells: 'kay. Didn't express any confusion with what was going on there?</p> <p>C. Maynard: No.</p> <p>Det. Wells: Okay. Um, did you notice any type of injury on his person?</p> <p>C. Maynard: No I did not see any injuries.</p> <p>Det. Wells: Okay. And it was, I'm sorry again, who was it that did the handcuffing?</p> <p>C. Maynard: Officer Fredrick's.</p> <p>Det. Wells: Okay. May seem like a silly question but do you know how he was handcuffed? I mean I know he was behind his back.</p> <p>C. Maynard: Yes.</p> <p>Det. Wells: Um, one set of cuffs? Two?</p> <p>C. Maynard: He, he was double cuffed.</p> <p>Det. Wells: 'kay.</p> <p>C. Maynard: I gave Officer...she said I can't cuff him with the single cuffs so I gave Officer Fredrick's my cuffs so that she could double cuff him.</p> <p>Det. Wells: Okay. And when he's cuffed does he express any type of reaction to being cuffed as if uh, he would have been injured while being cuffed?</p> <p>C. Maynard: No.</p> <p>Det. Wells: 'kay. Uh, as you're going into the building the sanctuary lights, is there any light from the sanctuary or is he sitting in there in the dark?</p> <p>C. Maynard: No. They, the san...the, the sanctuary lights are not on but that area was closed off.</p>		
<p>Det. Wells: Okay.</p> <p>C. Maynard: He was sitting in front of the doors of the sanctuary.</p> <p>Det. Wells: Okay. He's in the chapel but he's not in the sanctuary.</p> <p>C. Maynard: Right.</p>		REPORT NUMBER
<p>INTERVIEWER NAME/NUMBER Det. Brad Pince #1125</p>		
<p>DATE OF INTERVIEW February 1, 2011</p>		

INTERVIEW

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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

Det. Wells: Okay. My confusion, I'm sorry. I, I thought he was sitting inside of the sanctuary.

C. Maynard: No.

Det. Wells: So no. Okay. Those doors to the sanctuary, were they open or shut, do you recall?

C. Maynard: They were closed and locked.

Det. Wells: Gotcha. Uh, that was all I had.

Det. Pince: In any of your previous discussions with Officer Biendl um, did she communicate to you any issues or concerns about inmate Scherf?

C. Maynard: No.

Det. Pince: 'kay. Now you said he spent some time in the chapel. Um, is there like a, a work position or something that inmates can do in the chapel?

C. Maynard: There are work positions in the chapel.

Det. Pince: 'kay. It, it's my understanding, and correct me if I'm wrong, that, that inmates are only allowed to the chapel when there is a service of some sort or something going on there that, that they're attending?

C. Maynard: Okay. You have your uh, chapel porters who take care of cleaning the chapel, running the library, writing up uh, events lists and who can go to these different events and stuff like that. Um, then you have your inmates who go there for the different services. They have to apply to go to whichever service they wanna go to. And they have to be on a callout list. Otherwise they're not allowed into the chapel.

Det. Pince: Okay. Now the, the chapel porters I think you called them,

C. Maynard: Yes.

Det. Pince: are, are those inmates?

C. Maynard: Yes.

Det. Pince: Okay. Do you know was Scherf one of those?

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INTERVIEW

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SNOHOMISH COUNTY SHERIFF'S OFFICE	TYPE OF INCIDENT HOMICIDE/AOA	REPORT NUMBER SO 11-1859
NAME / DOB OF PERSON(S) INTERVIEWED Charles Maynard		INTERVIEW REQUESTED BY Det. Pince

C. Maynard: I don't know.

Det. Pince: Okay. 'kay.

Det. Wells: Has, had Officer Biendl ever had a conversation with you before about inmate Scherf?

C. Maynard: No.

Det. Wells: Okay.

Det. Pince: I can't think of anything.

Det. Wells: I think, yeah, that was all I had.

Det. Pince: Officer Maynard, do you have anything else that you would like to add to this statement?

C. Maynard: I can't think of anything pertinent, not at this time.

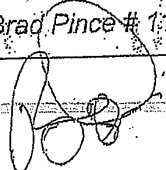
Det. Pince: Do you certify, or declare, under penalty of perjury under the laws of the State of Washington that the facts stated on this tape are true and correct to the best of your knowledge, and that your statement has been made freely, voluntarily, and without threats or promises of any kind?

C. Maynard: Yes.

Det. Pince: 'kay. If I could get your signature right there. The time is now 1417 hours and that concludes this statement.

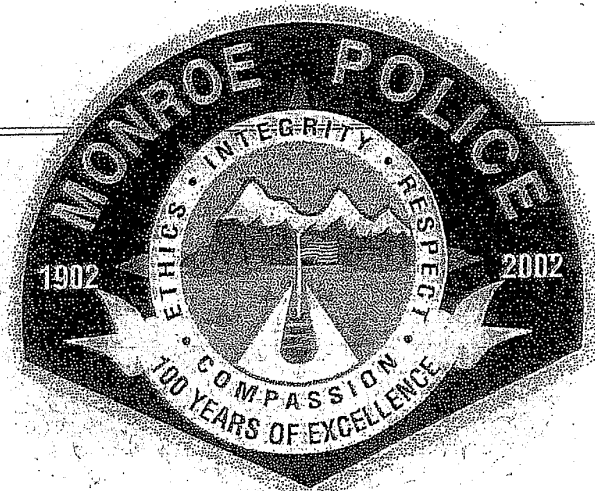
Transcribed on 02/07/11 by L.E. Secretary M. Noland #4116

Reviewed and corrected on 02-14-11 by Detective Brad Pince # 1125



INTERVIEWER NAME/NUMBER Det. Brad Pince #1125	DATE OF INTERVIEW February 1, 2011
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REPORT NUMBER



2011-0186

Transcription of:

Samuel Wahleithner

Interview

02/16/2011

Detective Ryan

000406

Exhibit 6

000038

Case # 1720110186

MONROE POLICE DEPARTMENT
TAPE RECORDED WITNESS STATEMENT

Statement of SAMUEL WAHLEITHNER Drivers License _____

The date is 2-16-11 The time now is 1806

I am OFFICER SCOTT KORPOST of the Monroe Police Department. This statement is being recorded at WASHINGTON STATE REFORMATORY ^{MONROE}. There are 3 persons present in the room. For the purpose of voice identification, would each person present besides Mr., Ms., Mrs., SAM WAHLEITHNER who is giving a statement, state your name and occupation one at a time.

- Q. SAM WAHLEITHNER, do you understand that this statement is being recorded?
- Q. Would you give your full name and spell it please?
- Q. Would you give your date of birth?
- Q. Would you give your address?
- Q. Would you give your home telephone number?
- Q. Would you give your work telephone number?

Date 2-16-11 Time 1807 Location WSR, MONROE

(The following statement is to be read aloud onto the tape by the subject and then signed)

I, Sam Wahleithner, declare that the facts stated on this tape are true and correct to the best of my knowledge.

Scott Korpost
Scott Korpost
Witness Signature

Sam Wahleithner
Signature

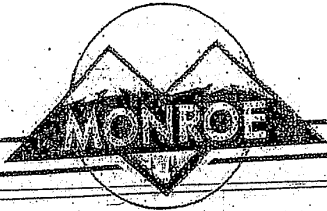
Date 2-16-11

Date 2-16-11

000407

Exhibit 6

000039



City of Monroe

Police Department

Taped Interview Review Form

On 2-17-2011 I reviewed the audio recording and transcription for an interview
Date

conducted with SAMUEL WAHLEITHNER on 2-16-2011
Subject's Name Date

The transcription is a true and accurate record of that interview.

PAUL RYAN
Officer's Name Printed

Paul Ryan
Officer's Signature

2-17-2011
Date

INTERVIEW "A"

Officer Kornish: This is Officer Scott Kornish with the Monroe Police Department. I'm reading a Monroe Police Department Tape Recorded Witness Statement form. This is the statement of corrections officer Samuel Wahlen-Wahleithner? In reference to case M2011-0186. The date is 2/16/2011, the time, 1806 hours. I'm Officer Scott Kornish of the Monroe Police Department. This statement is being recorded at Washington State Reformatory, Monroe. There are three persons present in the room. For the purpose of voice identification would each person present besides Mr. Wahleithner, who is giving a statement, state your name and occupation, one at a time.

Detective Ryan: Detective Paul Ryan, Monroe Police Department.

Officer Kornish: Officer Scott Kornish, Monroe Police Department.

Sam Wahleithner, do you understand that this statement is being recorded?

Samuel Wahleithner: Yes.

Officer Kornish: Would you give your full name and spell it please?

Samuel Wahleithner: Full name is Samuel J. Wahleithner—S-A-M-U-E-L J. W-A-H-L-E-I-T-H-N-E-R.

Officer Kornish: Would you give your date of birth.

Samuel Wahleithner: 8/23/83.

Officer Kornish: Would you give your address.

Samuel Wahleithner: My home address is [REDACTED], Washington, [REDACTED]

Officer Kornish: Would you give your home telephone number.

Samuel Wahleithner: [REDACTED] is my cell phone number.

Officer Kornish: K. Would you give your work telephone number.

Samuel Wahleithner: 425-794-uh, 2796, is best to reach me at work.

Officer Kornish: Ahem. The date 2/16/2011, the time is now 1807 hours. Location, Washington State Reformatory, Monroe.

Detective Ryan: Do you go by Sam?

Samuel Wahleithner: Yes.

Detective Ryan: Sam, how long have you been employed by the Department of Corrections?

Samuel Wahleithner: Uh, since December 5th of 2008, so approximately 2 years and 2 months.

Detective Ryan: And, have all those years at the Monroe Correctional Complex?

Samuel Wahleithner: Yes.

Detective Ryan: Have you been at WSR that entire time?

Samuel Wahleithner: No, I was, uh, a temp person so for the first couple of months I was on different shifts at different institutions being on call, essentially. So I've worked at all the institutions across the hill.

Detective Ryan: But currently you're a full-time correctional officer at MCC?

Samuel Wahleithner: Yes.

Detective Ryan: Ok. And what's your current assignment?

Samuel Wahleithner: Current assignment is an RDO spot on watch 3 at WSR. Two days in Tower 5, which is Wednesday/Thursday, and the yard Friday, Saturday and Sunday with Monday/Tuesday off. I've been in this post for approximately 14 months.

Detective Ryan: You had mentioned something prior to the Tower? Wh-what's your assignment prior?

Samuel Wahleithner: Um, uh—up—per day, or per week?

Detective Ryan: Did you say you're an R&M?

Samuel Wahleithner: I'm RDO, it's a "Relief Days Off" spot.

Detective Ryan: Relief?

Samuel Wahleithner: Days Off, it's an RDO, where two days is, uh, Tower 5 for the guy who's in Tower 5—his break, and then my days in the yard are Harris's days off, and Maynard's one day off.

Detective Ryan: And watch 3 is what hours again?

Samuel Wahleithner: Uh, watch 3 is hours from 1330 to 2200.

Detective Ryan: So on Saturday, January 29th. Are you familiar with that day?

Samuel Wahleithner: Yes.

Detective Ryan: You were working in the yard?

Samuel Wahleithner: Yes.

Detective Ryan: And, we'll begin at 2100 formal count, ok?

Samuel Wahleithner: Got it.

Detective Ryan: What do you do at that hour?

Samuel Wahleithner: On Saturdays, at 2100 hours, uh, me and Maynard have to go out to the EFV's, which is Extended Family Visit trailers and do count out there. Where we have to take our count slip of who's supposed to be out there, what their DOC number is, and what their house assignment is, and go verify per picture ID, to who's on the list and make sure everyone's out there, so who's supposed to be out there.

Detective Ryan: And, did count clear at the Extended Family Visit trailers?

Samuel Wahleithner: Uh, everyone according to our sheet who was supposed to be there, was there.

Detective Ryan: Ok. And our investigation has revealed that at about 2114 there was an inmate unaccounted for in the Able unit. Were you advised of that via radio?

Samuel Wahleithner: No.

Detective Ryan: Ok. So, you were over at the EFVs, which is on the west side of the complex, correct?

Samuel Wahleithner: Um hm. (affirmative)

Detective Ryan: And, did you start making your way back through mainline by gate 7?

Samuel Wahleithner: Yes.

Transcribed by Macy Haverly
Customer Service Specialist/Monroe PD

000411

Detective Ryan: Tell me about that.

Samuel Wahleithner: Uh, we were doing our trailer count, we were coming back, it was a normal day. I was asking Maynard what he was doing for his weekend, and we were coming past, past gate 7, as we were walkin', uh, toward Tower, the base of Tower 9, and then toward main control. And uh, do you want me to recount the whole incident?

Detective Ryan: Let me go back one bit. At what time do you and Maynard start heading towards the trailers?

Samuel Wahleithner: Um, anywhere from 8:50 to 9:00. About that time, I think we went out there about 8:55 or so, is when we started. 'Cause I was heating up some soup, I think.

Detective Ryan: So between 8:50 and 9:00 pm, you and Maynard begin heading westbound, through mainline, you walked through the turnstiles...and you're nodding your head yes...

Samuel Wahleithner: Um, yes.

Detective Ryan: Um, and then you're walking past the entrance to PAB, past the entrance to the chapel.

Samuel Wahleithner: Yes.

Detective Ryan: So let's pause there. Did you notice anything suspicious at the PAB or the chapel?

Samuel Wahleithner: Not at that time I did not notice.

Detective Ryan: Do you remember taking a glance over at the chapel?

Samuel Wahleithner: No I don't.

Detective Ryan: On your prior times that you've gone to the EFVs—have you noticed the chapel lights on, or a door open, or...

Samuel Wahleithner: I've always noticed that, um, there's a security light on the outside, and I usually notice that is on. But I didn't look past the chapel doors or anything like that to see anything there at that time.

Detective Ryan: Ok. So you just continued westbound towards gate 7, with Maynard.

Samuel Wahleithner: Yes.

Detective Ryan: Ok.

Officer Kornish: Did you notice if the gate to the chapel building was closed?

Samuel Wahleithner: I did not notice at that time.

Officer Kornish: Do you think you would have noticed it, if it was open?

Samuel Wahleithner: Yes.

Detective Ryan: When you make your movement at, between 8:50 and 9, towards the trailers, is there usually a zone R&M officer, uh, beneath those two cameras by the PAB and the chapel?

Samuel Wahleithner: Uh, 8:50 to 9 o'clock, not at that time, because usually when the PAB and the chapel close, he usually walks toward them with the last one on calls, um...we call it the breezeway...he calls the breezeway clear.

Detective Ryan: And, what time do you know the PAB and the chapel to usually be secured?

Samuel Wahleithner: Anywhere from 8:35 'till 8:40.

Detective Ryan: So, let's go back to when you're heading back towards Tower 9. As you're walking back through the mainline, or the breezeway, did you notice anything suspicious at the chapel?

Samuel Wahleithner: Nothing I noticed at the, the breeze—uh, this, uh, entrance to the chapel because as we were walking by the religious activities building, where they hold all the prayer stuff for—what is it called—the, uh...I can't remember what it's called for right now...where they all get their steam tents on the—the natives do? They hold that building?

Detective Ryan: The sweat lodge?

Samuel Wahleithner: The sweat lodge, yeah. We saw Fredricks walking toward us, and at that time I was wondering what she was walking toward us, like she forgot something, I didn't look over at the chapel heading back.

Detective Ryan: So you were near the sweat lodge when you saw CO Fredricks?

Samuel Wahleithner: Yes.

Detective Ryan: And where was she coming from?

Samuel Wahleithner: She was coming toward us from the base of Tower 9.

Detective Ryan: Ok. So at that time, the best that you knew, was that there were three correctional officers in that breezeway.

Samuel Wahleithner: Yes.

Detective Ryan: Ok. So you never made it back through the turnstiles before you met, or observed the inmate at the chapel.

Samuel Wahleithner: No.

Detective Ryan: Ok. So tell me, tell me what happened next.

Samuel Wahleithner: Um, we're walking toward the base of Tower 9, and Fred is walking toward us from the base of Tower 9. So we meet in the middle, approximately at the area right before you can make... a right? According to what direction I was facing, toward the PAB. And we asked her what's going on, and she told us that they were missing an offender, and that she might have, p— might possibly be in the PAB. Since she was alone and it was me and Maynard, I said I was going to follow her out to the PAB to help her look in case there was somebody in there. And then Maynard told us that he would go and search the chapel. So me and Fred go through the two gates going toward the PAB, and as soon as we get—close the second gate, we hear Maynard say "I found him, I found him". We open up the first gate, go back over there, then go through the second gate, and then walked toward the chapel.

Detective Ryan: Ok, let's pause there. So, your first sight of CO Maynard— where was he located?

Samuel Wahleithner: When I walked back toward the chapel?

Detective Ryan: Correct.

Samuel Wahleithner: I don't remember when I first got back there if he was standing outside or if he had peeked his head in the door to the chapel, just look for a second.

Detective Ryan: Ok.

Samuel Wahleithner: The outside.

Detective Ryan: And, your first peek of the offender—where was he located?

Samuel Wahleithner: He was standing near the, the metal gate, facing like—his face was toward going into the chapel, and he was kinda standing in the shadows.

Detective Ryan: So he was outside of the chapel?

Samuel Wahleithner: He was outside of the chapel with his hands in his pockets.

Detective Ryan: Ok. And tell me what happened next.

Samuel Wahleithner: We asked him what had happened, uh, and he told us that he had just woken up. That he had fallen asleep in the chapel, and that he was waiting for us to come get him so he could be let out. He was going to start waving at the camera and trying to get somebody's attention, because he was afraid he was gonna get miscounted, and end up going to the hole. And, he didn't want to get in trouble for falling asleep, is what he told us.

Detective Ryan: Did you notice anything about him that caused you to be suspicious?

Samuel Wahleithner: Uh, he looked like he had just woken up and he had his hands in his pockets. He kept his head down, kind of, and he had had his hands in his pockets. And he kept just sayin' "I fell asleep, I fell asleep".

Detective Ryan: And what was he wearing?

Samuel Wahleithner: He was wearing, uh, a DOC-issued tan coat, and DOC pants, and I think state-issue shoes. And he had the coat pulled really close I—or zipped up where I couldn't see what kind of t-shirt he was wearing.

Detective Ryan: Did you see his hands at all?

Samuel Wahleithner: His hands were in his pants pockets when I saw him.

Detective Ryan: And, what happened next?

Samuel Wahleithner: Uh, either Fred or Maynard made the radio call saying that the inmate's been located in the chapel. They told us to c-uh, Lieutenant Briones came over the radio, told us to cuff the offender and bring him to Shift. Um, CO Fred gave him a quick pat-search, and then cuffed him. And I noticed when they were cuffing him, that he had such, like, large wrists or anything, his hands wouldn't go behind his back so they had to use both her cuffs and Maynard's cuffs to link his hands together.

Detective Ryan: Yeah, he has pretty broad shoulders.

Samuel Wahleithner: Yeah. And I noticed that they were going to escort him, and I remember, I think I remember turning around and pulling on the two chapel doors, to make sure that they were locked—because I know it's a [REDACTED] And I wanted to make sure since he had came out, that—you can lock the chapel doors, but still come out because it's a [REDACTED] I had made sure those were locked. I didn't have any keys or anything to lock or unlock any doors, I just pulled on them and they seemed secure to me.

Detective Ryan: Ok, so from your observation, all the contact with the offender occurred in that initial breezeway—right, direct to the chapel. Is that correct?

Samuel Wahleithner: Um, yes, but then I also was one of the escorting people who brought him to the shift office.

Detective Ryan: Ok, w-we'll get to that in a second.

Samuel Wahleithner: Ok.

Detective Ryan: At the chapel...at the chapel did you—you described shutting the doors, and I just want to clarify what doors tho—those are. Those are the doors that lead to the, the outside—to the breezeway, correct?

Samuel Wahleithner: Yeah. I don't remember shutting them, I remember pulling on them to make sure they were shut. I don't remember if they were shut or open when I got there, but I do remember right before I left, I pulled on them to make sure they were locked.

Detective Ryan: And do you remember any lights being on in the foyer of the chapel?

Samuel Wahleithner: I remember there was a light on in the foyer, but that's always left on, it's a security light, I'm pretty sure.

Detective Ryan: And did you make any entry into the sanctuary of the chapel?

Samuel Wahleithner: None.

Detective Ryan: Ok.

Samuel Wahleithner: I did notice when I looked past, that the sanctuary doors were closed.

Detective Ryan: How far into the foyer-hallway did you, did you go?

Samuel Wahleithner: I don't remember going into it at all. If I did, it was maybe a step.

Detective Ryan: Ok. And did CO Fredricks or CO Maynard go into the foyer or sanctuary at all?

Samuel Wahleithner: I think CO Maynard went into the foyer and looked down the hallway, and then came back out to be with us.

Detective Ryan: Ok. And the way you've described it, is that, when these doors close to the chapel, the only way to open em is with a key.

Samuel Wahleithner: If they're locked, yes.

Detective Ryan: K. And, you pulled on them, and the doors did not open.

Samuel Wahleithner: Yes.

Detective Ryan: Ok. So then you began the escort back to the shift office?

Samuel Wahleithner: Yes.

Detective Ryan: Ok. So tell me about that walk.

Samuel Wahleithner: Uh, we were walking, and he kept asking us if we think he'd end up going to the hole because he fell asleep and we said we don't know, we were going to bring him down to the shift and the lieutenant was going to decide that. And, when I got to the shift office, they had 'im up, putting it against the wall, just to face the

wall until they're ready from the shift office. And at that time, Sergeant Johnson instructed me to go back out to the trailers and conduct a picture card count again.

Detective Ryan: Ok.

Samuel Wahleithner: I did notice when we got to the shift hallway, he had two little spots of blood on the back of his collar.

Detective Ryan: Ok. Were you guys asking questions of the offender as you were walking with him, or was he initiating all the conversation?

Samuel Wahleithner: I think Maynard was talking to him, but I was just walking.

Detective Ryan: Ok. Did you touch the offender at all?

Samuel Wahleithner: I, when escorting I touched him underneath his left---by his left elbow.

Detective Ryan: Ok. And when you arrived at the shift office did you stay for any questioning?

Samuel Wahleithner: Um, no, I talked to Sergeant Johnson who told me to go back and count the EFV's again for picture card count.

Detective Ryan: So that immediate order occurred almost simultaneous to you arriving at the shift office with the offender?

Samuel Wahleithner: I got to the shift office, Swan came out and said "Ok, I'll take over from here", and gave him another pat-search real quick. And then, I walked toward the shift office, and so asked Johnson if I need to go do the trailer count again, and he told me and CO MacAfee to go count the trailers. And then I left and went to go count the trailers. When I left, um, the inmate was still in the hallway.

Detective Ryan: Did you conduct a pat-search of the offender?

Samuel Wahleithner: No.

Detective Ryan: At no time you searched him?

Samuel Wahleithner: At no time I searched him.

Detective Ryan: Did you observe a pat-search of the offender?

Samuel Wahleithner: Yes.

Detective Ryan: Was anything located?

Samuel Wahleithner: Nothing at the time.

Detective Ryan: So then you went out to the trailers, conducted formal picture card count, returned back to the sh—to the shift office?

Samuel Wahleithner: Yep.

Detective Ryan: And the offender was in the hallway?

Samuel Wahleithner: No. (Stammers), when I went back to the trailer count, by the time I got back, he had already went to segregation. And I had heard nothing more about the incident, uh, except I was told to write an incident report about conducting a picture card count.

Detective Ryan: Ok. And at that point, are you getting close to 10 o'clock?

Samuel Wahleithner: Yeah, it's about 10:02 when I finish and turn my report in and walk out the doors.

Detective Ryan: And do you remember what time you got in your car to head home?

Samuel Wahleithner: 'Bout 10:05 because I had something after work planned.

Detective Ryan: And, when was your next day on?

Samuel Wahleithner: The next day on, was the next—the Sunday at 1330.

Detective Ryan: And did you have any contact with the offender that day?

Samuel Wahleithner: (unintelligible) the offender, um, no.

Detective Ryan: Did you enter the chapel for any reason?

Samuel Wahleithner: No.

Detective Ryan: At any point in this investigation have you entered the chapel?

Samuel Wahleithner: Uh, besides one step, no.

Detective Ryan: What do you mean, besi...

Samuel Wahleithner: Um, one, beside when I first came to the chapel, that one step I think I might have taken inside, that was the only time.

Detective Ryan: Ok.

Samuel Wahleithner: I've stayed away from it, since the entire investigation.

Detective Ryan: And have you handled any evidence?

Samuel Wahleithner: None.

Detective Ryan: Ok.

Officer Kornish: Ahem, when you did your picture card count of the trailers, did your picture card count come up correct?

Samuel Wahleithner: Yes, because the picture card count is the same process we do as a normal count at the chapel, where they show us their offender ID, and we match it based on who's supposed to be out there. It was basically the same count we had just done. And that's why I was asking if we have to go do it again, because we had just done one. Per policy we had to go do another count to make double-sure.

Officer Kornish: When, um, when you were with, uh, CO Fredricks and you were go-going to the PAB, and you said were at about the second gate when you heard Maynard say he found the, he found the offender, he found Scherf. Did he announce that over his radio or did you hear him verbally yell it?

Samuel Wahleithner: I heard him verbally announce it.

Officer Kornish: How long did it take you and-and CO Fredricks to get to Maynard?

Samuel Wahleithner: Uh, approximately two minutes?

Officer Kornish: Were you moving pretty quick, or did—you had to secure gates on the way back through?

Samuel Wahleithner: We had to—there, we have gates where you have to lock, uh, manually unlock them, then turn around, then re-lock them. And we did those two gates, we were going over them make sure.

Officer Kornish: And you said when you got there, uh, Scherf was outside the chapel building itself, in that little—was he, uh, in the gated area?

Samuel Wahleithner: He was inside the area between the chapel doors and the metal gate that connects to the breezeway.

Officer Kornish: Ok. Did Maynard say anything to you of where he found him, or anything about his actual first contact with him?

Samuel Wahleithner: Uh, not that I remember Maynard saying anything, but, I remember Scherf saying he was sitting there in the foyer waiting for us.

Officer Kornish: And when you got there you said that the, the initial doors to the chapel building were open?

Samuel Wahleithner: One door was open I think Maynard was inside looking down the hallway toward the the library office buildings, and then came back out and let the door close behind him.

Officer Kornish: And where was Scherf at that time?

Samuel Wahleithner: He was outside close to the metal gate. Outside of the chapel.

Officer Kornish: And then you walked up to the doors to make sure that they were secured?

Samuel Wahleithner: After he had been pat-searched, right before we were about to leave.

Officer Kornish: And Scherf said he was in the ch—uh, in the chair in the foyer, waiting for you guys?

Samuel Wahleithner: Yeah, he was, he was waiting for use to notice when we stopped by, or waiting by the door, by the camera, because he was trying to get our attention to get out.

Officer Kornish: How many times did you walk past the chapel building between 2040 and when you found Scherf?

Samuel Wahleithner: Um, once to go out there to do the EFV count and then we walked past it, to see CO Fred and ask her what was going on.

Officer Kornish: Were you with Maynard?

Samuel Wahleithner: Yes I was.

Officer Kornish: Were you talking with Maynard, were you guys, you know, shootin' the crap...

Samuel Wahleithner: Yeah, we were, were...

Officer Kornish: ...back and forth?

Samuel Wahleithner: ...talking about the weekend and I had my, uh, umbrella on, and I had it close because it was raining pretty good that night.

Officer Kornish: Were you guys whispering to each other, or just talking normal?

Samuel Wahleithner: Just talking normal.

Officer Kornish: Did you, anyone—did you or anyone, uh, that was there, Maynard or Fredricks, ask Scherf why he didn't try to get your guys' attention?

Samuel Wahleithner: No.

Officer Kornish: Did he say anything else, uh, to you guys that you can remember?

Samuel Wahleithner: Uh, that he had fallen asleep and—on one of the, uh, pews, or something in the chapel, and that he'd woken up, and—just a few minutes ago, and was trying to get our attention to come out. And he knew there was a camera in the foyer, because he knew—he said, he knew there was a camera in the foyer, because he said "I was gonna start waving at the camera so people, you know, would found me".

Detective Ryan: Did he mention anything about escape?

Samuel Wahleithner: No.

Detective Ryan: Did he mention anything about getting beat up by Mexicans?

Samuel Wahleithner: No.

Detective Ryan: Did he mention anything about falling down on the track?

Samuel Wahleithner: No.

Detective Ryan: Did he complain of any injuries?

Samuel Wahleithner: None.

Detective Ryan: Did he say that he'd been in a fight?

Samuel Wahleithner: No.

Officer Kornish: Did you, Maynard, or Fredricks have to get physical with him to restrain him?

Samuel Wahleithner: No, he was 100 percent compliant. And patient while we put the cuffs on him, even though they were too large, so he just held his hands behind his back, kinda tucked underneath his coat a little bit, as they cuffed him.

Officer Kornish: Did you—did he fall down on your way to, to the shift office?

Samuel Wahleithner: No.

Officer Kornish: Did you—did he run into anything, gates, fences, anything like that on the way to the shift office?

Samuel Wahleithner: No. I do believe as we were going past, because, the turnstiles at Tower 9—I don't know who opened the door, I can't even remember, but I think somebody opened up the area where we can let like, equipment go through. I think somebody opened up that so we didn't even have to take him through the turnstile.

Officer Kornish: So I understand that there is one turnstile as if—as if I'm in the breezeway facing Tower 9, there's one turnstile on the right, there's one on the left, and there's a, a gate, a large gate that opens up that you can physically move large equipment through?

Samuel Wahleithner: Yes.

Officer Kornish: That gate was open?

Samuel Wahleithner: I think somebody opened that, I can't remember who did that.

Detective Ryan: Did you know the offender prior to this?

Samuel Wahleithner: I had seen him once or twice in the yard, but I had no knowledge of him.

Detective Ryan: What does he do in the yard when you've seen him?

Samuel Wahleithner: Uh, he usually walks around.

Detective Ryan: Have you seen him run?

Samuel Wahleithner: We have so many people that run, that I—I don't remember everyone who does.

Detective Ryan: Are you aware of inmates, larger inmates, having problems with their shirts rubbing on their chests, causing bleeding from their nipples?

Samuel Wahleithner: I'm not aware of that?

Detective Ryan: Ok.

Officer Kornish: Are you familiar with what uh products are sold at the store—in the inmate store?

Samuel Wahleithner: Not a hundred percent.

Officer Kornish: Would it, to the best of your knowledge, would it be ok for inmates to have, uh, packets of like, A&D ointment, or over-the-counter creams in their cells?

Samuel Wahleithner: I'm not too familiar with the store to know that.

Officer Kornish: Do you know if it's ok for inmates to have shoelaces in their cells?

Samuel Wahleithner: Yes because they have, um, not state-issue sh-shoes, all state-issue shoes are Velcro, and I know they still allow personal shoes and shoelaces.

Officer Kornish: Is there a limit, to your knowledge, of how many shoelaces they can have?

Samuel Wahleithner: I have no idea of the limit.

Detective Ryan: Can you think of anything else that might assist our criminal investigation?

Samuel Wahleithner: Um.....I'm trying to think right now.....he kept, hiding in the shadows, like he didn't want to be seen in the full light. Then he had his coat tightly wrapped around him. And that he was a hundred percent compliant, so he wouldn't raise suspicion. That he'd (unintelligible) said "I wanna go back to my house, I'm

trying to be--make this process as easy as possible". He never said that, but that's the feeling that I got that he just wanted to go back to his house. And not get in trouble for the incident. Which we thought was falling asleep in the chapel.

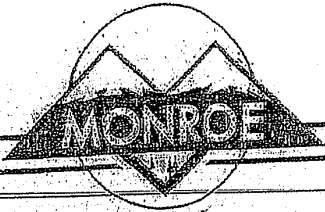
Officer Kornish: Do you think Scherf—did it appear to you that he w-was doing everything he possibly could just to get out the situ—to get out of that area?

Samuel Wahleithner: Yes, he was. 'Cause when we said—w—he started walking toward the base of Tower 9 before we were even ready. And he immediately just started walking quickly toward the shift office. I—we usually we hold 'em to wait until the, the metal gate can be secured, but he had walked quickly. To the, you know, going back toward the shift office.

Officer Kornish: All right Samuel, if you would, if you would print your first and last name here. And then read "I, your name, the rest of this sentence, and then sign the bottom.

Samuel Wahleithner: K....I, Sam Wahleithner, declare that the facts stated on this tape are true and correct to the best of my knowledge. Signed and dated 2/16/11.

Officer Kornish: Thank you sir. This ends our interview with Samuel Wahleithner. The date, 2/16/2011, the time is 1836 hours.



City of Monroe

Police Department

Taped Interview Review Form

On 2-17-2011 I reviewed the audio recording and transcription for an interview
Date

conducted with SAMUEL WAHLEITHNER on 2-16-2011
Subject's Name Date

The transcription is a true and accurate record of that interview.

Paul Ryan
Officer's Name Printed

Paul R
Officer's Signature

2-17-2011
Date

INTERVIEW "B"

Detective Ryan: This is Detective Ryan of the Monroe Police Department. This is a continuation of the interview with Samuel Wahleithner. Sam, do you, do you consent to this audio recording?

Samuel Wahleithner: Yes I do.

Detective Ryan: Ok. You understand that we're recording our conversation currently?

Samuel Wahleithner: Yes I do.

Detective Ryan: And the date is February 16, 2011, time is 1837 hours. And Officer Scott Kornish, can you just identify yourself?

Officer Kornish: Officer Scott Kornish, Monroe Police.

Detective Ryan: Sam, you had mentioned that, uh, you heard a radio transmission? Can you just detail that?

Samuel Wahleithner: At about 8:35 I heard somebody key their mic for a second, and some kind of noise in the background. And then a second later, it was done. I didn't think of anything of it at the time because multiple people do that, you know, periodically through the day. And, usually sometimes we'll hear that right before somebody hits emergency tone button. And since there was no tones being called afterwards we didn't think anything of it, and even if I wanted to find out who it was, there's so many radios over the entire institution that it could have been anybody who did that, we had no knowledge of any way of finding that.

Detective Ryan: And can you describe what you heard?

Samuel Wahleithner: It was a....it came something like, it was just dead air for a minute and then it sounded like a muffled woman's voice.

Detective Ryan: And did you describe your observations to any other correctional officers?

Samuel Wahleithner: I told CO Maynard after the call—after the radio went silent again, that I wonder what that was. And I continued with my yard security check.

Detective Ryan: Ok.

Officer Kornish: Did CO Maynard acknowledge that he had heard it as well?

Transcribed by Macy Haverly
Customer Service Specialist/Monroe PD

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Exhibit 6

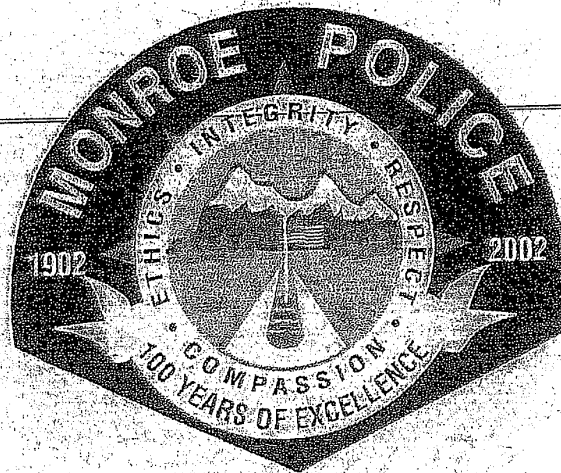
000059

Samuel Wahleithner: I am not aware if he acknowledged it.

Detective Ryan: Ok, Sam, do you swear under penalty of perjury, under the laws of the state of Washington that what you just talked to us about is true and correct?

Samuel Wahleithner: Yes.

Detective Ryan: Ok. The current time is 1839 hours, and that concludes this statement.



2011-0186

Transcription of:

Brenda F. Fredricks

Interview

02/01/2011

Detective Ryan

Case # A20110186

MONROE POLICE DEPARTMENT
TAPE RECORDED WITNESS STATEMENT

Statement of Brenda F. Fredricks Drivers License _____

The date is 02-01-2011. The time now is 1010

I am OFFICER SCOTT KORNISH of the Monroe Police Department. This statement is being recorded at WASHINGTON STATE REFORMATORY There are 4 persons present in the room. For the purpose of voice identification, would each person present besides Mr., ~~Ms.~~ Mrs., BRENDA FREDRICKS who is giving a statement, state your name and occupation one at a time.

- Q. BRENDA FREDRICKS do you understand that this statement is being recorded?
Q. Would you give your full name and spell it please?
Q. Would you give your date of birth?
Q. Would you give your address?
Q. Would you give your home telephone number?
Q. Would you give your work telephone number?

Date 02-01-2011 Time 1012 Location WASHINGTON STATE REFORMATORY
MONROE

(The following statement is to be read aloud onto the tape by the subject and then signed)

I, Brenda Fredricks, declare that the facts stated on this tape are true and correct to the best of my knowledge.

Scott Kornish 2043
SCOTT KORNISH
Witness Signature

Brenda Fredricks
Signature

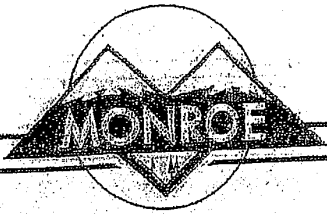
Date 02-01-2011

Date 2-1-11

000376

Exhibit 7

000062



City of Monroe

Police Department

Taped Interview Review Form

On 2-16-2011 I reviewed the audio recording and transcription for an interview
Date

conducted with BRENDA FREDRICKS on 2-1-2011
Subject's Name Date

The transcription is a true and accurate record of that interview.

Paul Ryan
Officer's Name Printed

Paul R
Officer's Signature

2-16-2011
Date

818 W Main Street, Monroe, WA 98272-2125
(360) 794-6300
fax: (360) 794-3129

Exhibit 7

000063

Officer Kornish: This is Officer Scott Kornish, with the Monroe Police Department. I'm reading a Monroe Police Department tape-recorded witness statement, to Brenda Fredricks. Case number is M2011-0186. Statement of Brenda eh, F, Fredricks. The date is 02/01/2011; the time is now 10:10. I'm Officer Scott Kornish with the Monroe Police Department. This statement is being recorded at Washington State Reformatory, Monroe. There are four persons present in the room. For the purpose of voice identification, would each person present besides... is it "Miss" or "Mrs."?

Brenda Fredricks: Miss.

Officer Kornish: Besides Miss Fredricks, who is giving a statement, state your name and occupation one at a time.

Detective Ryan: I'm detective Ryan of the Monroe Police Department. Then also present in the room is Union Representative Shane Zey, last name spelled Zebra-Edward-Young.

Officer Kornish: and Officer Scott Kornish with the Monroe Police Department. Brenda Fredricks, do you understand that this statement is being recorded?

Brenda Fredricks: Yes.

Officer Kornish: Would you give your full name and spell it please?

Brenda Fredricks: Brenda Faye Fredricks. B-R-E-N-D-A, F-A-Y-E, F-R-E-D-R-I-C-K-S.

Officer Kornish: Would you give your date of birth?

Brenda Fredricks: 11/17/64

Officer Kornish: Would you give your address?

Brenda Fredricks: [REDACTED] Washington, [REDACTED]

Officer Kornish: Would you give your home telephone number?

Brenda Fredricks: [REDACTED]

Officer Kornish: Would you give your work telephone number?

Brenda Fredricks: 360-794-2800

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

Interview of Brenda Fredricks

Case# 2011-0186

Officer Kornish: The date is still 2/1 of 2011, the time is now 1012 hours, location again Washington State Reformatory, Monroe.

Detective Ryan: Brenda, do you have a cell-a cellular number?

Brenda Fredricks: Yes.

Detective Ryan: What's that?

Brenda Fredricks: [REDACTED]

Detective Ryan: M-kay. And, can you tell me a little bit about your employment? Uh, your job title? Uh, your occupation?

Brenda Fredricks: I am a correctional officer with WSR, I work Gate 7, which is the ent-entrance/ exit area to Industries. In the back of the prison.

Detective Ryan: How long have you worked at uh with the Department of Corrections?

Brenda Fredricks: Approximately nineteen years.

Detective Ryan: And how many of those years have been at this institution?

Brenda Fredricks: Nineteen.

Detective Ryan: Have they all been at WSR?

Brenda Fredricks: Yes.

Detective Ryan: And what's your work schedule?

Brenda Fredricks: 7:30 to 4, Monday through Friday. Weekend and holidays off.

Detective Ryan: 7:30 to 4, Monday through Friday? Weekends, holidays off?

Brenda Fredricks: Yes.

Detective Ryan: Ok. So, on last Saturday, um, were you working?

Brenda Fredricks: Yes.

Detective Ryan: Ok. And wh-were you called in, or..?

Brenda Fredricks: I was working overtime, yes; I signed up for overtime and was called in.

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

000379

Exhibit 7

000065

Detective Ryan: Ok. What was your shift on Saturday?

Brenda Fredricks: Um, 1:30 to 10.

Detective Ryan: And what was your assignment?

Brenda Fredricks: The PAB, which is the "Programs, Activities Building".

Detective Ryan: Where is that facility on the campus here?

Brenda Fredricks: Right behind the chapel.

Detective Ryan: And were you at that post, the-the entire time? From 1:30 to 10, prior to this incident involving an Officer Biendl?

Brenda Fredricks: Um, I take a lunch break when there's recall, which is at 3:30. And then I stay on mainline, and then when mainline's over, I go open the PAB.

Detective Ryan: And, can you describe mainline to me? What is, that, what does that mean?

Brenda Fredricks: That, that's the chow hall, where they go and eat.

Detective Ryan: So you're, you're on watch in the chow hall with the offenders?

Brenda Fredricks: Yes.

Detective Ryan: Ok. So, on Saturday, um, Officer Biendl was located inside the chapel, and she, she was deceased. But prior to that, it's my understanding that you had contact with an offender near the chapel? And I, I want a detail that incident, but I'd like to start, um, from the very beginning that you remember. Um, whether it was a radio call, whether it was uh a supervisor asking you ta, ta, to look for somebody, um, if you can just detail how, how everything started to come together on Saturday, I would appreciate it.

Brenda Fredricks: When I was done closing my post, I had to run over to SOC, which is another institution to pick up some paperwork.

Detective Ryan: When, when do you close your post?

Brenda Fredricks: 8:30

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

Detective Ryan: Ok.

Brenda Fredricks: I ran over to SOC, got the paperwork, brought it back. At that time I realized that I'd locked uh, um some stuff in my truck. So, I went back out to my truck, and got that stuff. On my way back in, I noticed officers running towards Able Baker unit. Nothing had come over my radio at this point. So I went directly to shift, asked shift what was going on.

Detective Ryan: When you say you went to shift, the shift office?

Brenda Fredricks: The shift office where the sergeant is, yes.

Detective Ryan: Ok.

Brenda Fredricks: Sergeant stated, during count, inmate Scherf was missing from his cell. He said, "Go out to the PAB, and the chapel, and search those". So,...

Detective Ryan: Who was the sergeant?

Brenda Fredricks: Sergeant Johnson.

Detective Ryan: Do you know his first name?

Brenda Fredricks: No.

Detective Ryan: Can you describe him? Is he a white male?

Brenda Fredricks: White, yeah.

Detective Ryan: Ok.

Brenda Fredricks: Bald.

Detective Ryan: So, Sergeant Johnson asked you and a couple other people?

Brenda Fredricks: No.

Detective Ryan: He asked you to go to the..

Brenda Fredricks: He just said, "Go check the chapel and the PAB".

Detective Ryan: And, did you go with anybody?

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

Brenda Fredricks: I started on the way out there, as soon as I got through the, the roundabouts at tower 9 I realized, you know, I probably don't have the keys to the chapel because there's certain keys I guess to get into certain areas. At that time I noticed two officers coming from the back area where they had done their night watch check, and as I'm walking, they're walking. I'm hollering at them, "Do you have chapel keys? Inmate Scherf is missing", you know, "We gotta check the PAB and the chapel". So, there was two of them. Um, one of the guys said "I'll go with Fred to the PAB", and he headed towards the chapel. Me and the officer going towards the PAB, we got through the first gate, and we heard the other officer hollering by the chapel. So we turned around and came back, and we went to the chapel also. So this is like seconds, at this time. I walked up, Scherf was standing outside the chapel. I immediately recognized him, got on my radio, called my shift sergeant on the radio, notified him that the inmate had been found.

Detective Ryan: When Sergeant Johnson asked you to go look for an offender, did he identify the offender to you?

Brenda Fredricks: Yeah.

Detective Ryan: And, it-uh by name, and..?

Brenda Fredricks: Yeah.

Detective Ryan: Were you familiar with the offender?...

Brenda Fredricks: Yes.

Detective Ryan: Based on prior...

Brenda Fredricks: Yes.

Detective Ryan: Ok, and explain to me h-how you were familiar with him?

Brenda Fredricks: Scherf works in Industries, so he comes through my gate every day.

Detective Ryan: Ok. So, on a daily basis you're in continuous visual contact of Scherf, uh...

Brenda Fredricks: Not all day....

Detective Ryan: Yeah.

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Interview of Brenda Fredricks

Brenda Fredricks: ..just when he comes—anytime he comes through my gate..

Detective Ryan: Yeah.

Brenda Fredricks: ...he has to be patted down.

Detective Ryan: Ok.

Brenda Fredricks: So he comes through in the morning, or if he has call-outs, whatever, when he leaves, it's an entrance/exit area, to get to building 4. Which is in the back of the prison.

Detective Ryan: K. So you knew who exactly you were looking for.

Brenda Fredricks: Yes.

Detective Ryan: Do you know the names of the other two officers that you joined up with?

Brenda Fredricks: Maynard is one of the officers; he's the yard officer. The other officer they call Wally, but I have the spelling.

Detective Ryan: Ok.

Brenda Fredricks: It's a really long spelling.

Detective Ryan: So you and Wally went to PAB?

Brenda Fredricks: Yes.

Detective Ryan: And Maynard went towards the chapel?

Brenda Fredricks: Headed towards the chapel, yes...

Detective Ryan: And, do you remember what you heard Maynard say?

Brenda Fredricks: Word-for-word, no, honestly I can't. I just remember him saying, "There's an inmate", or "There's somebody standing right here".

Detective Ryan: Yeah. Ok. And y-you went over there, and y-you've described Offender Scherf as standing outside the chapel, so I want to clarify this. Uh, I've been out there, and there, the door leading to the physical building, there-there is a hallway, um, to your left, that leads down to a couple offices? And, as you continue straight, you actually enter the chapel itself. Was Offender Scherf outside, like

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he could see the sky outside, or was he inside the physical building?

Brenda Fredricks: He was outside the physical building.

Detective Ryan: Ok.

Brenda Fredricks: Outside. Not all the way to the gate, outside the door standing there, and the door on the right was open.

Detective Ryan: So the door on the left was closed, door on the right was open...

Brenda Fredricks: Yes.

Detective Ryan: ..and...

Brenda Fredricks: He was just standing there with his coat on and his hands in his pocket, just kind of...blank.

Detective Ryan: Can you describe to me what "blank" means?

Brenda Fredricks: Just, staring straight ahead.

Detective Ryan: So he was not in handcuffs when you first observed him?

Brenda Fredricks: No.

Detective Ryan: Ok. Did Officer Maynard tell you anything about where he contacted Offender Scherf?

Brenda Fredricks: I think he was standing right there.

Detective Ryan: Ok.

Brenda Fredricks: 'Cause it was seconds, there it was just.."

Detective Ryan: Yeah.

Brenda Fredricks: But honestly I don't know, and I haven't.

Detective Ryan: Yeah.

Brenda Fredricks: I-I don't know.

Detective Ryan: Ok.

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Brenda Fredricks: I don't know if he was exiting the door when he walked up, I'm not real sure. He was just standing there when I got there.

Detective Ryan: Ok.

Detective Ryan: Wh-what happened next, once contact was made with the offender?

Brenda Fredricks: Um, I walked up, immediately re-recognized him, called my shift sergeant on the radio, you know, verified that we had found him at the chapel. Um, as soon as I walked up Schief looked at me, and he just said, "Fred, I fell asleep." And I said "Well, sometimes that happens", and then he said, "I suppose I have to go to the hole", and I said, "Yeah, that's kind of the routine." You know, when count has been interrupted. And he immediately turned around for me to cuff him up. And I said "Well...", and at this time, now my sergeant's coming over the radio, you know, "cuff the inmate, bring him to the shift office". So, I patted him down, cuffed him up....

Detective Ryan: Those were your handcuffs?

Brenda Fredricks: My, my handcuffs and, um, Maynard's, because I couldn't fit his arms close enough, so we had to put two sets on him.

Detective Ryan: Do you have those handcuffs with you right now?

Brenda Fredricks: No.

Detective Ryan: You don't?

Brenda Fredricks: We use different ones every day.

Detective Ryan: So you, at the start of your shift, you check out handcuffs from a...

Brenda Fredricks: from [REDACTED]

Detective Ryan: ... a pool?

Brenda Fredricks: Yeah, from [REDACTED]

Detective Ryan: Ok.

Brenda Fredricks: And then they go back.

Detective Ryan: Did you notice any, uh, wh-what did you notice about his clothing?

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Brenda Fredricks: He just had his jacket on, and it was zipped or buttoned, however they close up in the front.

Detective Ryan: and...

Brenda Fredricks: and his hands were in the front pockets and he just stood there.

Detective Ryan: And who handcuffed him again?

Brenda Fredricks: I did.

Detective Ryan: You, and..

Brenda Fredricks: No, I did.

Detective Ryan: Yeah, but..wh—ye you used two pairs of handcuffs? He has pretty big shoulders.

Brenda Fredricks: Yeah.

Detective Ryan: Ok. So, he's in handcuffs, and at-at that point is he in your custody? Or, yr, you're holding onto him?

Brenda Fredricks: At that point, I take one arm, and Wally takes an arm.

Detective Ryan: Ok.

Brenda Fredricks: And, we start escorting him back towards the shift office.

Detective Ryan: Ok.

Brenda Fredricks: As we got to the hallway, I hear em calling "Picture card count" over the radio.

Detective Ryan: Ok.

Brenda Fredricks: Since Maynard was the actual one that walked up on him, I said, "Here, Maynard, you take him to the shift office" 'cause they might have to wanna, you know, usually you have to write paperwork if you're first person there.

Detective Ryan: Yeah.

Brenda Fredricks: And so, I left, and went over to Charlie Dog Unit, to see if they had enough, because picture card count can be pretty...

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Detective Ryan: Yeah.

Brenda Fredricks: ...pretty crazy. So went over there, they had enough people, so we went over to Able Baker side, and I counted tiers one and two on Able's side.

Detective Ryan: Ok. Do you remember, uh, do you remember observing anything at or around the, the chapel where you guys were standing that-that was out of place, or...

Brenda Fredricks: No.

Detective Ryan: Ok. Do you remember any other staff going inside the chapel? D-do you remember seeing any Maynard, or Wally go inside the chapel? So, so contact was made with the offender outside the chapel, and then all three of you and the offender walked towards the shift sergeant's office?

Brenda Fredricks: Yes.

Detective Ryan: Ok. While you were walking, did you notice anything about his clothing that was suspicious to you?

Brenda Fredricks: No. But it was super dark.

Detective Ryan: Ok. And...

Brenda Fredricks: Even the lighting outside the chapel's really dark.

Detective Ryan: Was, was there any conversation that took place?

Brenda Fredricks: No.

Detective Ryan: Is that, uh, normal for the offender, based on your, uh, interaction with him?

Brenda Fredricks: I mean normally when I see him every day, he talks. He talks a lot.

Detective Ryan: Yeah?

Brenda Fredricks: But he didn't say anything other than, "I fell asleep"...

Detective Ryan: Ok.

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Brenda Fredricks: ..and "I suppose I have to go to the hole". I mean, he didn't say nothing else..

Detective Ryan: And he didn't say anything up to the point that he was in the shift, the shift-sergeant's office.

Brenda Fredricks: No.

Detective Ryan: Ok.

Brenda Fredricks: And I wasn't in there, so I don't know what, you know...

Detective Ryan: Ok. So, I-I'm somewhat familiar with the facility at this point, so you're walking back towards the shift sergeant's office, and Able Baker Unit, is to your left?...

Brenda Fredricks: Um Hm (affirmative)

Detective Ryan: and, I'm sorry, C and D, I-I don't know what you call it, are on your right...

Brenda Fredricks: Yeah.

Detective Ryan: Um, but he walked through, that that door?

Brenda Fredricks: Yeah.

Detective Ryan: And where did you go? You...

Brenda Fredricks: I went to Charlie Dog side.

Detective Ryan: Ok, to assist with the photo...

Brenda Fredricks: Yes.

Detective Ryan: ..count.

Brenda Fredricks: Yes.

Detective Ryan: Ok. Did you have any other interaction with Offender Scherf...

Brenda Fredricks: No other actually...

Detective Ryan: ..that evening?

Brenda Fredricks: No. No.

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Detective Ryan: Ok...

Brenda Fredricks: I did when I turned in my count....

Detective Ryan: Ok.

Brenda Fredricks: ...when I took all the count slips down...

Detective Ryan: From the Charlie Dog unit?

Brenda Fredricks: No, from Able Baker.

Detective Ryan: Oh, ok.

Brenda Fredricks: Actually, from Able side...

Detective Ryan: Ok...

Brenda Fredricks: ...cause that's where I counted.

Detective Ryan: Yeah.

Brenda Fredricks: I did pick up a chain at that time, somebody, I don't remember who at this time, stated for someone to put a chain on his cell.

Detective Ryan: Yeah?

Brenda Fredricks: And since I was standing there, I offered to take the chain, took the chain back, and chained his cell right away.

Detective Ryan: At Able one-twelve?..

Brenda Fredricks: Yes.

Detective Ryan: .. Do you remember that being the cell?

Brenda Fredricks: Yes.

Detective Ryan: Ok, but you never saw him again?

Brenda Fredricks: No.

Detective Ryan: And, to this date in time, have you seen him?

Brenda Fredricks: No.

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Detective Ryan: Have you had any interaction with him?

Brenda Fredricks: No.

Detective Ryan: Ok. After formal picture card count, and securing the offender's cell, did you have any more involvement in this?

Brenda Fredricks: No, uh, well I did uh I wrote paperwork.

Detective Ryan: K.

Brenda Fredricks: That I had counted one and two on the picture card count. But, it was shift change at that, but no I didn't.

Detective Ryan: And, when did you secure for the evening? When did you, sign off shift and go home?

Brenda Fredricks: Well, you don't really sign off, you exchange your gear and when the other shift comes on.

Detective Ryan: Ok. Do you remember...

Brenda Fredricks: and there's no relieving o...excuse me...no relieving officer for PAB, so it's not like you're waiting for somebody to come in..

Detective Ryan: Yeah.

Brenda Fredricks: Ya know...

Detective Ryan: When did you go home? I guess.

Brenda Fredricks: I remember climbing in my truck, and my clock said 10:11.

Detective Ryan: Ok.

Brenda Fredricks: But I think my clock in my truck is a little bit fast. I think it's like 5 minutes fast. But it was 10:11 when I actually climbed in my truck.

Detective Ryan: Scott, do you want to ask some clarifying questions up to this point?

Officer Kornish: (clears throat)

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Detective Ryan: And then we can talk about, uh, her prior, experience and interactions with the offender and officer Biendl after we do the clarity?

~~Officer Kornish: Yes, yes.~~

Detective Ryan: Ok.

Officer Kornish: Can you kind of explain to me, you said that the PAB is behind the chapel?

Brenda Fredricks: Yeah.

Officer Kornish: So if the chapel, I'm familiar with the chapel's facing, the entrance to the chapel's facing North I believe? So it's on the...

Brenda Fredricks: Back si...

Officer Kornish: South side?

Brenda Fredricks: Back side of the (unintelligible).

Officer Kornish: And you left there, the PAB at approximately 8:30 to go to SOC?

Brenda Fredricks: No, you close down at 8:30, you do a walk-through, close that all down. And then you, then then I left.

Officer Kornish: What time...

Brenda Fredricks: That takes approximately 10-15 minutes...

Officer Kornish: So would...

Brenda Fredricks: ..and I also called in to tower 9..

Officer Kornish: Uh huh.

Brenda Fredricks: You know, you call in that you're clear of the PAB, you know, the inmates are clear and all that. And I did do that.

Officer Kornish: So it was approximately 8:40, 8:45?

Brenda Fredricks: Mm, yeah.

Officer Kornish: And which way do you, did you go that night to relieve the PAB and go to the SOC?

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Brenda Fredricks: To the right.

Officer Kornish: To the right?

Brenda Fredricks: Yes.

Officer Kornish: Do you have to pass by the chapel at all?

Brenda Fredricks: No...well...part of the side of the chapel is up, is by the walkway of the PAB. But like the chapel's right here, and you're right here, and so you come out and go this way.

Officer Kornish: Ok.

Brenda Fredricks: And the gate to the chapel's like, right over here.

Officer Kornish: Did you see the gate at all, were you able to see the gate from where you were to the chapel?

Brenda Fredricks: No. And the chapel officer leaves before we do. Her hours are different.

Officer Kornish: (Clears throat) Um, did you, throughout the night at all, uh, did you hear any radio traffic?

Brenda Fredricks: You call in your counts, you know, every hour. You count the inmates, you know...

Officer Kornish: Did you hear any unknown radio traffic that wasn't a clear transmission?

Brenda Fredricks: No.

Officer Kornish: Any keyed mics, that would grab your attention?

Brenda Fredricks: Not that I can think of, no.

Officer Kornish: Uh, and when you, um, after uh, y-you cuffed Scherf, uh, the door uh to the chapel was still open?

Brenda Fredricks: That's where I can't remember, I'm presuming Maynard closed it, and the gate, because he was behind us. Um, I was more, you know, get the inmate cuffed, remove the inmate, as I was ordered, to the shift office. And I, I'm presuming Maynard had closed the door right behind us.

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Officer Kornish: Ok. And you mentioned, um, you, you weren't sure if someone had keys to the chapel, because..

Brenda Fredricks: I'm, yeah, I..

Officer Kornish: the different keys?

Brenda Fredricks: I work different are-uh, every area's different and they've changed a lot of stuff, so you don't know really whose got keys 'cause sometimes keys, my keys work the shift office door, but they don't work other stuff..it's kind of the keys can be kind of confusing sometimes out there.

Officer Kornish: If you needed to get keys to the chapel, how would you go about doing that?

Brenda Fredricks: You can go pull like a keys [REDACTED]

Officer Kornish: Ok. Is that noted, when someone gets keys to a different area? If you needed keys to the chapel, would it be logged somewhere, or...

Brenda Fredricks: Oh, uhhhh

Officer Kornish: ...would someone be aware of it?

Brenda Fredricks: ...I don't know if they'd log it. I don't know how they'd do it.

Officer Kornish: Do you know how many sets of keys there are to the chapel?

Brenda Fredricks: But the R and M's, I think, they, I think their keys work also, I'm not sure. I, I don't know enough about the, you know...

Officer Kornish: Ok.

Brenda Fredricks: ...chapel keys.

Officer Kornish: And when you walked, um, ah when you cleared A block, and you, or you did a when you uh, you-you said you did a count for the A block and you chained Scherf's cell?

Brenda Fredricks: Yes.

Officer Kornish: Did you look into his cell at all?

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Brenda Fredricks: Just a quick glance. But, it's dark. You know, they turned the count lights and stuff off at that time.

Officer Kornish: Did you notice anything peculiar, or odd about it?

Brenda Fredricks: No.

Officer Kornish: Okay

Detective Ryan: So, you've worked here nineteen years...

Brenda Fredricks: Yes.

Detective Ryan: And all of it has been in the Industries building?

Brenda Fredricks: No. I'm not an Industries building, I'm at Gate 7.

Detective Ryan: I'm sorry.

Brenda Fredricks: Yeah.

Detective Ryan: Ok.

Brenda Fredricks: Uh, no.

Detective Ryan: But at Gate 7, all of the offenders who work in the Industries facility must walk by your post?

Brenda Fredricks: Yes.

Detective Ryan: Ok. And you had mentioned previously that you're somewhat familiar with offender Byron Scherf.

Brenda Fredricks: Yes.

Detective Ryan: Do you recall when he, uh, when he, he was first incarcerated here, or...uh, your first interaction with him?

~~Brenda Fredricks: No.~~

Detective Ryan: Has uh, pri-prior to this incident, has his name ever come up in your mind as, "uh, I need to remember him"?

Brenda Fredricks: Yes.

Detective Ryan: Tell me about that.

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Brenda Fredricks: There have probably been I know at least two, can I specifically remember, when...no, I just remember Scherf asking me...I don't even remember the questions to this day. And he kept just askin', you know, sometimes these guys just, they just keep up. And, I started to get a little agitated and, you know, tried to be firm with him. And he proceeded to get a little agitated, and at that point, you have a light that goes off. And I can't explain why these light, it just goes off, and I...it's not like, you know, some guys get really mad, or whatever, it it just something was odd. So I had to stop and think "Ok, this is not the right approach, I need to retract how I approach this person". And so I had to learn, you know, every, some of these guys you learn to treat them cer-certain ways, due to, you know, how they react. He g-started to get pretty agitated with me, and so I had to redirect how I was, you know, speaking with him. And after that I've just, I just, you know, you learn which ones..

Detective Ryan: Mm hm (affirmative).

Brenda Fredricks: ..you know, but he did kind a, it was just kind of odd, the way he was getting agitated with me. But other than that, that's that's the only thing, and that's been a few years ago.

Detective Ryan: Mm hm (affirmative)

Brenda Fredricks: Yeah. Few years ago.

Detective Ryan: Have you witnessed any interaction with him and other CO's?

Brenda Fredricks: Well, that's every day. I've worked with other CO's, he comes through, you know.

Detective Ryan: Has his behavior raised any red flags for you?

Brenda Fredricks: No.

Detective Ryan: in that sense? Have you noticed any, uh, different treatment of female staff versus male staff?

Brenda Fredricks: I know he seems to be one of those that's always trying to be on everybody's good side. But...yeah. I'm not with him for a long amount of time, ever.

Detective Ryan: Um hm (affirmative)

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Brenda Fredricks: It's not like I worked with him one-on-one, you know, like the supervisors out in building 4.

Detective Ryan: Um hm (affirmative)

Brenda Fredricks: It's a brief, you know, and that's it. There were even times where he worked on computers up where the maintenance clerks worked. And he always came over and told me, you know, "I'm going up there, I'll be up there, they need some help". When he got done, he would come down and tell me, so....It was just a brief...

Detective Ryan: So...

Brenda Fredricks: Yeah.

Detective Ryan: ..his job was at the bindery, I believe? In Industries?

Brenda Fredricks: I know it's in Industries, but I don't know exactly where everybody works out there.

Detective Ryan: Ok.

Brenda Fredricks: Yeah.

Detective Ryan: Um, but you had mentioned that you were familiar that he was doing like freelance computer work? In, oth-ther places?

Brenda Fredricks: I know he did a lot of computer work, yes.

Detective Ryan: Do you know where he might of done that?

Brenda Fredricks: Up in the maintenance area.

Detective Ryan: Is that in Industries?

Brenda Fredricks: No, that's in the maintenance buildings.

Detective Ryan: Ok

Brenda Fredricks: 'Cause he used to be the clerk. He was the maintenance clerk at one time.

Detective Ryan: Ok.

Brenda Fredricks: And, so now there's occasionally they need some help, and so he'll come out, help them, and then he goes back to his area.

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Detective Ryan: Ok.

Detective Ryan: Did you know if he was doing any, any participation in chapel programs, or any computer stuff at the chapel?

Brenda Fredricks: No...no.

Detective Ryan: No?

Detective Ryan: Had you ever observed the offender at the chapel prior to you taking him into custody that night?

Brenda Fredricks: Uh, there's so many people that come and go from there.

Detective Ryan: Um hm.

Brenda Fredricks: I can't remember.

Detective Ryan: Ok, k. And, Officer Biendl. Did you know her?

Brenda Fredricks: Yes.

Detective Ryan: How well did you know her?

Brenda Fredricks: Well, I knew her of course from work.

Detective Ryan: Yeah.

Brenda Fredricks: You know, I'd seen her a couple times outside of work, but that's, just...that's it.

Detective Ryan: Ok.

Brenda Fredricks: I've talked to her. You know, she would call me at gate 7, asking for advice and stuff.

Detective Ryan: One of the things that's difficult about this investigation is, is obviously talking about her. But it's important for us to focus on some of her good qualities as an officer, but to also to learn about some of her weaknesses. Were you in a position to know what her strengths were, as a correctional officer?

Brenda Fredricks: She always stood up and asked questions.

Detective Ryan: Ok. She was involved....

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Brenda Fredricks: I wouldn't call her a weak person.

Detective Ryan: Yeah.

Brenda Fredricks: No.

Detective Ryan: I'm not saying she's a weak person, but did did any weaknesses, that you may have noticed?

Brenda Fredricks: No.

Detective Ryan: Ok.

Brenda Fredricks: No. She was always really good about speaking up, and like I said, if she had any question, any concern, she would call me.

Detective Ryan: Ok.

Brenda Fredricks: You know, or call somebody else.

Detective Ryan: Um hm.

Brenda Fredricks: I think she was very good at her job, she knew her job.

Detective Ryan: What sort of did-did she, you mentioned that she, she had brought, she-she had talked to you about stuff. What sort of stuff had you talked about with her?

Brenda Fredricks: Oh, it could be how to order supplies, or you know, how to hire a porters, or I don't think she did most of the hiring, I think the chapel people did a lot of that.

Detective Ryan: Um hm.

Brenda Fredricks: Um, just in general, you know, sometimes tools were sent over there.

Detective Ryan: Um hm.

Brenda Fredricks: You know. We'd let her know there were tools, or she had some question about you know the guys who were working out, 'cause there's a grass area out over on the other side that they work.

Detective Ryan: Um hm.

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Brenda Fredricks: You know, but it was just stuff like that, you know.

Detective Ryan: Did she ever talk to you about any of the participants in the chapel program?

Brenda Fredricks: No, we weren't that close. I mean, yeah.

Detective Ryan: Ok.

Detective Ryan: Did...so, y-you don't remember any mention of any offender, problem offenders that she had mentioned to you, or...

Brenda Fredricks: No.

Detective Ryan: Ok.

Brenda Fredricks: No.

Brenda Fredricks: She was more of a swing shift, though.

Detective Ryan: Yeah.

Brenda Fredricks: Yeah.

Detective Ryan: Yeah, it's not, her shift isn't your normal shift. (overlapping voices)

Brenda Fredricks: (overlapping voices) Even though she came in her shift, and my shift kind of coincide.

Detective Ryan: Um hm.

Brenda Fredricks: But, majority of her shift is on swing shifts.

Detective Ryan: Ok.

Officer Kornish: You, you had mentioned, um, about wh-when you were dealing with Scherf several years ago, where he he became agitated.

Brenda Fredricks: Yes.

Officer Kornish: And you mentioned that he said something to you, or asked some kind of question? Can you...

Brenda Fredricks: He was always asking questions.

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Officer Kornish: Can you give me a kind of an....

Brenda Fredricks: ..almost...

Officer Kornish: ...idea of what type of questions if you can't remember exactly..(overlapping)

Brenda Fredricks: (overlapping) Oh, "Am I on the list for EFV yet? I wanna make sure my name is on there." Sometimes when these guys, they get like a cancellation...

Officer Kornish: An EF....

Brenda Fredricks: It was stuff like, his visits, he gets conjugal visits. It's almost like he just asks questions just to talk. You know, it's just, it's just, it's like useless stuff, some of it sometimes, you're just, you're like, you know, I'm not here to entertain you. You know, and so, you try to stop that and, you know, the you can see where the it would get agitated. So it's like, ok, I better retrack this, how I say it. You know, and then I had to learn from there. You know, how to deal with him.

Officer Kornish: Were you in a position at the time he asked you about visitation that you would have any ability or idea that he would be on a list or not?

Brenda Fredricks: Yes.

Officer Kornish: Ok. Um and when he became agitated, were you afraid?

Brenda Fredricks: Not..uh..uh

Officer Kornish: Concerned?

Brenda Fredricks: The, uh concerned. The light comes on, and you're like, ok we're not dealing with, you know, the average person. And, you, you know, so it's time to redirect. You know. Verbal skills. Change your verbal skills in how you have to deal with this person. And once I figured that out, I was ok after that, you know, I had to figure that out.

Officer Kornish: And when you, when he became agitated, was it because you weren't answering his questions, or what do you think s-made him become agitated.

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Brenda Fredricks: Wasn't getting the attention. You know. And it just, almost kind of like a child. Yeah.

Officer Kornish: And how did you change your approach with him to...

Brenda Fredricks: he's... just your verbal skills, you step back and ok, let's, you know, put things this way, let's say it this way. Yeah.

Officer Kornish: and when you said he became agitated, can you kind of explain that to me, and describe it, as..?

Brenda Fredricks: You know it's been so long ago, but its, its been in m... you know, it's just something that you remember but you don't remember the specifics. You know, there's been a lot of people here I've had to deal with, you know, and you know there's been a few in my career that you know that you run into those few and you figure out, you know, ok, this isn't going to work for this person.

Officer Kornish: Um hm.

Brenda Fredricks: You know, and so it always stays in your mind, you know, certain situations, certain people. You just kind of have to, because you know you're going to deal with them, on a daily basis, you, ok, I'm gonna deal with this person this way, you know, this person I have to deal with this way. But I can't specifically to this, I-I can't remember that far back.

Officer Kornish: Ok...

Brenda Fredricks: ..I just remember, ok, this is how I have to deal with this one.

Officer Kornish: Do you remember at all if it was something, maybe, if it was a raised voice, change in his tone, clenched fists....

Brenda Fredricks: Oh definitely...no, definitely change in his tone. Yeah.

Detective Ryan: Had you, can you recall any moment where you observed Offender Scherf with Officer Biendl?

<knock on door>

Detective Ryan: One second on that...

<opens door>

Unidentified female: unintelligible

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

Detective Ryan: Yeah, can you just stand by? We're in the middle of an interview.

Unidentified female: Ok.

Detective Ryan: So...thank you.

Detective Ryan: I'll, I'll repeat the question. Can you recall any moment where you observed Offender Scherf with Officer Biendl? Talking, communicating, interacting?

Brenda Fredricks: No.

Detective Ryan: K.

Brenda Fredricks: No. There's a lot of guys that went to those chapels. You know, in and out.

Detective Ryan: Is it routine to hear offenders talk about female staff, uh, in a sexual manner?

Brenda Fredricks: No.

Detective Ryan: No? Ok.

Officer Kornish: Do you have anything else that you can think of about that night that stood out? Uh, anything that you thought was peculiar? Uh, besides obviously Mr. Scherf not being in his cell?

Brenda Fredricks: I did find it rather peculry—peculiar when I was coming up to those two officers. And I was hollering at them. They were approximately in front of the chapel. If you, if you go out there you would understand. I'm walking this way, and walking very fast.

Officer Kornish: You were walking west?

Brenda Fredricks: Towards the back of the chapel.

Officer Kornish: Towards the back of the chapel?

Brenda Fredricks: They were coming this way. And I'm hollering at them, "Inmate Scherf is missing!". And were still walking towards each other, they pass the chapel, we meet up. Why didn't Scherf holler? Why didn't he say "Hey, Fred, I'm over here, I missed count"? He didn't. We exchanged a few seconds of words, Wally and I went

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

over to this gate, Maynard came over this way. He still never said anything if he was standing on that porch.

Officer Kornish: So you believe if Scherf was standing outside the building, he would have been able to see you?

Brenda Fredricks: Yes. He would have seen those two officers, and he would have heard me hollering. He never said a word. I don't know if he said anything to Maynard when Maynard walked up. I just remember Maynard hollering, "He's over here!". Why didn't he say anything?

Officer Kornish: Yeah.

Brenda Fredricks: If he fell asleep, why did he not say anything when those officers walked by, if he didn't see them—let's say he just stepped out. Why didn't he say something when he heard me hollering?

Officer Kornish: An-and you, I imagine, have seen somebody who's just woken up, just woken up yourself, and looked at your eyes and your face in the mirror. Did he ap-, his face, appear to be somebody who had just woken up?

Brenda Fredricks: It's really dark over there. There is a little light, and it's super, super dark. My eyesight's not the best in the world. He seemed just more, I don't know the word, just blank. That's all I can think of. But he still recognized me, and said "Fred, I fell asleep". He wasn't loud about it, it was really "Fred, I fell asleep"—calm about it....

Officer Kornish: You ever...

Brenda Fredricks: ...wasn't out of breath, nothing like that.

Officer Kornish: Have you ever seen him like that before?

Brenda Fredricks: No, usually pretty chirpy.....talkative.

Detective Ryan: How good of a look did you get at his hands when you were handcuffing him?

Brenda Fredricks: Not good. It's so dark. Very, very, very dark.

Detective Ryan: Do you remember him grimacing at all while you were doing that, or did he make any comment, uh, my arm's sore?

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

Brenda Fredricks: Nope. He didn't say other than, you know, "I fell asleep" and "I suppose I have to go to the hole".

Detective Ryan: Did he request two handcuffs, or...

Brenda Fredricks: No, I did.

Detective Ryan: Based on his....

Brenda Fredricks: 'Cause I kept tryin', and I couldn't get 'em together.

Detective Ryan: Ok.

Brenda Fredricks: You know, my eyes, it-it was dark. And so I just said "Maynard, let me use your cuffs", you know.

Detective Ryan: That's all I can think of. Um, sorry—I mentioned that we'd like to get a DNA buccal swab from you, from your cheek.

<long pause>

So, this is a voluntary permission to search form. This authorizes Officer Kornish and I to obtain your DNA from your cheek. Um, we either need your consent to obtain it, or we would have to write a search warrant, um, so, obviously this is the, the method we're preferring. If you can place your name in that box, read that aloud, and then read through the form? And then sign as the consenting party, if you agree to consent, and then we'll give you the date and time and all that.

<long pause>

Brenda Fredricks: Is that where I sign?

Officer Kornish: And then print your name underneath.

Detective Ryan: And, for the recording, the other corrections officer with, uh, Maynard and Fredricks is identified as Wahleithner? Is that correct?

Brenda Fredricks: Yeah.

Detective Ryan: And that's spelled phonetically William-Adam-Henry-Lincoln-Edward-Ida-Tom-Henry-Nora-Edward-Robert.

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

Officer Kornish: K, Brenda, if I could also get you to print your name here, again? And then read this aloud—"I, Brenda Fredricks", and the rest of the sentence and then sign below it? <long pause>

Brenda Fredricks: Ok, I Brenda Fredricks declare that the facts stated on this tape are true and correct to the best of my knowledge.

Unknown: Thank you. <long pause>

Detective Ryan: Take one of those swabs out of there, and then you can rub it on the inside of your cheek, trying to get as many skin—you want to rub kinda aggressively, so you can get skin cells all over it there. That's probably good. And then can you put it, uh, actually the other end, into the box, and not all the way down, cause I need to air-dry it. That's good.

That's all I have.

Officer Kornish: Uh, interview ending, two, one, two thousand eleven with Brenda Fredricks. The time is now 10:55.



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 06-031-11-3107
06-032-11-3107 Date of Interview: 6.29.11

Name and Title of Interviewee: Charles Maynard

As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees

Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

Interviewee Signature

Date

6/29/11

Investigator Signature

Date

6/29/11

Jennifer Piukkula

From: Piukkula, Jennifer (DOC)
To: Maynard, Charles E. (DOC)
Subject: Statements
Date: Friday, July 08, 2011 4:57:34 PM
Attachments: Maynard statement.docx
Maynard stmt-7-8-11.docx
Importance: High
Sensitivity: Confidential

Officer Maynard,

Please read the attached 2 statements. It is in the same question/answer type format from our conversation we had on 6-29-11. The 1st statement is regarding your workplace investigation and the 2nd statement is regarding Officer Fredricks workplace investigation. Review the statements for accuracy and feel free to make corrections. Please initial any changes and sign/date the last page when you are ready to submit it.

Your local human resource office will gladly help if you need assistance in getting this returned to me. Probably the easiest way is to print out the two documents, make any necessary changes and then ask H.R. to scan/send it back to me after you have signed/dated the statements.

I usually request to have responses back within 72 hours...if you need more time to review it, just send an email letting me know. Otherwise, please have it returned by Tuesday, July 12th, 2011. Thank you!

Stay safe! Regards,

Jennifer Piukkula
Investigator 3
HQ-DOC
(360) 239-7619**cell
(360) 725-8737 office

Exhibit 8

000093

From: Maynard, Charles E. (DOC)
To: Piikkula, Jennifer (DOC)
Subject: Read: Statements
Date: Saturday, July 09, 2011 9:22:09 PM
Importance: High
Sensitivity: Confidential

Your message
To: Maynard, Charles E. (DOC)
Subject: Statements
Sent: 7/8/2011 4:58 PM
was read on 7/9/2011 9:22 PM.

Exhibit 8

000094

INTERVIEW SUMMARY

Case Number: 06-032-11-3107
Interviewee Name: Charles Maynard, Correctional Officer 2
Investigator Name: Jennifer Plukkula
Interview Date: 6-29-2011
Interview Location: Monroe Correctional Complex/ Superintendent's Conf. Room
(Washington State Reformatory Unit; WSRU)

Also present during the interview: Teamsters Business Representative, Sarena Davis
and HQ Investigator Tim Birley.

Correctional Officer Charles Maynard was advised that he was the subject of a workplace investigation where it is alleged;

- 1) On January 29th, 2011, Correctional Officer Charles Maynard failed to properly inspect and secure the chapel after locating and securing a missing offender at that location.
- 2) Officer Maynard falsely and/or inaccurately documented in an incident report that he had inspected and secured the chapel on January 29th, 2011.
- 3) On January 29th, 2011, Officer Maynard failed to make proper notification that he had located a missing offender.
- 4) Officer Maynard failed to cooperate with a Department investigation and/or failed to fully and honestly answer all relevant and material questions.
- 5) Officer Maynard failed to cooperate with outside law enforcement agencies and/or failed to fully and honestly answer all relevant and material questions.

Officer Maynard was presented with the Witness Acknowledgment Form; he indicated that he understood the document and signed the form. This interview was not recorded.

Officer Maynard is a Correctional Officer 2 at the WSR in the Monroe Correctional Complex (MCC). He is currently assigned as a yard officer at WSR on third watch from 2:00 p.m. to 10:00 p.m. Officer Maynard has worked for the Department of Corrections (DOC) since 8-9-99.

On January 29th, 2011, Officer Maynard was assigned as a yard officer at WSR with a call sign of King-239.

Allegation #1:

On January 29th, 2011, Correctional Officer Charles Maynard failed to properly inspect and secure the chapel after locating and securing a missing offender at that location.

Q: On 1/29/11, describe what actions you took when you observed the lights were on inside the chapel?

Officer Maynard stated, "I saw the lights had flipped on in the chapel and the front door was open—I called Officers Wahleithner and Fredricks back over to the chapel. They had been on their way to the PAB. I went in and saw Scherf sitting in a chair in the foyer vestibule area of the chapel. He said he fell asleep and Biendl must have missed him. Officers Fredricks (aka Fred) and Wahleithner (aka Wally) arrived at the chapel gate and Fredricks made the radio notification that Scherf was located. "Fred" and I started to cuff Scherf and Fred needed two sets of cuffs to get Scherf's arms together. I gave her my cuffs and then went into the chapel hallway to have a look around, secure the doors, and to shut off the lights. While they were cuffing Scherf, I was taking a look around."

Q: What method did you use to "call" Officers Wahleithner and Fredricks back?

Officer Maynard indicated that he yelled something to the effect of, "I have the offender over here."

Q: At what point did you "inspect and secure" the chapel as you noted in your incident report dated 1/29/11?

Officer Maynard stated, "Fred made the radio notification, then she attempted to cuff him...then she double-cuffed him. Fred and Wally were cuffing Scherf in the foyer-area of the chapel, that's when I left to see what needed to be done. I left the foyer area during the cuffing and went down the hallway towards the offices."

Q: How did you "inspect" the chapel as noted in your incident report on 1/29/11?

Officer Maynard stated, "I started to walk down the hallway checking to make sure things weren't awry—I went down the hallway checking office doors. I went to the library and turned off the lights and at that point, we were interrupted by a radio call from the shift commander telling us to restrain the offender and bring him to the lieutenant's office. I went back to the foyer where Fred and Wally were....and helped with the escort of Scherf to the shift office."

Q: Which offices or doors did you find secure?

Officer Maynard indicated he was not familiar with the offices in the chapel and didn't know what the room was; for example, he indicated he didn't know if it was a clerk's office or a staff office. He stated, "But all of them were secure."

Q: Did you push on the doors, look in the windows, and/or try the door handles?

Officer Maynard stated, "Yes, they were all locked. I think I might have shut the library door, but I can't remember."

Q: How long do you estimate you were inside the chapel hallway checking doors?
Officer Maynard stated, "Two minutes."

Q: Which lights did you shut off?
Officer Maynard stated, "The library lights and the hallway lights."

Q: Were you carrying anything in your hands?
Officer Maynard stated, "Not that I know of..."

Q: Was there any conversation between you, Fredricks, and Wahleithner regarding who would conduct a search of the interior area of the chapel?
Officer Maynard stated, "No, I just did it. Wally was with Fred in the foyer."

Q: When you found Offender Scherf sitting in the foyer, did you direct him to go outside while you checked the hallway area and looked around?
Officer Maynard stated, "No, we didn't go outside until we began the escort to the shift office." Officer Maynard indicated that Officers Fredricks and Wahleithner stayed in the chapel foyer and handcuffed Offender Scherf while he went down the chapel hallway to check doors and shut off the lights.

Q: The chapel surveillance video was reviewed from 1/29/11; the video showed you walking down the chapel hallway straight to the chapel library where you shut off the lights, turned around and walked straight back down the hallway to the foyer. It did not depict any type of action that could be construed as "checking" or "inspecting" any of the interior chapel doors as you notated as having completed in your incident report prior to exiting the chapel on 1/29/11; can you explain?

Officer Maynard stated, "Okay" and explained that he was in a hurry on 1/29/11 to submit his incident report before the end of his shift. He stated, "I wrote down what was expected of me, not what I did. I wasn't sure what they wanted from me and things were really busy that night."

Q: The video reflected that you were inside the chapel hallway for less than 30 seconds; did you check or inspect any doors on 1/29/11 when you went in?
Officer Maynard stated, "I shut the lights off in the library. I don't believe I checked any doors except maybe the library door. I think I closed the library door behind me after I shut off the lights, but I can't remember."

Q: Did you check the sanctuary door?
Officer Maynard stated, "No."

Q: Officers Wahleithner and Fredricks reported when they arrived at the chapel, you and Offender Scherf were outside near the gate and not inside the chapel; are you certain as to your reported location?

Officer Maynard stated, "Yes, we were all inside the chapel...in the foyer or vestibule...whatever you call the front area by the door. We were inside the chapel, not outside."

Q: Is it possible that you checked the hallway and shut off the light prior to Officer Wahleithner and Officer Fredricks arrival to the chapel?

Officer Maynard stated, "No, Fred and Wally were in the foyer with Scherf when I was in the chapel looking around."

Allegation #2:

Officer Maynard falsely and/or inaccurately documented in an incident report that he had inspected and secured the chapel on January 29th, 2011.

Q: Officer Maynard was shown the incident report he submitted on 1/29/11 in which he notated that he "inspected and secured" the chapel; can you verify this report was authored by you?

Officer Maynard reviewed the incident report and stated, "Yes I did secure the chapel doors." Officer Maynard was asked which door he was referring to and he stated, "The front door."

Q: Other than the front chapel doors, did you secure or "inspect" any other interior doors?

Officer Maynard stated, "No."

Q: What is your definition of "inspect?"

Officer Maynard stated, "I don't know to be honest with you."

Q: Officer Maynard was asked if the statement in his incident report from 1/29/11 that read; "C/O Fredricks placed I/M Scherf in cuffs while I inspected and secured the chapel" was a true and accurate statement and/or depiction of events?

Officer Maynard stated, "If what you're saying is true about it being on camera...then...if it is inaccurate...I can't help you. It was just the events of the night. I just wrote what was expected of me."

Allegation #3:

On January 29th, 2011, Officer Maynard failed to make proper notification that he had located a missing offender.

Q: Who made the radio notification on 1/29/11 that Offender Scherf was found in the chapel?

Officer Maynard stated, "Officer Fredricks."

Q: Why didn't you make the radio notification since you were the first person on the scene?

Officer Maynard stated, "I was talking to Scherf. Fred was right behind me and she made the radio call."

Q: How much time do you think elapsed from the point you yelled out you had an offender at the chapel until Officer Fredricks arrived to your location?

Officer Maynard stated, "I really couldn't tell you. 4 to 40 seconds. I don't know how to judge time in a situation like that. It all runs together. I remember saying, "Come here, there is something wrong with the chapel."

Q: Do you recall if a significant amount of time elapsed before Fredricks and Wahleithner arrived?

Officer Maynard reiterated he was unsure of the amount of time before Officers Fredricks and Wahleithner responded to his location at the chapel.

Q: It was reported by one of the responding staff that at least two minutes elapsed before they were able to get to your location at the chapel; does that sound right?

Officer Maynard stated, "I thought they were right behind me, but again, I don't know how to judge time in a situation like that. I really couldn't tell you how much time went by."

Q: In a statement you gave to Monroe Police Department on 2/1/11, you reported that you engaged Offender Scherf in conversation regarding how he fell asleep and how Officer Biendl must have missed him, prior to Officers Fredricks and Wahleithner arriving to the chapel; is this correct?

Officer Maynard stated, "Yes, he told me had fallen asleep and Biendl must have missed him. He also asked if I thought he was in trouble and if he was going to the hole." (Investigative Note: The "hole" is a slang term for segregation).

Q: Are you familiar with the term "[REDACTED]" in the Emergency Response section of all post orders?

Officer Maynard stated, "Yes, I am."

Q: What does "[REDACTED]" mean to you?

Officer Maynard stated, "You detect what is going on and notify what is happening during emergencies. It's where you realize what is going on and call it in."

Q: Did you consider a missing offender during count an emergency?

Officer Maynard stated, "Yes, I would say that was considered an emergency."

Q: In your post orders under "[REDACTED]" it is notated that, "You are to determine the nature of the emergency and [REDACTED] notification has been made and assistance has arrived; did you do this?"

Officer Maynard stated, "When I opened the gate and engaged Scherf, Fredricks was right behind me and on the radio saying that Scherf was located in the chapel. At the most, it was just a few minutes until she (Fredricks) was there."

Allegation #4:

Officer Maynard failed to cooperate with a Department investigation and/or failed to fully and honestly answer all relevant and material questions.

Q: In an interview with DOC investigators on 5-25-11, you reported that you inspected and secured the chapel doors; the video was reviewed and it was discovered this was an inconsistent statement; any comments?

Officer Maynard stated, "Okay" and shrugged his shoulders.

Q: During an interview on 5-25-11, you reported to DOC investigators that you were unable to clearly see through a chain link fence in the yard into an area known as zone 3. (Zone 3 is a separate area from the yard and encompasses the breezeway, PAB, chapel, education buildings, and the gate 7 area.) You indicated you weren't able to clearly see anyone who may have been in zone 3 on 1/29/11 because of the fencing; yet in a police interview on 2/1/11, you reported that you observed Offender Scherf enter the chapel (zone 3) alone during the 1850 hrs movement. How could you see Scherf enter the chapel through the same chain link fence and not the R&M assigned to that particular zone?

Officer Maynard stated, "Yes, early in the evening I could see. I don't remember where I was standing when I saw Scherf. If I was standing movement, then I would have seen him at the turnstiles. If it was after movement, then I was probably somewhere in the yard, possibly closer to the chapel and would have had a better view. After movement, the R&M assigned to zone 3 would not have been there."

Q: During movement you indicated that you stood at the yard turnstiles and pat-searched offenders as they entered the yard. You indicated that you observed Offender Scherf during the 1850 hrs movement, so it wouldn't have been outside a regularly scheduled movement and most likely had been standing at the turnstile, correct?

Officer Maynard stated, "I don't know, I don't remember."

Allegation #5:

Officer Maynard failed to cooperate with outside law enforcement agencies and/of failed to fully and honestly answer all relevant and material questions.

The below points were read to Officer Maynard. He was afforded the opportunity to respond on these key points; Officer Maynard acknowledged he understood and indicated he did not have any comments.

➤ You reported to Monroe Police Department (MPD) detectives on 2/1/11 that you yelled out to Officers Fredricks and Wahleithner once you found an offender in the chapel and that you went back towards the PAB to wait for them as "back-up."

➤ In your MPD interview on 2/1/11, you indicated that Officers Fredricks and Wahleithner immediately followed you into the chapel.

➤ In the same MPD interview, you reported that you engaged Offender Scherf in the chapel foyer with Officers Fredricks and Wahleithner; the other officers reported this exchange took place *outside* the chapel.

➤ You reported to MPD on 2/1/11 that you "went through the unlocked part of the chapel and checked" it over. The surveillance video showed you shut off the library lights and then exited the chapel.

➤ On 2/1/11, MPD detectives asked you specifically which area you checked in the chapel; you reported, "The library and offices to the left, near the library." The video reflected no "checking or inspecting" occurred in the offices located in the chapel hallway, near the library.

➤ On 2/1/11, MPD detectives specifically asked you if any doors were open in the chapel; you replied in your police statement, "No, they were all locked."

➤ You reported to MPD detectives that you were inside the chapel approximately one minute; the video reflected you were there less than 30 seconds in the chapel hallway.

➤ On 2/1/11, MPD detectives asked you, "As you left the chapel, were all the doors secured?" You responded, "Yeah." The video shows the chapel hallway doors were not checked.

➤ On 2/1/11, you reported to MPD detectives that you specifically remembered that the sanctuary doors were closed and locked; in today's interview (6-29-11) with DOC investigators you reported you did not check the sanctuary doors.

➤ On 2/1/11, MPD detectives asked Officer Maynard at the conclusion of his recorded police statement if he declared under the penalty of perjury under the laws of the State of Washington; the facts stated on tape are true and accurate depiction of events; Officer Maynard agreed and signed his statement.

Q: Do you have anything you would like to add or think we should know about?

Officer Maynard stated, "I am not a lawyer and I don't know what you want."

Officer Maynard was advised not to discuss this matter with anyone other than a Union representative, spouse, domestic partner, attorney or anyone he is engaged in a legally privileged relationship as this is an active and ongoing DOC investigation.

I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature: _____ Did not respond Date: _____



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 06-032-11-3107
06-031-11-3107 Date of Interview: 6/23/11

Name and Title of Interviewee: Brenda Fredricks

X As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

X I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

X For DOC Employees
Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

Brenda Fredricks
Interviewee Signature

6-23-11
Date

Jennifer Pivkula
Investigator Signature
Jennifer Pivkula

6/23/11
Date

From: Piukkula, Jennifer (DOC)
To: Fredricks, Brenda F (DOC)
Subject: Statement (Maynard)
Date: Wednesday, July 06, 2011 12:47:04 PM
Attachments: Fredricks statement.docx
Importance: High
Sensitivity: Confidential

Officer Fredricks,

Please read the attached document. It is in a question/answer format from our conversation we had on 6-23-11 regarding the investigation pertaining to C/O Maynard/searching the chapel area on 1/29/11. Review the statement and make any corrections you feel are necessary to accurately depict our conversation on this date...It is the same process as before...if you have any questions or need help with making the changes, give me a call and I will help you through it. Please be certain to electronically sign and date the last page when you are ready to submit the statement as final.

I usually request to have the responses back to me within 72 hours, but if you need more time to review it, just send an email letting me know. Thank you!

Stay safe! Regards,

Jennifer Piukkula
Investigator 3
HQ-DOC

Exhibit 9

From: Fredricks, Brenda F (DOC)
To: Piukkula, Jennifer (DOC)
Subject: Statement/ Maynard
Date: Monday, July 11, 2011 11:57:57 AM

You asked me the distance from the gates where Wally and myself where and it says 250ft. I do not know distance well and I don't know what 250ft are. I also do not remember this question.

Thank You

Brenda Fredricks

From: Fredricks, Brenda F (DOC)
To: Plukkula, Jennifer (DOC)
Subject: Fredricks statement
Date: Wednesday, July 13, 2011 2:11:09 PM
Attachments: Fredricks statement.docx

Exhibit 9

INTERVIEW SUMMARY

Case Number: 06-032-11-3107
Interviewee Name: Brenda Fredricks, Correctional Officer 2
Investigator Name: Jennifer Piukkula
Interview Date: 6-29-2011
Interview Location: Monroe Correctional Complex/Superintendent's Conf. Room
(Washington State Reformatory Unit, WSRU)

Also present during the interview: Teamsters Shop Steward, Shane Zey and HQ Investigator Tim Birley.

Correctional Officer (C/O) Brenda Fredricks was advised that she was identified as a potential witness where it is alleged that on January 29th, 2011, Correctional Officer Charles Maynard failed to properly inspect and secure the chapel after locating and securing a missing offender.

Officer Fredricks was presented with the Witness Acknowledgment Form; she indicated she understood the document and signed the form.

Officer Fredricks is a Correctional Officer 2 at the Washington State Reformatory (WSR) at the Monroe Correctional Complex (MCC). Her primary job responsibility is custody at MCC-WSR. Officer Fredricks has worked for the Department of Corrections (DOC) since 5-12-92 (19 years). She is currently the Gate 7 officer and responsible for offender workers accessing the industry buildings located behind/through Gate 7.

On January 29th, 2011, Officer Fredricks worked an overtime post in the PAB (program and activities building) on third shift from 1:30 p.m. to 10:00 p.m. Her radio call sign that evening was King-235.

Officer Fredricks is also known as "Officer Fred."

Q: Can you tell me your recollection of events from 1/29/11, when you and Officer Wahleithner headed towards the PAB and Officer Maynard headed towards the chapel?

Officer Fredricks stated, "I'm hollering at them as they are walking towards me. They were at about the sweat lodge and I was just coming through the turnstile. I knew they didn't know what was going on because nothing was said over the radio about a missing inmate. I'm hollering that Offender Scherf is missing. When all three of us met up on the breezeway, Officer "Wally" (Wahleithner) said, "I'll go with Fred" and we started towards the PAB while Officer Maynard walked back towards the chapel."

Officer Fredricks explained there were two locked gates they had to get through on the walkway in order to get to the entrance of the PAB. Officer Fredricks recalled that she and Officer Wally got through at least one of the secured gates when they heard Officer

Maynard yell out, "I got him here," over by the chapel. She recalled that she and Officer Wally then changed direction and went back through the gate enroute to the chapel to assist Officer Maynard.

Q: After Officer Maynard yelled out that he had an offender in the chapel, did he stop and wait for you and Officer Wally before engaging the offender?
Officer Fredricks stated, "No, he didn't wait for us."

Q: How much time did it take you and Officer Wally to get to Maynard's location at the chapel?
Officer Fredricks stated, "Seconds... I don't know how many seconds, but I think it was under a minute."

Q: Which gate were you at when Officer Maynard yelled out he found the offender?
Officer Fredricks initially stated she believed they had just got through the first gate by the PAB when Maynard yelled out, but then indicated she could not recall if she and Wally were actually at the second gate when he yelled out. She stated, "I can't recall now."

Q: Who was keying the gates—you or Officer Wally?
Officer Fredricks stated, "Probably me since I had the PAB keys."

Q: You mentioned this was the 2nd time in 19 years that you worked the PAB, were you familiar with the keys and the locks they went to?
Officer Fredricks recalled there were quite a few keys on the PAB key ring she had on 1/29/11. She indicated that she wasn't as familiar with the PAB key ring as she is with her regular five day a week position at Gate 7. She indicated the keys on the PAB key ring are different than what is on the Gate 7 key ring.

Q: Would you agree the approximate distance from the gates where you and Officer Wally were coming from to the chapel is about 250 feet?
Officer Fredricks stated, "Yes, that sounds about right."

Q: Were you and Officer Wally running, fast-walking, or walking at a normal pace when Officer Maynard yelled out to you?
Officer Fredricks indicated she and Officer Wally walked at a "faster than normal pace" when they heard Officer Maynard yell out to them.

Q: You indicated that you weren't familiar with the key ring as you were keying the locks/gates to get to the PAB, that you had to go through possibly two sets of gates to go back towards the chapel--unlocking, locking, unlocking, and locking them, and you are saying that it took only "seconds" to catch up to Officer Maynard in the chapel that is approximately 250 feet away; looking back at the situation and taking all that into account, do you still think it was only seconds?

Officer Fredricks indicated she was not sure how much time may have elapsed. She indicated that she thought it had only been "seconds" but now looking back and taking the unfamiliarity of the keys into consideration as well as the distance from the gates to the chapel, she said it was likely to have been closer to at least a minute by the time she and Officer Wally caught up to Officer Maynard at the chapel.

Q: Officer Wahleithner reported that he estimated it took at least two minutes for you and him to get back through two gates and catch up to Officer Maynard; does that sound correct?

Officer Fredricks stated, "I remember going through one gate, but I'm not sure if we got through two... We were close enough to hear Maynard yell out."

Q: When Officer Maynard yelled out that he had an offender at the chapel; did he wait for you and Officer Wahleithner before engaging the offender?

Officer Fredricks stated, "No... he yelled out that he had an offender and kept walking towards the chapel."

Q: When you and Officer Wahleithner arrived at the chapel, where was Officer Maynard? What was he doing?

Officer Fredricks recalled when she and Officer Wahleithner got to the chapel; Officer Maynard and Offender Scherf were standing outside, in front of the chapel near the gate. She said, "They were just standing at the gate (Scherf and Maynard), they weren't speaking."

Q: Who made the radio notification that Offender Scherf was located?

Officer Fredricks stated, "I did. As Wally and I approached Maynard and Scherf near the front of the chapel, I recognized Scherf. He said, "Fred, I fell asleep" and I told him, "Yeah, sometimes that happens." I then made the radio call to K-202 (shift sergeant) that the offender was found."

Q: Do you have any idea why Officer Maynard didn't make the radio notification since he found him?

Officer Fredricks stated, "I don't know."

Q: Tell us what happened once you approached the chapel?

Officer Fredricks recalled as she walked up to the chapel location, Officer Maynard was standing near the chapel gate with Offender Scherf. She recalled Scherf was standing with his hands in his pockets and waiting by the gate. She recalled that she made the radio notification to the shift sergeant that she had found the offender at the chapel. She recalled the shift lieutenant responded via radio and directed them to escort Scherf to the shift office in restraints. She recalled that she told Offender Scherf to turn around and cuff up. She recalled that she pat-searched Offender Scherf and attempted to put one set of handcuffs on him but was unable to get his arms together because "he was so large." Officer Fredricks said she remembered asking Officer Maynard for his set of handcuffs so that she could double-cuff Scherf, using her cuffs along with his. She

recalled that Officer Maynard gave her his handcuffs and she put those on Scherf. Officer Fredricks indicated once Scherf was cuffed, "I think someone pulled the chapel door closed because I remember it was open when we arrived. I don't remember who closed the door or locked it. Then all three of us turned to leave and escorted Scherf to the shift office."

She recalled that Officer Wally had one of Offender Scherf's arms and she had the other. She indicated that Officer Maynard was either next to them or trailed directly behind them as they walked toward the shift office.

Q: At what point did you see Officer Maynard enter the chapel?
Officer Fredricks stated, "I never saw him enter the chapel."

Q: Did you or Officer Wahleithner enter the chapel?
Officer Fredricks stated, "No."

Q: Was there any discussion between you, Wahleithner and Maynard about searching or checking the interior chapel area?
Officer Fredricks stated, "No."

Q: From the time you arrived at the chapel until you escorted Offender Scherf to the shift office, was there ever a moment when Officer Maynard was not outside with you?
Officer Fredricks stated, "No one went inside the chapel, we were all outside. From what I recall... Maynard was outside with me, Wally, and Scherf."

Q: At what point did you leave the escorting group?
Officer Fredricks recalled that the shift lieutenant called a formal picture card count immediately after they found Offender Scherf. She recalled just outside the shift office door, near the base of Tower 9, she told Officer Maynard that he could take over the escort for her (she had one of Scherf's arms, Wahleithner had the other) so she could go assist in the housing unit for count.

Q: We know that at some point that evening, Officer Maynard entered the chapel and turned off the lights in the chapel library; we are trying to find out when this occurred—either before you and Officer Wahleithner arrived on scene or after you arrived. Is it possible that Officer Maynard entered the chapel before you and Officer Wahleithner arrived at the chapel?

Officer Fredricks stated, "I don't know... it sounds possible. I just know that I didn't see Maynard enter the chapel once Wally and I got there. I think it took us about one minute to get to the chapel from the gates. Once we got there, Maynard never left the area from what I can recall."

Q: Do you have anything else to add or think we should know about?
Officer Fredricks indicated she had nothing further to add.

Officer Fredricks was asked to review the written statement; she sent a response via Outlook regarding one of the above questions;

You asked me the distance from the gates where Wally and myself where and it says 250ft. I do not know distance well and I don't know what 250ft are. I also do not remember this question.

Officer Fredricks was advised not to discuss this matter with anyone other than a Union representative, spouse, domestic partner, attorney or anyone she is engaged in a legally privileged relationship as this is an active and ongoing DOC investigation.

I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature: Brenda Fredricks _____
13-11 _____

Date: _7-



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 06-081/032-11-3107

Date of Interview: 6/29/11

Name and Title of Interviewee: Samuel Wohleithner

As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees

Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

Samuel Wohleithner, Sam
Interviewee Signature

6/29/11
Date

Jennifer Pinkula
Investigator Signature

6/29/11
Date

From: Piukkula, Jennifer (DOC)
To: Wahleithner, Samuel (DOC)
Subject: Re: Statement (Maynard)
Date: Sunday, July 10, 2011 10:26:05 PM
Sensitivity: Confidential

Received...thank you for your assistance.

Jennifer Piukkula
HQ Investigator 3
(360) 239-7619 cell**
(360) 725-8737

From: Wahleithner, Samuel (DOC)
Sent: Sunday, July 10, 2011 09:52 PM
To: Piukkula, Jennifer (DOC)
Subject: RE: Statement (Maynard)

I have revised and attached the statement

From: Piukkula, Jennifer (DOC)
Sent: Wednesday, July 06, 2011 6:05 PM
To: Wahleithner, Samuel (DOC)
Subject: Statement (Maynard)
Importance: High
Sensitivity: Confidential

Officer Wahleithner,

Please read the attached document. It is in a question/answer format from our conversation we had on 6-29-11 regarding the investigation (Maynard) pertaining to a search of the chapel on 1/29/11. Review the statement and make any corrections you feel are necessary to accurately depict our conversation on this date...It is the same process as before, so feel free to do the same. Please be certain to electronically sign and date the last page when you are ready to submit the statement as final.

I usually request to have the responses back to me within 72 hours, but if you need more time to review it, just send an email letting me know. Thank you!

Stay safe! Regards,

Jennifer Piukkula
Investigator 3
HQ-DOC

INTERVIEW SUMMARY

Case Number: 06-032-11-3107
Interviewee Name: Samuel Wahleithner, Correctional Officer 2
Investigator Name: Jennifer Piukkula
Interview Date: 6-29-2011
Interview Location: Monroe Correctional Complex (MCC)/Superintendent's Conf. Room
(Washington State Reformatory Unit; WSRU)

Also present during the interview: Teamsters Business Representative, Sarena Davis and HQ Investigator Tim Birley.

Correctional Officer Samuel Wahleithner was advised that he was identified as a potential witness where it is alleged that on January 29th, 2011, Correctional Officer Charles Maynard failed to properly inspect and secure the chapel after locating and securing a missing offender.

Officer Wahleithner was presented with the Witness Acknowledgment Form; he indicated that he understood the document and signed the form. This interview was not recorded.

Officer Wahleithner is a Correctional Officer 2 at the Washington State Reformatory (WSR) in the Monroe Correctional Complex (MCC). He is currently assigned to third watch (2:00 p.m. to 10:00 p.m.) three days a week as the yard officer and two days a week in Tower 5. Officer Wahleithner has worked for the Department of Corrections (DOC) since 12-05-08. On 1/29/11, Officer Wahleithner was assigned as a yard officer at WSR; his radio call sign was King-238. Officer Wahleithner is also known as "Officer Wally" by co-workers.

Q: Can you tell me your recollection of events from 1/29/11, when you and Officer Fredricks (aka "Fred") were on your way to search the PAB for a missing offender?

Officer Wahleithner explained that he and Officer Fredricks had been walking towards the PAB (Programs and Activities Building) to search for an offender who was missing from his cell during 2100 hrs facility count. Officer Fredricks had told him she overheard in the shift office that the missing offender was out of "A" unit. Officer Wahleithner explained he and "Fred" had to access two locked gates in order to get to the PAB from the breezeway. He recalled they came upon the first gate and Officer Fredricks tried a few keys on her key ring until she found the correct one it fit. He explained she had to unlock the lock, open the gate, secure the lock, proceed to the next gate, and repeat the process with the next gate. He explained that Officer Fredricks had not been familiar with the PAB key ring and which keys unlocked certain gates. He pointed out that her regular five day a week position was at Gate 7 and that she had been working an

overtime shift in the PAB on 1/29/11. He stated, "The PAB keys have a lot of different keys on the ring. She was having difficulty locking and unlocking the gates."

Officer Wahleithner recalled after the first gate was secure, "We were either at or just through the 2nd gate to the PAB... when we heard Maynard yell out that he had the missing offender over at the chapel." Officer Wahleithner recalled he and Officer Fredricks then switched gears and headed back towards the chapel; they had to go back through the two gates, re-securing the locks as they did so.

Officer Wahleithner recalled once he and Officer Fredricks arrived at the chapel, he found Offender Scherf standing outside near the chapel gate and Officer Maynard standing next to him.

Q: How long do you think it took you and Officer Fredricks to respond from the PAB gates to the chapel once you heard Officer Maynard yell for assistance?
Officer Wahleithner stated, "One to two minutes."

Officer Wahleithner was informed in a previous interview with investigators on 5-25-11; he reported the amount of time he initially estimated had elapsed from the time Officer Maynard called out to when he caught up to Officer Maynard in the chapel had been "at least two minutes." Officer Wahleithner stated, "Two minutes is a really long time. Time slows down and it's hard to say exactly how much time went by. Maybe it was more like a minute and a half to two minutes."

Q: Were you and Officer Fredricks running or walking when you responded?
Officer Wahleithner stated, "It was a quick walk. Fred was trying to key the gates along the way."

Q: After Officer Maynard yelled out he had an offender in the chapel, did he wait for you and Officer Fredricks before he engaged the offender?
Officer Wahleithner stated, "I'm not sure. I couldn't see him from where I was." Officer Wahleithner explained that the PAB gates that he and Officer Fredricks had to key themselves through were on the walkway to the PAB and did not have a direct line of sight to the chapel front entrance from where he stood. Officer Wahleithner indicated the next time he observed Officer Maynard was when he saw him standing near the chapel entrance with Offender Scherf by the gate.

Q: When you and Officer Fredricks arrived at the chapel; where was Officer Maynard and Offender Scherf?

Officer Wahleithner recalled that Maynard and Scherf were outside the chapel. He stated, "Maynard was standing at the chapel entrance near the stairs SW outside. Scherf was outside by the chapel gate, standing with his hands in his pockets. Scherf was facing towards (away from) SW me and said something like, 'I fell asleep' and then he began to walk towards me. SW Officer Wahleithner recalled that Officer Maynard told him he found Scherf sitting in a chair in the front foyer. He recalled that Officer Maynard walked down and stood next to Offender Scherf during this brief exchange SW

Q: Who made the radio notification that Offender Scherf was located?

Officer Wahleithner stated, "I believe Maynard did."

Q: At what point did Officer Maynard enter the chapel?

Officer Wahleithner stated, "I'm not sure if Maynard went in the chapel. I think he might have peeked in to see if all the doors were shut. He might have taken one step inside the foyer to shut off the lights." (I am not sure if the lights turn off or are security lights that are always on) SW

Q: How far away is the light switch from the front chapel doors?

Officer Wahleithner stated, "I'm not sure."

Q: Can you describe the sanctuary doors?

Officer Wahleithner stated, "I think they are big wooden doors with big handles. I don't think they lock."

Q: Did Officer Maynard tell you he searched the chapel?

Officer Wahleithner stated, "No, he did not. I don't remember anyone talking about it."

Q: Do you recall if Officer Maynard entered the chapel for an extended period of time on 1/29/11?

Officer Wahleithner stated, "No, if he went in the chapel for 30 seconds I probably wouldn't have noticed. I was focused on Scherf."

Q: After you arrived at the chapel, what occurred up until the time you escorted Offender Scherf to the shift office?

Officer Wahleithner recalled after radio notification was made that Offender Scherf was located, the shift lieutenant directed them over the radio to restrain the offender and bring him to the shift lieutenant's office. He recalled that Officer Fredricks conducted a pat search and asked Scherf to "cuff up." Officer Wahleithner noted that Officer Fredricks had difficulty getting Offender Scherf's arms together when she attempted to place the handcuffs on him. He recalled that Officer Maynard was present and he linked two sets (Maynard's and Fredricks' cuffs) of handcuffs together. He indicated that Officer Fredricks was then able to successfully handcuff Offender Scherf.

Officer Wahleithner recalled once Offender Scherf was restrained, he (Scherf) took a few steps towards the shift office. Officer Wahleithner stated, "It was like he wanted to get out of there in a hurry. We weren't quite ready. We still had to lock the gate and make sure the door was locked." Officer Wahleithner stated, "I pulled on the main chapel doors...it's a [REDACTED] when it's in the locked position and you close it...it's locked. I pulled on them to make sure they were secured, but I don't remember who shut the door initially."

Q: Who conducted the "hands-on" escort of Offender Scherf to the shift office?

Officer Wahleithner stated, "I was on the left side and Maynard was on the right side. Fred was behind us."

Q: Did you or Officer Fredricks enter the chapel at any time on 1/29/11?

Officer Wahleithner stated, "No."

Q: At any point, was there a discussion between you, Fredricks and Maynard about searching/securing the interior of the chapel?

Officer Wahleithner stated, "There was no discussion."

Q: From the time you arrived at the chapel until Offender Scherf was escorted to shift, were you, Fredricks, and Maynard always together?

Officer Wahleithner stated, "Yes, until Fred left at the shift office door to go help with the picture card count in 'A/B' unit."

Q: We know that at some point that evening, Officer Maynard entered the chapel and turned off the lights in the chapel library, we are trying to find out when this occurred—either before you and Officer Fredricks arrived on scene or after you arrived. Is it possible that Officer Maynard entered the chapel before you and Officer Fredricks arrived at the chapel?

Officer Wahleithner stated, "It's possible he (Maynard) was inside the building when we came up. I wouldn't have noticed if for 30 seconds if he was gone. I thought it took me and Fred about two minutes to get to the chapel, but two minutes is a really long time. I guess maybe it could have been a minute and a half to two minutes. Maynard was near the chapel entrance when we got there and Scherf was by the gate. Maybe he was just coming out, I don't know."

Q: Is there anything else you would like to add or think we should know about pertaining to this investigation?

Officer Wahleithner stated, "No."

Officer Wahleithner was advised not to speak with anyone other than a Union representative, spouse, domestic partner, attorney or anyone he is engaged in a legally privileged relationship as this is an active and ongoing DOC investigation.

I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature: _____ Wahleithner, Sam _____ Date: 07/10/11



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 04-022-11-3107

Date of Interview: May 25, 2011

Name and Title of Interviewee: PO Sam Wahlström

SW As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

SW I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees

SW Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

Sam Wahlström
Interviewee Signature

May 25, 2011
Date

Jammy G. Conn / Jennifer Piukkula
Investigator Signature/ Jennifer Piukkula

May 25, 2011
Date
5/25/11

From: Piukkula, Jennifer (DOC)
To: Wahleithner, Samuel (DOC)
Subject: Re: Statement
Date: Monday, June 20, 2011 4:51:14 PM

Thank you for your work on this C/O Wahleithner...you covered it all--I have no other questions.

Thanks!

Jennifer Piukkula
HQ Investigator 3
(360) 239-7619 cell**
(360) 725-8737

From: Wahleithner, Samuel (DOC)
Sent: Monday, June 20, 2011 04:40 PM
To: Piukkula, Jennifer (DOC)
Subject: RE: Statement

I have made the changes and revised the statement. It was fairly accurate overall. I made added information by putting () around the word or words and highlighted it in Red font and for words that I deleted I put a strikethrough the words such as this, Deleted. I tried to leave the statement as you had typed it with my corrections next to or in the original text. Let me know if you have any questions or concerns. I also signed and dated the statement and highlighted my signature in Red also. Thank you. If you have any further questions or instructions about the revised statement just email me back.

Officer Wahleithner

From: Piukkula, Jennifer (DOC)
Sent: Friday, June 17, 2011 6:15 PM
To: Wahleithner, Samuel (DOC)
Subject: Re: Statement

Electronically works best....thanks for being so quick!!

Jennifer Piukkula
HQ Investigator 3
(360) 239-7619 cell**
(360) 725-8737

From: Wahleithner, Samuel (DOC)
Sent: Friday, June 17, 2011 06:13 PM
To: Piukkula, Jennifer (DOC)
Subject: RE: Statement

I need to make a few changes to the statement. Would you like me to print out the statement and make changes by hand and forward the documents back to you by mail or change them electronically and note the changes and forward it back to you electronically?

Officer Wahleithner

From: Piukkula, Jennifer (DOC)
Sent: Thursday, June 16, 2011 4:51 PM
To: Wahleithner, Samuel (DOC)
Subject: Statement

Officer Wahleithner,

Please read the attached document. It is in a question/answer format from our conversation we had on 5-25-11 regarding the investigation I am conducting pertaining to Officer David Young. Review the statement and if you would like to make any corrections, additions, deletions...please initial/sign what you change and forward it back to me. If it meets your approval and no changes are necessary, be certain to sign and date the last page and forward it back to me.

I usually request to have responses back within 72 hours...but if you need more time to review it, just send an email letting me know. Thank you!

Stay safe...regards,

Jennifer Piukkula
Investigator 3
HQ-DOC
(360) 239-7619**cell
(360) 725-8737 office

INTERVIEW SUMMARY

Case Number: 04-22-11-3107
Interviewee Name: Samuel Wahleithner, Correctional Officer 2
Investigator Name: Jennifer Plukkula
Interview Date: 5-25-2011
Interview Location: Monroe Correctional Complex (MCC)/2nd Fl. Administration Room
(Washington State Reformatory Unit; WSRU)

Also present during the interview: Teamsters Business Representative, Sarena Davis and HQ Investigator Tammy Gwin-Cork.

Correctional Officer Wahleithner was advised that he was identified as a potential witness in an investigation pertaining to an allegation that Officer David Young was outside of his assigned zone of control (zone 3) at the Washington State Reformatory (WSR) on January 29th, 2011 including during offender movement.

Officer Wahleithner was presented with the Witness Acknowledgment Form; he indicated that he understood the document and signed the form. On the advice of Teamsters Business Agent, Sarena Davis, Officer Wahleithner declined to have the interview recorded.

Officer Wahleithner is a Correctional Officer 2 at the WSR in the MCC. He is currently assigned as the yard officer on third watch from 1:30 p.m. to 10:00 p.m. Officer Wahleithner has worked for the Department of Corrections (DOC) since 12-05-08. On 1/29/11, Officer Wahleithner was assigned as one of the two WSR yard officers (Officer Charles Maynard was the secondary yard officer). Officer Wahleithner's call sign on 1/29/11 was King-238.

Q: What are the typical duties of the yard officer?

Officer Wahleithner stated, "To enforce the rules, identify, and look for unusual groupings and behaviors in the yard."

Q: Where do the yard officers typically stand during offender movement into the yard?

Officer Wahleithner stated, "I stand with Officer Maynard at the turnstiles when the offenders are entering (and exiting) SW the yard. I am next to Maynard and we count (and monitor) SW the offenders as they come into the yard." Officer Wahleithner estimated he generally stands "about 5 feet away" from Officer Maynard while the offenders are entering (and exiting) SW the yard.

Q: Are you familiar with zones 1, 2, and 3 at WSR and where they start/end?
Officer Wahleithner stated, "Yes." (Investigative Note: Officer Wahleithner used a highlighter on the map to show the approximate area of coverage for zone 3; exhibit).

Q: Are you able to see where the zone 3 officer typically stands during movement periods from your vantage point in the yard?

Officer Wahleithner stated, "No, not really. There is triple-fencing that makes it difficult to see through... and when offenders are coming into (and exiting) SW the yard, Maynard and I are at the turnstiles... doing pat searches and watching to see who comes in (and out) SW." Officer Wahleithner stated, "If the zone 3 R&M (Response and Movement officer) stands closer to the PAB (Program and Activities Building) then we can't really see him from where we are... If we are in the middle of the yard and closer to the fence, then we can see him (referring to the zone 3 R&M)." Additionally, Officer Wahleithner pointed out that if he was in the yard and observing the zone 3 area through the triple-fencing, "there is a dark area over here (pointed to WSRU zone map by the PAB walkway) that makes it difficult to see as well." Officer Wahleithner noted the "dark" area on the zone map diagram (exhibit). Officer Wahleithner stated, "So I just stand at the turnstiles for the most part."

Q: Do you recall Officer Young being assigned as the zone 3 R&M during third watch on 1/29/11?

Officer Wahleithner stated, "I don't know what zone he was assigned that day. I know he was at WSR that day." (R&Ms change zones each day) SW

Q: Did you see Officer Young stand in zone 3 near the PAB or the chapel at any time on 1/29/11?

Officer Wahleithner stated, "I remember we stood at the base of Tower 9 before lunch. I go to lunch the same time every day at 1545 hrs. Usually Young goes to lunch at 1530 (1550) SW hrs. and sometimes we talk at the base of Tower 9 for a few minutes before he goes to lunch." Officer Wahleithner indicated on 1/29/11, "I remember that Young talked with me and Maynard at (Before) SW the 1750 hrs movement for about five minutes at the base of Tower 9." Officer Wahleithner was asked if Tower 9 was in zone 3; he indicated that he thought zone 3 started at (Beyond) SW the turnstile entrance to the breezeway.

Q: Did you see Officer Young in zone 3 during any of the movement periods (1430, 1530, 1750, 1850, 1950, 2030 hrs) on 1/29/11?

Officer Wahleithner stated, "I don't know what he did the rest of the night, I'm sorry... I just don't recall. He may have been there; he might not have been there. I think Young was at the base of Tower 9 at 1530 (1525) SW hours talking to us (Wahleithner and Maynard) for a few minutes... and then again at 1750 (1745) SW hours for only about five minutes. After that, I just don't know. I am concerned with my zone...not his."

Q: Did Officer Young come out to the yard at anytime on 1/29/11 and talk with you?

Officer Wahleithner stated, "I don't remember seeing him in the yard that night. Young normally walks at least one lap a day with me in the yard, which is equal to 1/4 mile. He walks with me when it's nice out... other staff do too. It's common. But...I don't remember him coming out to yard on that particular day."

Q: On 1/29/11, did you notice if Officer Young missed standing any of the movement periods in zone 3?

Officer Wahleithner stated, "I wouldn't have noticed Young miss movement; I assume people are in their spots. Something like that wouldn't have registered as unusual. I don't pay attention to which people are supposed to be standing in certain areas." (R&Ms change zones each day) SW

Q: On 1/29/11, did you see Officer Young outside of zone 3?

Officer Wahleithner stated, "Always (Yes) SW...he went in the field house (gym) to have coffee. I don't know what time it was...I did it too...I was in there. He was standing in the gym drinking coffee and talking. I don't remember who they were (He was talking to) SW, but they were the gym guys...It was cold and kind of raining that night, everyone was (a lot of people were) SW getting coffee." Officer Wahleithner indicated he wasn't sure how long Officer Young stayed in the gym. He estimated the time to have been "sometime in the evening." (R&Ms often don't stay in their zones, They move around the facility) SW

Q: Had you noticed prior to 1/29/11 when Officer Young was assigned to zone 3 that he was not in his assigned zone of control including during offender movement?

Officer Wahleithner stated, "Not that I heard or noticed. I did notice that sometimes the zone was not covered. I don't know if it was that night (1/29/11) or a different night."

Q: When did you notice this and which zone?

Officer Wahleithner stated, "I'm not sure when, but it was zone 3... it was something I just remembered."

Q: What is it that you remember about the zone not being covered?

Officer Wahleithner stated, "I don't know really...I just remember noticing a few times that no one was standing in the zone (3) and telling myself that no one is out on the breezeway. It might have been before 1/29/11."

Q: Do you recall which dining hall you stood mainline at on 1/29/11?

Officer Wahleithner stated, "I was in A/B dining hall talking with Swan and Biendl at mainline" (referring to Officers Jeff Swan and Jayme Biendl).

Q: Did you observe Officer Young inside the A/B dining hall at mainline on 1/29/11?

Officer Wahleithner stated, "No, I don't remember seeing Young in A/B dining hall, but he might have been in C/D dining hall."

Q: When you and Officer Maynard conducted the EFV (extended family visiting) count at 2100 hrs, did you see Officer Young as you walked to/from the EFV trailers?

Officer Wahleithner stated, "No, I don't recall seeing him."

Q: Can you recount what you did from 2030 recall until the end of your shift (2202 hrs) on 1/29/11?

Officer Wahleithner stated, "Recall is at 2030. We made sure the yard was secure of all offenders. Once the yard was cleared of offenders we called the yard in as secure to Tower 9. The facility was getting ready for the 2100 hrs count. Maynard and I went to the shift office at 2045 hrs and were talking with Sgt. Johnson in his office for about ten minutes about recipes."

Officer Wahleithner recalled at 2100 hrs, he and Officer Maynard conducted the EFV count. He stated, "We walked out past gate 7 and did our count. When we were done with counting the EFV, we were walking down the breezeway and as we got in front of the PAB, we saw Fred (Officer Fredricks) coming back through the turnstile by Tower 9. This didn't seem normal; usually officers are going the other way at this time. We asked what was going on and she told us that an offender was missing and she was on her way to search the PAB and the chapel. SW Fred (referring to Officer Fredricks) told us she thought she may have locked an inmate in the PAB."

Officer Wahleithner stated, "When Fred said she thought she locked the inmate in the PAB, I decided to go with her since that made the most sense. (I did not have any keys) SW. She was alone...if there was an inmate locked in the PAB...so, I went with her. We were on the breezeway where we could go straight down the walkway towards the gates to the PAB and Maynard then started walking back towards the chapel. I escorted Fred and we got through two gates, unlocking them, and then locking them...when we heard Maynard yell out, "I see him" or "I found him."

Officer Wahleithner stated, "Fred and I had made it through the second gate (going towards the PAB) when Maynard yelled out...so we had to unlock the gate again, go through it, lock it...walk to the next gate, unlock it, go through it and then lock it again. Fred didn't know the keys on the key ring since the PAB is not her normal post. It took at least two minutes to get through both gates and catch up to Maynard in the chapel."

Officer Wahleithner stated, "About two minutes later, we got to the chapel and Maynard was with Offender Scherf in front of the chapel. Scherf was standing outside in front of the doors with his hands in his pockets. He was off to one side facing the chapel. We asked Scherf what happened and he said he had fallen asleep behind a pew, Blendl must have missed him, and that he had been waiting for someone to come and let him out. He said he was going to start waving at the cameras and try to get someone's

attention. He said he was locked in and didn't know what to do. He said he didn't want to get in trouble for missing count."

Officer Wahleithner stated, "I can't remember if it was Maynard or Fred who did the actual radio call, but one of them called it in that Scherf was found in the chapel. Sgt. Johnson (shift sergeant) (Lt. Brionis) SW responded over the radio and told us to cuff Scherf and bring him to the shift office. Fred did a quick pat search and then tried cuffing him, but his hands wouldn't go all the way back, he's a big guy. Maynard said, "Let's use two cuffs" and pulled out his set of handcuffs. Fred was having trouble putting the two cuffs together, so Maynard helped her with it. Fred cuffed one hand and Maynard did the other."

Officer Wahleithner recalled, "As they were cuffing Scherf, I pulled on the (chapel) SW doors to make sure they were secure. There is a [REDACTED] system on the chapel door... if the door is locked and you close it, it is secure. I didn't close the door... I think Maynard did that. I just pulled on the door to make sure it was secure. I think I saw him (Maynard) take maybe one step inside the front door... maybe... I'm not sure. He might have "peeked" in at the front area of the chapel and looked down the hallway. I'm not sure though, at the most I would say he took one step inside the door."

Officer Wahleithner stated, "After Scherf was cuffed, he started walking towards the shift office before we were ready... we still had to secure the gate by the chapel. The three of us then escorted Scherf to the shift office."

Q: Do you remember if Officer Young was present at any point during the escort of Offender Scherf from the chapel to the shift office?

Officer Wahleithner stated, "No, it was just me, Maynard and Fredricks during the escort from the chapel. Officer Swan met up with us at the base of Tower 9 and helped with the escort of Scherf to shift. Swan took over from there, but I don't think Young was there. I don't remember him being there. I think I remember Young helped with the escort of Scherf from shift to IMU, but now I'm not sure if it was from the chapel to shift or shift to IMU."

Q: What did you do after the escort of Scherf to shift?

Officer Wahleithner stated, "We got back to shift at about 2120 hrs with Scherf and a formal picture card count was immediately called. Sgt. Johnson told me to go back out and picture count the EFV again. I asked him if that was necessary since Maynard and I had just been out there and counted the offenders a few minutes earlier. Sgt. Johnson said yes we had to go back out there. I think SW Officer MacAfee went with me. Maynard stayed in the shift office and wrote his incident report. Me and MacAfee went back out to the EFV and did picture card count."

Q: Did you submit an incident report on 1/29/11? If so, what did you capture in your report?

Officer Wahleithner stated, "Yes, I submitted an incident report regarding the picture card count we did at the EFV trailer at 2120 hrs." (exhibit)

Q: According to incident documentation, Offender Scherf was found and escorted to the shift office by you at 2120 hrs. on the incident report you submitted, you noted that at 2120 hrs. you were conducting picture card count at the EFV—Can you explain the discrepancy in the time noted on the incident report?

Officer Wahleithner stated, "We went right into a picture card count when I got to the shift office with Scherf. I had a quick discussion with Sgt. Johnson about whether or not I had to go all the way back out to the EFV and do the same count that I just got done with... he said yes, I had to go back out and count the offender... so I went right from shift to the EFV. I was out there just a few minutes later. Maybe the time I put on the report should have been 2122 or 2123, (2132 or 2133) SW but it was just a few minutes difference."

Q: Do you remember seeing Officer Young at any point during your EFV count and the end of your shift on 1/29/11?

Officer Wahleithner stated, "After the picture card count, I went to the shift office and completed my incident report. I don't remember seeing him the rest of the night."

Q: How long does it typically take to conduct the "fire watch" walk-through?

Officer Wahleithner stated, "It depends on who does it. It can take anywhere from 15-30 minutes. I didn't hear anyone call in "fire watch" that night. It probably happened, I just don't recall hearing it."

Q: Can you describe your relationship with Officer Young?

Officer Wahleithner stated, "We have gone out for drinks, occasionally at Razzles or O'Reilly's in Lake Stevens. We are friends outside of work. I have his phone number...but I haven't talked to him since he was reassigned."

Q: Do you know of any staff that may have information or direct knowledge of where Officer Young was on 1/29/11 during his shift?

Officer Wahleithner stated, "Officer Swan has mentioned that he is very upset with Young and said that he knew Young wasn't in his zone that night."

Q: Have you ever reported any type of performance issues or misconduct regarding Officer Young to his supervisor?

Officer Wahleithner stated, "No, I have never had any issues with Young."

Officer Wahleithner was advised not to speak with anyone other than a Union representative, spouse, domestic partner, attorney or anyone he is engaged in a legally privileged relationship as this is an active and ongoing DOC investigation.

I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature: _____ Sam Wahleithner _____ Date: _____ 06/20/2011



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 04-022-11-3107 Date of Interview: May 25, 2011

Name and Title of Interviewee: C/O Charles Maynard

As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees

Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

Interviewee Signature: _____ Date: May 25, 2011

Investigator Signature: Amey G. Con / Jennifer Pinkula Date: May 25, 2011
Jennifer Pinkula 5/25/11

From: Piukkula, Jennifer (DOC)
To: Maynard, Charles E. (DOC)
Subject: Statement
Date: Friday, June 17, 2011 11:20:05 AM
Attachments: Maynard Interview Summary.docx
Importance: High
Sensitivity: Confidential

Officer Maynard:

Please read the attached document. It is in a question/answer type format from our conversation we had on 5-25-11 regarding the investigation I am conducting pertaining to Officer Young. Review the statement and if you would like to make any corrections, additions, deletions, please initial/sign what you change and forward it back to me. If it meets your approval and no changes are necessary, be certain to sign and date the last page and forward it back to me.

I usually request to have responses back within 72 hours...but if you need more time to review it, just send an email letting me know. Thank you!

Stay safe! Regards,

Jennifer Piukkula
Investigator 3
HQ-DOC
(360) 239-7619**cell
(360) 725-8737 office

From: Piukkula, Jennifer (DOC)
To: Maynard, Charles E. (DOC)
Subject: 2nd request: Statement
Date: Friday, June 24, 2011 11:21:35 PM
Attachments: Maynard Interview Summary.docx
Importance: High
Sensitivity: Confidential

Good Afternoon Officer Maynard, I sent out your statement on 6/17/11 and have not received a response. Please take the time to review the statement I sent you (I included it in this email as well). Please have your statement returned to me by 5:00 pm on Monday, June 27th. If I do not hear anything from you, I will take it as you concur and approve with the statement I have written. Thank you for your cooperation in this matter. If you have any questions please feel free to contact me.

Jennifer Piukkula
Investigator 3
HQ-DOC
(360) 239-7619**cell
(360) 725-8737 office

From: Piukkula, Jennifer (DOC)
Sent: Fri 6/17/2011 11:15 AM
To: Maynard, Charles E. (DOC)
Subject: Statement

Officer Maynard,

Please read the attached document. It is in a question/answer type format from our conversation we had on 5-25-11 regarding the investigation I am conducting pertaining to Officer Young. Review the statement and if you would like to make any corrections, additions, deletions, please initial/sign what you change and forward it back to me. If it meets your approval and no changes are necessary, be certain to sign and date the last page and forward it back to me.

I usually request to have responses back within 72 hours...but if you need more time to review it, just send an email letting me know. Thank you!

Stay safe! Regards,

Jennifer Piukkula
Investigator 3
HQ-DOC
(360) 239-7619**cell
(360) 725-8737 office

From: Piukkula, Jennifer (DOC)
To: Green, Yvonne M. 'Evie' (DOC)
Subject: Re: Interview Summary for Charles Maynard
Date: Wednesday, July 06, 2011 2:33:40 PM

Thank you!

Jennifer Piukkula
HQ Investigator 3
(360) 239-7619 cell**
(360) 725-8737

----- Original Message -----

From: Green, Yvonne M. 'Evie' (DOC)
Sent: Wednesday, July 06, 2011 02:32 PM
To: Piukkula, Jennifer (DOC)
Cc: Maynard, Charles E. (DOC)
Subject: Interview Summary for Charles Maynard

Jennifer attached is Mr. Maynard's interview summary requested that I scan to you for Mr. Maynard, by his Business Representative, Sarena Davis.

Evie Green
Human Resource Consultant 3
Monroe Correctional Complex
Phone (360) 794-2466
Fax (360) 794-2569

----- Original Message -----

From: [REDACTED]@doc1.wa.gov [mailto:[REDACTED]@doc1.wa.gov]
Sent: Wednesday, July 06, 2011 2:44 PM
To: Green, Yvonne M. 'Evie' (DOC)
Subject: Scanned BY [REDACTED]

DEVICE NAME: [REDACTED]
DEVICE MODEL: MX-M450N
LOCATION: WSR ADMIN HUMAN RESOURCES

FILE FORMAT: PDF MMR(G4)
RESOLUTION: 200dpi x 200dpi

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INTERVIEW SUMMARY

Case Number: 04-22-11-3107
Interviewee Name: Charles Maynard, Correctional Officer 2
Investigator Name: Jennifer Plukkula
Interview Date: 5-25-2011
Interview Location: Monroe Correctional Complex/2nd Fl. Administration Room
(Washington State Reformatory Unit; WSRU)

Also present during the interview: Teamsters Business Representative, Sarena Davis and HQ Investigator Tammy Gwin-Cork.

Correctional Officer Maynard was advised that he was identified as a potential witness in an investigation pertaining to an allegation that Officer David Young was outside of his assigned zone of control (zone 3) at the Washington State Reformatory (WSR) on January 29th, 2011 including during offender movement.

Officer Maynard was presented with the Witness Acknowledgment Form; he indicated that he understood the document and signed the form. Officer Maynard declined to have the interview tape recorded on the advice of Teamsters Business Representative, Sarena Davis.

Officer Maynard is a Correctional Officer 2 at the WSR in the Monroe Correctional Complex (MCC). He is currently assigned as a yard officer at WSR on third watch from 1:30 p.m. to 10:00 p.m. Officer Maynard has worked for the Department of Corrections (DOC) since 8-9-99.

On 1/29/11, Officer Maynard was assigned as one of the two WSR yard officers (Officer Samuel Wahleithner was the other) with a call sign of King-239.

Q: What are the typical duties of the yard officer?

Officer Maynard stated, "To maintain the yard and supervise offender movements."

Q: Can you identify on the WSRU zone map where zone 3 begins and ends? And if you could also mark on the map where the Response and Movement (R&M) officer covering zone 3 typically stands/stood during offender movement?

CM: Yes.

(Investigative Note: Officer Maynard used a highlighter on the map to show the approximate area of coverage for zone 3 and marked where he has observed the zone 3 officer typically stand during movement periods; exhibit 14).

Q: Do you recall Officer Young being assigned as the zone 3 R&M on 1/29/11 during third watch?

Officer Maynard stated, "I'm not sure what his post or zone was on that day. I remember him being on duty that day, yes. I saw him at the base of tower 9 and talked with him for a few minutes along with Officer Wahleithner."

Q: Do you recall seeing Officer Young standing in his zone of control near the PAB or the chapel on 1/29/11?

Officer Maynard stated, "I believe so....maybe by Tower 9 or on the breezeway. I talked with him over there at one point. Normally we see R&M's at movement."

Q: Where is "over there?"

Officer Maynard clarified and said, "At the base of Tower 9."

Q: Do you recall what time you were with Officer Young at the base of Tower 9 on 1/29/11?

Officer Maynard indicated he could not recall as its "been a long time."

Q: Do you remember how long you were with Officer Young at the base of Tower 9 on 1/29/11?

Officer Maynard stated, "No...it's four months later..."

Q: Other than the base of tower 9, do you remember if Officer Young stood near the PAB or the chapel on 1/29/11 during movements?

Officer Maynard stated, "No, I don't recall. He might have been there; he might not have been there. It's been too long to say for sure."

Q: Did Officer Young come out to the yard on 1/29/11 and talk with you?

Officer Maynard stated, "I don't recall. I don't remember him being in the yard that night. He comes out to the yard, but I don't think he came out there that evening."

Q: Do you remember your conversation with Officer Young when you stood at the turnstiles with him and Officer Wahleithner on 1/29/11?

Officer Maynard stated, "It's been a long time. I don't remember."

Q: Do you have a clear line of vision from inside the yard to where the zone 3 officer posts up during movement?

Officer Maynard stated, "Kind of...the chain link makes it hard to see people."

Q: On 1/29/11, did you notice Officer Young miss standing movement in his assigned zone?

Officer Maynard stated, "It's not something I would notice. The R&M's are tasked out. If I saw one or two R&M's out on the breezeway at movement, I was impressed. It was a common occurrence to only see one or two. Sometimes me and Wally, the other yard officer, are the only two out there for movement," (referring to Officer Wahleithner, the secondary-yard-officer).

Q: On 1/29/11, did you see Officer Young outside of zone 3?

Officer Maynard stated, "Yes, but he was doing R&M duties...tasked out. When Officer Wahlthner and I did pat searches in the yard, sometimes Officer Young did pat searches by the turnstiles. I don't remember the time, but I know he was at the turnstiles at one time or another talking with us and doing pat searches on the offenders," referring to 1/29/11.

Q: Outside of having a conversation with Officer Young at the base of Tower 9 on 1/29/11, do you remember having any other interaction or seeing him anywhere else during that shift?

Officer Maynard stated, "No, I don't recall."

Q: The yard is right next to zone 3 and separated by a chain link fence, is that correct?

Officer Maynard stated, "Yes, that's my point. I might be way over here (pointing on WSRU zone map to the far end of the yard) with offenders and not looking to see what officer is on the breezeway."

Q: Do the yard officers have a relatively unobstructed view of the zone 3 officer if he were standing in between the PAB building and the chapel since the only thing separating the yard from along the side of zone 3 is a chain link fence?

Officer Maynard stated, "You can't see through the chain link. Zone 3 is invisible to me. My job is to watch over the inmates and the yard, not staff."

Q: Zone 3 is invisible to you?

Officer Maynard clarified and said, "Yes, I work right next to it... where the breezeway is...I see staff in blue and offenders in brown as they walk, I don't see faces. If I see civilian clothes, I don't pay any attention. I'm looking for things that don't belong. If I see something necessary out of place, I would react to it like a loaded spring."

Q: When you say that you don't see faces attached to blue uniforms or brown state-issued clothing... Wasn't there a situation a few years ago where an offender almost got all the way out of the facility until a staff member recognized him?

Officer Maynard stated, "It's my job to observe anything out of place. I can identify them by sight normally at 10-15 feet away. Besides, if that were to happen I would think that someone in control would catch it."

Q: What if the person in control is only looking for uniform color as well and not faces?

Officer Maynard said, "I would think that someone else would catch it before they got all the way out."

Q: Can you recount what you did from 2030 recall until the end of your shift on 1/29/11?

Officer Maynard indicated at 2030, the offenders in the yard return to their units to get ready for the 2100 count. He explained they have security checks to complete and at

the same time making sure the yard is clear and secure of all offenders. At 2100 hrs, he recalled that he and Officer Wahleithner conducted the EFV (extended family visiting) count. He stated, "When we were coming back from the EFV count, we saw Officer Fredricks coming back through [the turnstile] by Tower 9. She told us that Offender Scherf was missing from 'A' unit and she was directed to go search the PAB and the chapel." He recalled Officer Wahleithner went with Fredricks to search the PAB and he went to search the chapel. Officer Maynard stated, "As I walked towards the chapel I noticed a light turned on inside of the chapel and that got my attention. Then as I got closer, I saw the chapel front door was wide open. I yelled out for 'Wally' and 'Fred' (referring to Officers Wahleithner and Fredricks) so they could be my back-up." He indicated that he proceeded without Officers Fredricks and Wahleithner and unlocked the chapel gate. He observed Offender Scherf sitting in a chair in the foyer area of the chapel approximately 12-14 feet inside the doorway. Officer Maynard stated, "I walked into the foyer as Scherf said something to the effect of, 'Blendl didn't find me... I fell asleep in the back room... am I in trouble?'" I told him to stand and cuff up. About ten seconds later, Fred and Wally showed up. Fred made the radio call notifying control and shift that Scherf was found in the chapel. Fred then pat searched and cuffed Scherf while I shut the lights off and secured the chapel by checking and inspecting all the interior doors to make sure they were locked. After finding all the doors were secure, I exited the chapel and closed/locked the front door behind me. I was in there for just a few minutes, long enough to check the doors and then go. The three of us then escorted Scherf to the shift office."

STATEMENT
WAS ON
EP-101

Q: From the time you conducted the EFV count and when you escorted Offender Scherf to shift, do you recall crossing paths or seeing Officer Young at any point?

Officer Maynard said, "Young was not present....I didn't see him at all during the escort."

Q: Do you remember seeing Officer Young at any other point during the shift on 1/29/11?

Officer Maynard stated, "I remember when we took Scherf to the shift hallway after our escort from the chapel. Sgt. Johnson told Fred (Officer Fredricks) to do something...I can't recall what it was, but she left. Me and Wally were standing in the hallway and Officer Swan pat searched Scherf and waited in the hallway with us. If I remember correctly, Young may have helped with the escort from shift to the intensive management unit (IMU), but I'm not sure."

Q: What did you do after the escort of Scherf to the shift office?

Officer Maynard recalled that he stayed in the shift office and used the computer to write his incident report.

Q: Did you happen to notice if any other staff were in the shift office, specifically if Officer Young was present?

Officer Maynard stated, "When I am on the computer, I am focused only on the computer and don't know who is around."

Q: How long does it typically take to conduct the "fire watch" walk-through?
Officer Maynard indicated the length of the "fire watch" walk-through is usually dependent on the person completing the task. He indicated, "Some people are very thorough and some are not." He estimated it took about 20-30 minutes to complete.

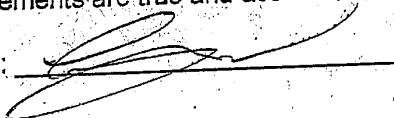
Q: Can you describe your relationship with Officer Young?
Officer Maynard said, "I get along fairly well with Young. I work with him... He gets along fairly well with the staff."

Q: Do you know of any staff that may have direct knowledge of where Officer Young was on 1/29/11 during his shift?
Officer Maynard reported, "The only issue I have heard about is Officer Swan was very upset with Young and said he (Young) didn't do his job."

Q: Do you have anything you would like to add or think we should know about?
Officer Maynard stated, "No."

Officer Maynard was advised not to discuss this matter with anyone other than a Union representative, spouse, domestic partner, attorney or anyone he is engaged in a legally privileged relationship as this is an active and ongoing DOC investigation.

I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature:  Date: 7/1/11

Washington State Department of Corrections – Division of Prisons

WSRU Post Orders for Response and Movement Officers

Your Radio Call Sign: King 220, 221, 222, 223, 224

Direct Chain of Command: - (Shift Sergeant) (Phone # 2796, Radio King 202)

Indirect Chain of Command: - (Shift Lieutenant) (Phone # 2795, Radio King 201)

EMERGENCY: Telephone - Radio – "WSRU Base"

Read and be knowledgeable of your Post Manual

Zone of Control: Responsible for the security of the entire inner and outer perimeter of the institution. Conduct frequent and infrequent searches of all areas within the security perimeter of the institution for contraband, safety hazards and potential routes for escape. When utilized as a relief, responsible to read/review Post Orders of assigned post. Sign Post Order sign-off calendar sheets.

Key Control: You will receive a set of Response & Movement keys [REDACTED]. These keys will be handled in accordance with MCC 420.550, Key Control.

Use of firearms, chemical agents, restraints and/or physical force: Refer to your Post Manual. You will receive a [REDACTED] from [REDACTED] when reporting to work. Any offender going to Segregation or the Mental Health section of the 4th Floor Hospital will be handcuffed. Any movement from these areas to another area, the offender will also be handcuffed (unless offender is being released). Before any other offender is handcuffed, common sense and good judgment will prevail. All Response and Movement Officers are part of the Quick Response Team (QRT). Be familiar with MCC 410.055, Quick Response Team. Be familiar with proper offender escort methods. Be familiar with DOC 410.200, *Use of Force*.

Movement Procedures: Movement shall ordinarily be restricted to those times designated as "movement periods" and authorized pass system for individual offenders to move during other than movement periods. During open movement periods Response and Movement Officers will be at their **designated** zones of control.

Search Procedures: Response & Movement Officers are expected to be at the Cell house Entries during movement periods and when the entries are expected to be busy. You are expected to conduct a minimum of One cell searches per shift. (Watch II & III) You will assist in searching personal items, pat searches and strip searching of offenders that are suspicious or cannot clear the metal detector.

Count Procedures: If necessary, you may be required to help count any areas of the institution. Conduct count according to the Formal and Informal Count Field Instruction MCC 420.150.

Post operations: As a Response & Movement Officer you are part of the Phase [REDACTED] Quick Response Team (QRT). Each R&M should locate and prepare your emergency gear daily; this should be accomplished as soon as possible at the beginning of your shift. Emergency gear is located [REDACTED] of the [REDACTED] office.

Inventory of equipment & supplies: The inventory is located in your post manual. At the beginning of your shift will reconcile your inventory daily. Immediately notify your chain of command of any discrepancies.

One five day a week R&M officer is designated inventory, order and maintenance of gear.

Post Log: There are no logbooks to be maintained for this post; however, you are expected to complete all infractions and backup incident reports. Unusual events or concerns are to be documented in incident reports through your chain of command. These items should be communicated verbally prior to documentation and upon discovery. Any incident requires notification, recording, and documentation.

Washington State Reformatory Unit / Monroe Correctional Complex

Associate Superintendent

Date

Captain/CPM/CMHPM

Date

Exhibit 15

EMERGENCY RESPONSE

WSRU Response & Movement Officers

Telephone - Radio "WSRU Base"

Respond to all emergencies within your zone of control. **Remain at your post** during emergencies that are outside your zone of control unless directed otherwise by your chain of command. If directed to respond to another location, be sure to pace yourself so that you will be able to deal with the situation when you arrive. **Move cautiously.** Do not rush into crowds, through doors or into cells/rooms. **Identify and address the immediate need** (i.e., back up involved officer(s), redirect offenders in the area, retrieve emergency equipment or transfer information to responding staff). Always know your escape route. **Do not get trapped.** If you are the first responder, take the steps listed below. **Do not assume that resolution is complete** until all participants are secure and you are physically removed from the incident site. Riotous or mutinous offenders will not be granted freedom from the confines of the institution.

When you discover an emergency, determine the nature of the emergency – medical problem, fire, fight/assault, disturbance/group resistance, suspected bomb, hostage situation or other kind of emergency. notification has been made and assistance has arrived.

Once the nature of the emergency has been determined, make a clear, accurate notification by 1) phone, 2) voice, 3) radio (WSRU Base), or 4) your . If utilizing the follow up with verbal notification if possible. The **information needed for** includes: your name, location and call sign; the location and nature of the incident; the number of offenders, staff and/or citizens involved; if there are any injuries to anyone; type of weapons involved, if any; and the type of assistance needed. If you are using a radio to make the notification, **be sure you receive an acknowledgment of your transmission:** if you do not, check your radio and repeat.

If incident is in your area, and you cannot resolve it, or if responding to an involved site and the area is not secure, if possible. Use your megaphone to give clear directions. Separate out the non-participants and direct them to a safe location away from the immediate area. Do your best to preserve any evidence and the crime scene, if applicable.

Clearly identify the participant's involved and any potential witnesses for your documentation later. Once the emergency is stabilized, your actions should be directed toward ensuring he situation stays under control until resolved. Seek direction from your chain of command for what specific steps to take next. Document who the participants were, and in chronological order of events as they occurred, their actions, the locations and times, and what weapons (if any) were involved. All pertinent information as to who what, where, when, & why should be included, if known. Once the emergency is stabilized, your actions should be such that the situation stays under control. Seek direction from your chain of command for what to do next.

Evacuation routes: Due to the nature of your zone of control, you should **be constantly alert** to all possible evacuation routes that may be used by staff within your zone of control

Assembly areas: When directing staff and offenders to assembly areas, ensure the offenders are kept separate from the staff. **Use common sense** and good judgment when directing offenders and staff to assembly areas.

Emergency Equipment:

FIRE EXTINGUISHERS: Be aware of locations and condition of Fire Extinguishers in all areas.

FIRST AID KIT: Be aware of location and contents of First Aid Kits in all areas

EMERGENCY UTILITY SHUTOFF: See schematics in for location of controls



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
DIVISION OF PRISONS
MONROE CORRECTIONAL COMPLEX
P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600
FAX (360) 794-2680

August 15, 2011

PERSONAL DELIVERY

George Lyons
[REDACTED]

Mr. Lyons:

**Notification of
Potential
Disciplinary
Action**

This is to advise you that the Department of Corrections (DOC) at Monroe Correctional Complex (MCC), is considering taking disciplinary action against you, up to and including discharge. This contemplated action is in accordance with Article 8 of the Collective Bargaining Agreement (CBA) between the State of Washington and Teamsters Local Union 117.

The purpose of this letter is to extend to you an opportunity to respond to the allegations and to present any information you believe should be considered.

Allegations

The following allegations have been investigated and, if true, may be the basis for taking disciplinary action against you:

- On January 29, 2011, you falsely logged that the Chapel cleared at 8:45 p.m. or 2045 hours (Case #04-023-11-3107).
- You provided inconsistent answers to questions asked of you during a DOC investigation (Case #06-028-11-3107).
- You provided inconsistent answers to questions asked of you during an investigation by external law enforcement agencies (Case #06-028-11-3107).

Evidence

Workplace Investigators Tim Birley, and Tammy Gwin-Cork, completed a fair and thorough investigation into this matter (Case #04-023-11-3107). A copy of the report is included as Attachment 1.

Tim Birley, Workplace Investigator, completed a fair and thorough investigation into this matter (Case #06-028-11-3107). A copy of the report is included as Attachment 2.

"Working Together for SAFE Communities"

August 15, 2011
Page 2 of 2

Pre-disciplinary Meeting

A pre-disciplinary meeting has been scheduled for Tuesday, August 23, 2011, at 2:00 p.m., in my office. MCC Human Resource Manager Linda Gilstrap Human, and Resource Consultant James Bennett will also be in attendance.

Representation Rights

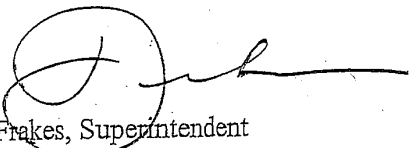
In accordance with the CBA, you have the right to representation at this meeting.

Responding in Writing

You may respond to the allegations and evidence in writing if you prefer. If you choose to respond in writing, please address your response to myself. I must receive your response by 5:30 p.m. on Monday, August 22, 2011, at PO Box 777, Monroe, WA, 98272, attention HR Department, or fax to 360-794-2569.

Decision

I encourage you to take advantage of the opportunity to respond to the allegations listed. I will carefully consider information you present and will make no final decision about what, if any, action to take until you have had the opportunity to respond.



Scott Frakes, Superintendent
Monroe Correctional Complex

SF/jb

Enclosures

c: Teamsters Local Union 117 (letter only)
Administrative File

Bennett, James P. (DOC)

From: Sarena Davis.[Sarena.Davis@Teamsters117.org]
Sent: Monday, August 22, 2011 6:40 PM
To: Frakes, Scott R. (DOC)
Cc: Bennett, James P. (DOC)
Subject: predis meeting

I spoke to James Bennett earlier this morning and shared that the staff that are scheduled for their Predis meeting tomorrow will not be attending. They will not be responding in writing either.



INVESTIGATION REPORT

Case Number:	04-023-11-3107
Name of Investigator:	Tim Birley, Workplace Investigator Tammy Gwin-Cork, Workplace Investigator
Assigned by:	Scott Frakes, Superintendent Monroe Correctional Complex
Date Opened:	April 25, 2011
Date Completed:	August 5, 2011
Name of Accused Staff:	George Lyons, Correctional Officer
Name(s) of Alleged Victim(s):	None identified
Origin of Report:	Information was received by Department of Corrections (DOC) Management during a Critical Incident Review (CIR) surrounding the events of January 29, 2011 at Monroe Correctional Complex (MCC) at the Washington State Reformatory (WSR).
Persons Interviewed:	George Lyons, Correctional Officer – Accused Randall Yates, Correctional Officer – Co-Worker Rodney Shimogawa, Correctional Lieutenant – 3 rd Shift Commander
Persons not Interviewed:	None
Referral to Local Law Enforcement:	No Referral to Local Law Enforcement was made.
Summary of Allegations:	<ol style="list-style-type: none">1. It is alleged that on January 29, 2011, Correctional Officer George Lyons falsely and/or inaccurately logged the Chapel clear at 2045 hrs.<ol style="list-style-type: none">A. In the interview on May 24, 2011 with Correctional Officer George Lyons when asked on 1/29/11, you made an entry in the logbook at 2045 hrs indicating that the Chapel was clear; how did Officer Biendl clear and secure the Chapel with you? Officer Lyons stated, "She stacked the inmates at the gate for recall (2030 hrs). She sent all her inmates out and closed the gate. About one minute after recall...at about 2031 hrs or 2032 hrs, I saw her close the gate. I could see her closing the gate and walking back in... I saw her close the gate and walk back in." Officer Lyons indicated he notated in the Tower 9 logbook that the Chapel was clear when she closed the gate." (Exhibit 2)B. In the interview with Correctional Officer Lyons when asked on 1/29/11, did Officer Biendl make any radio calls to you (Tower 9) indicating the chapel was clear? Before, during or after 2030 recall? Officer Lyons stated, "I don't remember a radio call from Biendl on 1/29/11 saying the chapel was clear. When Jayme closed the gate and sent out the last offender, that is when I cleared it in the logbook." (Exhibit 2) <p>Investigative Note: A copy of the logbook entries Officer Lyons made on 1/29/11 was shown to him. (Exhibit 3)</p>

- C. In the interview with Correctional Officer Lyons when asked can you explain why your logbook entry on 1/29/11 in Tower 9 notated that the yard, field house, PAB, chapel, visit room, and tower 9 all cleared at the same time (2045 hrs)? Are entries ever made individually instead of altogether? Officer Lyons explained that "normally" the buildings/areas clear out of offenders at generally the same time. He indicated once recall is announced, the staff are all getting the offenders out of the area and in route back to the housing units to get ready for count. He gave an example and said it is common for the yard officer to call in "yard clear of offenders" and then immediately following that radio call, he would receive a radio call from the PAB officer who radioed him to say, "PAB clear of all offenders" so on and so forth including other areas such as the chapel and visit room. He indicated that typically the radio calls were all coming into him at about the same time and he made one entry in the logbook encompassing all the areas that were clearing their area. (Exhibit 2)
- D. In the interview with Officer Lyons when asked if he has read and signed his post orders for his assigned Tower post he stated, "Yes, I am familiar with post orders, I have read and signed the post orders for the Tower and read the post orders for the Chapel." (Exhibit 2)
- E. The Tower 9 Post Orders/Manual Sign-Off sheets were obtained and reviewed for the months of January thru June 2011. Officer Lyons has signed off for the months of January, February, March, and April 2011. May and June were not signed off by Officer Lyons because at the end of April he had been reassigned to another post. (Exhibit 4)

Investigative Note: The Tower 9 Post Orders contains a section for "Logging Procedures". In this section of the Post Orders it states: "The logbook is maintained for the purpose of providing legal documentation of events within your zone of control. For this reason it is necessary that it be accurate, legible and specific". (Exhibit 5 Restricted)

~~On~~ In the May 24, 2011 interview with Officer Lyons when asked do you pre-fill or pre-write a portion of your Tower 9 logbook entries? Officer Lyons stated, "Yes" and then clarified by saying, "Well, no...not pre-written. Certain occurrences happen every night. All my direct Sergeants have signed off on my entries." Officer Lyons explained that occurrences such as movements typically occur once per hour. He indicated that he pre-filled the logbook by noting the area, such as PAB, Chapel, or yard and then left a blank next to it; he indicated that when the staff made the radio notification to him (Tower 9), he would log the time or the number of offenders." (Exhibit 2)

Investigative Note: On 5-25-11, one day after Officer Lyons' investigative interview, he sent the following written electronic message to Teamster Business Representative Sarena Davis, who in turn forwarded it to Investigator Gwin-Cork: *Hi, I just realized this morning I think I misspoke at the interview yesterday. I told them that I wrote down the chapel as clear when she closed the gate. What I should have said was I assumed the chapel was clear when she came out, but I wrote it down when the zone three was called clear. This is how it appears in my incident report to Monroe PD and how I recall the events. Please advise me on the best way to modify my statement. This was in no way deliberate and I apologize for the inconvenience caused.* (Exhibit 11)

- G. In the written Incident Report (Dated 5-13-11) that Officer George Lyons turned over to the Monroe Police Department, he stated "At approximately 2031 I observed C/O Biend finished letting the offenders out of the Chapel closed the gate and returned to the Chapel building. At approximately 2035 a C/O made a radio notification to King 409 (Tower 9) that Zone Three was clear. I then logged the P.A. B. and Chapel as clear." (Exhibit 6)

	<p>Investigative Note: The radio transmissions from 1/29/11 were transcribed and reviewed from 2000 hrs until 2202 hrs; two radio transmissions "clearing" Zone 3 were discovered. The first radio call was from Officer French (King-534) at 2036 hrs to Tower 9 in which he stated, "Breezeway clear of offenders." The second radio call was from Officer Piffath (King-515) at 2038 hrs to Tower 9 in which he stated, "Your breezeway is clear". (Exhibit 7) Note: The Compact Disk containing these recordings is available upon request.</p> <p>H. The entry made by Officer George Lyons in the Tower 9 logbook on 1/29/11 indicates the Chapel cleared at 2045hrs. (Exhibit 3)</p> <p>I. On May 19, 2011, Correctional Officer George Lyons was interviewed by Monroe PD Detective Hatch. In his recorded and transcribed interview Lyons stated, "At 2030 main control announced recall over the radio. I opened the return gates from uh, the out areas, yard, PAB, chapel, field house. Um, I watched the returning inmates at about 21....or excuse me, 2131. Um, Biendl had let out to what I believe to be that last inmate and closed her gate and went back into the building. Um, at that point I wrote down her building was cleared." (Exhibit 8)</p>
Report of Retaliation:	No reports have been made during this investigation.
Exhibits:	<ol style="list-style-type: none"> 1. Investigation Assignment Letter (2 pages) 2. Correctional Officer George Lyons Interview with DOC Investigators on 5-24-11 (15 pages) 3. Tower 9 Logbook Sheets for 1-28/29-11 (2 pages) 4. Tower 9 Post Orders/Manual Sign-Off Sheets January thru June 2011 (6 pages) 5. Tower 9 Post Orders (19 pages) 6. Incident Report written 5-13-11 by Officer Lyons and submitted to Monroe Police Department on 5-19-11 (1 page) 7. Transcribed Radio transmission recordings from 1-29-11 2000 hrs to 2202 hrs. 8. Correctional Officer George Lyons interview with Monroe Police Detectives on 5-19-11 (16 pages) 9. Correctional Officer Randall Yates interview with DOC Investigators on 5-25-11 (3 pages) 10. Correctional Lieutenant Rodney Shimogawa interview with DOC Investigators on 5-24-11 (11 pages) 11. E-mail sent from Officer Lyons to Teamsters Business Representative Sarena Davis and forwarded to Investigator Gwin-Cork on 5-25-11 (1 page)



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41105 • Tumwater, Washington 98504 • (360) 725-8553
FAX (360) 664-0271

To: Tammy Gwin-Cork, Workplace Investigator
From: Todd Dowler, Labor Relations Manager
Date: April 25, 2011
Case Number: 04-023-11-3107

Investigation assignment On behalf of Scott Frakes, I am designating you as the fact finder to conduct a full and fair investigation into allegations of employee misconduct.

Allegations 1. It is alleged that on January 29, 2011, Correctional Officer George Lyons falsely and/or inaccurately logged the chapel as clear at 2045.

Timeframes It is my expectation that you treat this investigation as a top priority and submit a draft report by May 18, 2011. However, should you need additional time to complete the investigation, contact Heidi Loveall, Human Resource Consultant.

Submitting the draft Once you have a draft report prepared, send it to LRAAdmin@doc1.wa.gov for review before finalization.

Review call An investigation review call has been scheduled for May 26, 2011, at 2:00 pm. You will receive an Outlook calendar appointment for this call. The purpose of the call is for the appointing authority to review and finalize the draft report.

If you need assistance If you have any questions about the investigation process, feel free to contact
• Linda Gilstrap, Human Resource Manager
• Angela Roberts, Labor Relations Consultant

"Working Together for SAFE Communities"

April 25, 2011
Page 2 of 2

Attachments

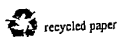
Attached please find the following documents:

- Investigation Report Template
 - Interview Acknowledgement Form
 - Interview Summary Template
-

TAD:hml
Attachment

cc: Dan Pacholke, Deputy Director, Prisons Division – Command A
Scott Frakes, Superintendent
Linda Gilstrap, Human Resource Manager
Angela Roberts, Labor Relations Consultant

"Working Together for SAFE Communities"





INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 04-022-11-3107 Date of Interview: May 24, 2011

Name and Title of Interviewee: C/O George Lyons

As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees

Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

George Lyons
Interviewee Signature

5-24-2011
Date

Tammy Guin-Coni
Investigator Signature

May 24, 2011
Date

Tammy Guin-Coni / Jennifer Pukkula

Birley, Timothy W. (DOC)

From: Piukkula, Jennifer (DOC)
Sent: Friday, July 08, 2011 12:32 PM
To: Birley, Timothy W. (DOC)
Subject: FW: Interview Statement
Attachments: Lyons Summary.docx

Importance: High
Sensitivity: Confidential

From: Piukkula, Jennifer (DOC)
Sent: Thu 6/16/2011 12:30 PM
To: Lyons, George W. (DOC)
Subject: Interview Statement

Hello again Officer Lyons,

Attached is the interview statement reflecting our conversation on 5-24-11. I realize that Investigator Gwin-Cork sent you a statement last week to review—but it would seem a lot easier for you if we have one document reflecting the conversation in its entirety. This is a more detailed and specific statement that includes both investigative interview responses. Please review this statement and notate any additions, deletions, and/or changes with your initials/signature and the date. If no changes are necessary, please forward a response back to me indicating you are satisfied with the statement.

I usually ask to have the statement returned within 72 hours, if you should need extra time to review it—just send me an email letting me know.

Thank you,

INTERVIEW SUMMARY

Case Number (s): 04-22-11-3107/ 04-23-11-3107
Interviewee Name: George Lyons, Correctional Officer 2
Investigator Name: Jennifer Piukkula
Interview Date: 5-24-2011
Interview Location: Monroe Correctional Complex/Superintendent's Conf. Room
(Washington State Reformatory Unit; WSRU)

Also present during the interview; Teamsters Business Representative, Sarena Davis,
and HQ Investigator Tammy Gwin-Cork.

Correctional Officer (C/O) George Lyons was advised that he was being interviewed on two separate investigations; the first set of questions were pertaining his being identified as a potential witness in an allegation that Officer David Young was outside of his assigned zone of control (zone 3) at the Washington State Reformatory Unit (WSRU) on January 29th, 2011 including during offender movement (Case #04-22-11-3107).

The second set of questions were regarding his being the subject of an investigation where it was alleged that he (George Lyons), falsely and/or inaccurately logged the chapel clear at 2045 hrs on January 29th, 2011 (Case #04-023-11-3107).

Officer Lyons was presented with the Witness Acknowledgment Form; he indicated he understood the document and signed the form. Officer Lyons declined to have the interview tape recorded on the advice of Teamsters Business Representative, Sarena Davis.

Officer Lyons is a Correctional Officer 2 at the Washington State Reformatory (WSR) at the Monroe Correctional Complex (MCC). His primary job responsibility is custody at MCC-WSR. Officer Lyons has worked for the Department of Corrections (DOC) since 1-04-08 (3 years). He is currently re-assigned to the MSU in "A" unit.

On January 29th, 2011, Officer Lyons worked as the Tower 9 officer on third shift from 1:30 p.m. to 10:00 p.m. His radio call sign was King-409.

Q: What were the typical duties of the tower 9 officer on 1/29/11?

Officer Lyons indicated tower 9 duties included controlling offender/staff movements by utilizing approximately [redacted] camera screens in the tower. He indicated that he controls roughly [redacted] gates within WSR. Officer Lyons explained that in addition to monitoring and controlling entry points, he also monitors offender behaviors.

Can you identify on the WSRU zone map where zone 3 begins and ends?
Officer Lyons stated, "Yes."

(Investigative Note: Officer Lyons used a highlighter on the map to show the approximate area of coverage that encompasses zone 3; exhibit).

Q: Are you familiar with Officer David Young?
Officer Lyons stated, "Yes."

Q: Describe your relationship with Officer Young?
Officer Lyons stated, "Professional...at work we chat at the base of tower 9. We talk outside of here on the phone. We are friends." Officer Lyons indicated he last spoke with Officer Young approximately an hour to an hour and a half prior to this interview.

Officer Lyons indicated that he initiated the phone call between himself and Officer Young because he wanted to make sure that Young was "not stressed out" since he knew that Young had an investigatory interview with Headquarters' investigators approximately an hour or so before his interview. Officer Lyons denied that any conversation took place with Officer Young regarding the specifics of the two investigations.

Q: Do you recall Officer Young as the assigned zone 3 R&M (Response and Movement) on January 29th, 2011?

Officer Lyons stated, "Yes, I saw him at some time in zone 3 on that night. I just don't know when that might have been."

Q: At anytime on 1/29/11, did you notice that Officer Young was not in zone 3, including during offender movement?

Officer Lyons stated, "It's 100 days later. Not that I remember..."

Q: Do you have any idea what time you observed Officer Young standing in zone 3 on 1/29/11?

Officer Lyons stated, "I'm sure I saw him at least once by the PAB or the chapel. It was at some point during the shift. I just don't know when that might have been."

Q: There are approximately six movement periods (1430, 1530, 1750, 1850, 1950, and 2030 hrs), if you saw him at least once on 1/29/11 in zone 3, does that mean he wasn't present in zone 3 for at least five of the movements?

Officer Lyons stated, "Possibly...I just remember seeing him out there once. I don't remember what time or what he was doing." *SPECIFICALLY*

Q: Do you recall if you observed Officer Young stand in zone 3 during a movement period on 1/29/11 or was it in-between movement periods?

Officer Lyons stated, "Again, I'm sorry, but its 100 days later and I just don't remember. I just know I saw him at some point that night...I just don't remember when."

At 1530 recall?

Officer Lyons stated, "Don't remember."

1750 hrs?

Officer Lyons stated, "Sorry...don't remember."

1850, 1950, and 2030 hrs?

Officer Lyons stated, "I don't recall."

Q: Prior to 1/29/11 on occasions that Officer Young was assigned to zone 3, had you ever noticed him not standing movement when he was supposed to be in his zone of control?

Officer Lyons stated, "No, I didn't notice. Young seemed to be a good C/O who was timely and consistent."

Q: From your vantage point in tower 9, do you have an unobstructed view of where the zone 3 R&M's typically stand during movement periods?

Officer Lyons stated, "Generally, yes." Officer Lyons indicated the only issue of clearly being able to see the zone 3 R&M (response and movement officer) is if the R&M stands on the walkway in between the gym and the Program and Activities Building (PAB) (see photo; exhibit). He indicated that it depends on where the R&M stands in zone 3 because the gym building can block his view if the R&M stands on the walkway closer to the PAB entrance. Additionally, he explained if it is raining outside, sometimes the zone 3 R&M stands underneath the eave of the gym; he indicated this can also make it difficult to see the R&M. (See photos; exhibit). Officer Lyons recalled it had raining "off and on" during the evening of 1/29/11.

Officer Lyons stated, "Other than that, if the R&M is not on the PAB walkway and is closer to the walkway by the yard fence or in the middle of the walkway, I have a pretty good view of him. I can see all the way down towards Gate 7."

Q: At anytime on 1/29/11, did Officer Young notify you (tower 9) he wasn't going to stand movement in zone 3?

Officer Lyons stated, "Back then on 1/29/11...no...he wouldn't have notified me in the tower....Now the procedures are different...yes...the R&M's call me in the tower. The sergeant would know if something prevented them from standing movement...he should know. But to answer your question, no...Young did not notify me that night."

Q: On 1/29/11, did you notice Officer Young enter the yard at anytime?

Officer Lyons stated, "No, that doesn't register...I don't recall." Officer Lyons recalled that Officer Young often walked the yard with Officers Wahleithner and Maynard, saying "that wouldn't be uncommon for him, but I don't remember him being out there on January 29th."

Q: Do you remember seeing Officer Young on any of the [REDACTED] monitors in Tower 9 during your shift, possibly at mainline?

Officer Lyons indicated that most of the computer monitor/screens in Tower 9 cover doors within the facility at WSR. He explained that Tower 9 [REDACTED] screens monitoring the offenders during mainline or showing which staff are standing in the dining halls. He explained that his view on the cameras in Tower 9 is [REDACTED]

when it comes to the dining areas. Officer Lyons stated he did not remember seeing Officer Young on any of the camera monitors in Tower 9 on 1/29/11.

Q: On 1/29/11, did Officer Young appear to be having a typical day while covering zone 3?

Officer Lyons stated, "It seemed like a typical day. Sometimes he was there, sometimes not."

Q: Are you aware of any other staff that stood movement in zone 3 on 1/29/11?

Officer Lyons stated, "No, I didn't see anyone."

Q: Have you ever reported any issues regarding Officer Young to his supervisor or chain of command?

Officer Lyons stated, "No, I have never had any issues with him."

Q: Do you know of any staff that may have direct knowledge of where Officer Young was on 1/29/11 during his shift?

Officer Lyons stated, "I've heard stuff. I have heard that Swan (Officer Jeff Swan) is upset about Young not being in his zone. I just don't recall seeing Young at 2030. recall so I don't know."

Interview questions pertaining to the David Young investigation concluded.

Interview questions were initiated pertaining to the allegation that he (George Lyons), falsely and/or inaccurately logged the chapel clear at 2045 hrs on January 29th, 2011.

Officer Lyons was presented with the Witness Acknowledgment Form; he indicated he understood the document and signed the form. Officer Lyons declined to have the interview tape recorded on the advice of Teamsters Business Representative, Sarena Davis.

Officer Lyons is a Correctional Officer 2 at the Washington State Reformatory (WSR) at the Monroe Correctional Complex (MCC). Officer Lyons has worked for the Department of Corrections (DOC) since 1-04-08 (3 years). He is currently re-assigned to the MSU in "A" unit. Officer Lyons indicated he held the Tower 9 position at WSR since March 2008 until his re-assignment in April 2011.

Officer Lyons acknowledged that on January 29th, 2011, he worked as the Tower 9 officer on third shift from 1:30 p.m. to 10:00 p.m. His radio call sign was King-409.

Officer Lyons was shown his logbook entries from Tower 9 dated 1/28/11 & 1/29/11 (exhibit) and asked to explain inconsistencies that were found; he stated, "O.K."

Officer Lyons was shown the logbook entries he made on 1/28/11 at 1432 hrs, 1805 hrs, and 1850 hrs where he had noted the number of offenders who were in the PAB, fieldhouse (FH) and yard, but not the chapel. The entry is marked, "Chapel" and has no number next to it to reflect how many offenders were called in as being present in the chapel (exhibit).

Q: Can you explain why no offenders were logged in or out of the chapel in the Tower 9 logbook on 1/28/11 for your entire shift?

Officer Lyons stated, "I failed to log or they failed to call me and I didn't log it. I am admitting it's my mistake. If the fieldhouse fails to call in count, it means either I forgot to write it down or they didn't call me."

Q: After the 1430 hrs movement, did you attempt to contact the chapel officer to obtain a count of the offenders in the chapel?

Officer Lyons stated, "Yes, on the phone. I tried calling Biendl (Officer Jayme Biendl) but the phone was busy. I called twice."

Officer Lyons explained that Officer Biendl came up to Tower 9 at approximately 1615-1630 hrs to relieve him for his lunch break. He recalled that Officer Biendl spoke to him for approximately twenty minutes telling him about a problem she was having with her horses and a neighbor. Officer Lyons was asked if he said anything to Officer Biendl during their discussion regarding the chapel numbers not getting called in to the Tower; Officer Lyons stated, "No, I didn't say anything about her being on the phone or the busy signal. I just didn't record the numbers."

THE CHAPL
Officer Lyons recalled on 1/29/11, he spent most of his break in the shift office with Sgt. Christopher Johnson. He recalled at approximately 1720 hrs, Officer Biendl called Sgt. Johnson on the telephone and asked him his (Officer Lyons) location since she needed to report to mainline. Officer Lyons recalled that Sgt. Johnson told her, "He's here with me; I'm sending him up now." Officer Lyons estimated he had been out of Tower 9 for approximately one hour on 1/29/11. Officer Lyons indicated that Officer Biendl exited the Tower upon his return from break. He reported that he didn't say anything to Officer Biendl about the lack of offender counts being called into Tower 9 or that her phone was busy and he was unable to get through.

Q: Did you attempt to contact Officer Biendl after the 1800 hrs movement?

Officer Lyons stated, "After the 1800-1805 movement, I called Biendl (Officer Jayme Biendl)...probably twice...on the phone...but I got a busy signal. She was always on the phone."

Q: Did you attempt to contact Officer Biendl after the 1850 hrs movement?

Officer Lyons stated, "Yes. It was still busy. I probably called two more times at that time. Again, still busy."

Q: Did you ever attempt radio communication with Officer Biendl?

Officer Lyons stated, "No. I should have interrupted her on the phone that day. Biendl was on the phone all day. She failed to call with her counts. I didn't call her on the radio. I was trying to be nice and not front her off. She was on the phone almost the whole shift; she was not having a good day. She was having a problem with the neighbor's horse..."

Q: Can you explain why you didn't log yourself in/out of Tower 9 for breaks?

Officer Lyons stated, "I was trained that the C/O (Correctional Officer) had to log in and then log out. So if Jayme (Officer Biendl) never logged in...I never logged out. Jayme never logged herself into Tower 9 logbook during breaks...if a C/O comes in to relieve you (in Tower 9)...they failed to log in, so I never bothered with logging in since they didn't log in."

Q: Why didn't the Tower 9 logbook show any entries from 1550 hrs to 1805 hrs on 1/28/11 (exhibit)?

Officer Lyons stated, "There were no emergencies at that time. Most of the other towers log emergencies only."

Q: What about when mainline opened/closed, movements to and from and/or when the breezeway or zones called in clear/secure?

Officer Lyons stated, "No, I think control logs that."

Q: Do you recall who trained you on the proper techniques of logbook entries?

Officer Lyons stated, "I can't remember his name right now, I probably will later. I can picture his face, but I just can't remember his name." Officer Lyons indicated that he

was trained to make logbook entries "similar to this," as he pointed to copies of the logbook exhibits dated 1/28/11 & 1/29/11 (exhibit).

Q: Have you read and signed the post orders for Tower 9?

Officer Lyons stated, "Yes, I am familiar with the post orders. I have read and signed the post orders for the tower. I'm not sure what the post orders say about logging in/out. I have read but never signed the chapel post orders."

Q: Can you describe the process for an area such as the PAB, chapel or field house (FH), when they are clearing/securing the area of all offenders?

Officer Lyons stated, "I write it in as it happens. Every day I expect/know that the PAB, field house and the yard are going to call in numbers of inmates, so I write, "PAB or FH" with a ____ (blank) next to it. Then I put in the number of inmates when they call in to me."

Q: What happens if one of those areas forgets or doesn't call in their numbers?

Officer Lyons indicated that sometimes he or other staff will give them a reminder by calling them on the phone or radio and asking them what the count is for that hour.

Q: Do you pre-fill or pre-write a portion of your Tower 9 logbook entries?

Officer Lyons stated, "Yes" and then clarified by saying, "Well, no...not pre-written. Certain occurrences happen every night. All my direct sergeants have signed off on my entries." Officer Lyons explained that occurrences such as movements typically occur once per hour. He indicated that he pre-filled the logbook by noting the area, such as PAB, chapel, or yard and then left a blank next to it; he indicated that when the staff made the radio notification to him (tower 9), he would log the time or the number of offenders.

Q: Can you describe how Officer Biendl cleared the chapel on a typical day?

Officer Lyons stated, "Jayme would lead the inmates out to the gate and stack them, then let them out. (Investigative Note: "Stack them" is referring to lining the offenders at the chapel gate prior to releasing them at movement.) A closed gate meant the chapel was secure. Closing of the gate meant to me "all secure." Sometimes she would radio me. Every now and then she called over the radio. 10%-15% she used the radio. Sometimes she used the phone. 50% of the time a closed gate meant "all secure." Officer Lyons indicated the chapel relief officer [Officer Randall Yates] cleared the chapel in the same manner; he stated, "The closed gate meant all secure. Every now and then he (Yates) called me over the radio. 10%-15% of the time he used the radio too."

Officer Lyons explained that after leading the offenders out to the gate at 2030 hrs recall, part of Officer Biendl's evening routine was to conduct a security check of the chapel prior to her closing up for the night. Officer Lyons described that Officer Biendl "swept" the building to ensure all offenders were out of the building, as well as closing doors and shutting off lights; Officer Lyons stated, "If she (Officer Biendl) would have been doing her job, this might not have happened." Officer Lyons was asked, "What if

Jayne was doing her job and an inmate was hiding from her?" Officer Lyons responded, "Um, well...she still should have caught that."

Q: On 1/29/11, you made an entry in the logbook at 2045 hrs indicating that the chapel was clear (exhibit); how did Officer Biendl clear and secure the chapel with you?

Officer Lyons stated, "She stacked the inmates at the gate for recall (2030 hrs). She sent all her inmates out and closed the gate. About one minute after recall...at about 2031 hrs or 2032 hrs, I saw her close the gate. I could see her closing the gate and walking back in... I saw her close the gate and walk back in." Officer Lyons indicated he notated in the Tower 9 logbook that the chapel was clear when she closed the gate.

Q: Can you explain why your logbook entry on 1/29/11 in Tower 9 notated that the yard, field house, PAB, chapel, visit room, and tower 9 all cleared at the same time (2045 hrs)? Are entries ever made individually instead of altogether?

Officer Lyons explained that "normally" the buildings/areas clear out of offenders at generally the same time. He indicated once recall is announced, the staff are all getting the offenders out of the area and enroute back to the housing units to get ready for count. He gave an example and said it is common for the yard officer to call in "yard clear of offenders" and then immediately following that radio call, he would receive a radio call from the PAB officer who radioed him to say, "PAB clear of all offenders" so on and so forth including other areas such as the chapel and visit room. He indicated that typically the radio calls were all coming into him at about the same time and he made one entry in the logbook encompassing all the areas that were clearing their area.

On 1/29/11, did Officer Biendl make any radio calls to you (Tower 9) indicating the chapel was clear? Before, during or after 2030 recall?

Officer Lyons stated, "I don't remember a radio call from Biendl on 1/29/11 saying the chapel was clear. When Jayne closed the gate and sent out the last offender, that is when I cleared it in the logbook."

Investigative Note: On 5-25-11, one day after Officer Lyons' investigative interview, he sent the following written electronic message to Teamster Business Representative Sarena Davis, who in turn forwarded it to Investigator Gwin-Cork; *Hi, I just realized this morning I think I misspoke at the interview yesterday. I told them that I wrote down the chapel as clear when she closed the gate. What I should have said was I assumed the chapel was clear when she came out, but I wrote it down when the zone three was called clear. This is how it appears in my incident report to Monroe PD and how I recall the events. Please advise me on the best way to modify my statement. This was in no way deliberate and I apologize for the inconvenience caused (exhibit).*

Q: On 1/29/11, did Officer Biendl make any telephone calls to you (Tower 9) indicating the chapel was clear? Before, during or after 2030 recall?
Officer Lyons stated, "No."

Officer Lyons recalled from 2100 hrs until 2201 hrs it was a busy evening. He reported there was a flurry of activity on the breezeway during count time. He indicated that he did not hear any radio calls or announcements regarding a missing offender at 2100 hrs count. He recalled that he heard the radio call when Offender Scherf was found in the chapel around 2120 hrs. He indicated that from inside Tower 9 he watched the R&M's escort Offender Scherf from the chapel to the shift office. He reported that the shift commander initiated a formal picture card count at 2120 hrs and he stayed in Tower 9 until count cleared at 2201 hrs. He recalled that he secured and departed Tower 9 at 2202 hrs and made his way through main control and exited the institution ending his shift.

Q: Were any directives given to you by anyone on shift to complete an incident report before you departed the facility on 1/29/11?

Officer Lyons stated, "No, not on 1/29/11." Officer Lyons explained that he was not given a directive that night by Shift Sgt. Johnson, Lt. Shimogawa, or from Lt. Briones. He reported that he was not interviewed by any staff at MCC and did not receive any type of CISM debriefing (critical incident stress management) when counselors met with MCC staff in the days following the incident. Officer Lyons was offered CISM services during his interview with HQ investigators; he declined. Officer Lyons reported that he was not contacted by Monroe police detectives until he telephoned them a few weeks later to ask if they had any questions about the incident on 1/29/11. He reported that he met with a detective and provided an incident report at that time. 5/13/11

Q: Did you receive a "staff welfare or wellness check" over the telephone from Lt. Shimogawa following the incident on 1/29/11?

Officer Lyons stated, "No, I don't recall that."

Q: When was the next time you remember speaking to Lt. Shimogawa?

Officer Lyons stated, "The next night we spoke... Shimmy and me (referring to Lt. Shimogawa)... he asked what happened that night... I told him Jayme called me on the radio but that isn't what happened... I probably wanted it to happen that way... in my mind... but no, she closed the gate and went back in. That meant clear and secure."

Q: Where did this discussion take place with Lt. Shimogawa?

Officer Lyons stated, "It was the next night... Shimmy came up and talked with me for an hour or two in Tower 9."

Q: Did you log Lt. Shimogawa into Tower 9?

Officer Lyons stated, "No... It was like two guys talking... it wasn't official. We were sharing loss and just talking..."

Officer Lyons was advised not to speak with anyone other than a Union representative, spouse, domestic partner, attorney or anyone he is engaged in a legally privileged relationship as this is an active and ongoing DOC investigation.

I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature: *[Signature]* Date: 6-21-2011

Correctional Officer 2 George Lyons was interviewed at Monroe Correctional Center on May 24th, 2011. This interview was conducted by Investigator Tammy Gwin-Cork. Also present during the interview Investigator Jennifer Piuikula and Teamster 117 Business Representative Sarena Davis. At the request of Teamster Representative Davis this interview was not recorded.


Correctional Officer 2 Lyons was read the following statement, "It is alleged that on January 29, 2011, Correctional Officer George Lyons falsely and/or inaccurately logged the chapel clear at 2045. Correctional Officer (C/O 2) Lyons stated he understood the allegations against him at this time.

Correctional Officer 2 Lyons stated his hire date with the Department of Corrections is 01-04-08.

C/O 2 Lyons stated he is currently reassigned to MSU A Unit, 3rd Watch, he stated however on 01-29-11 he was assigned Tower 9 Watch 3 Call sign # King-409.

C/O 2 Lyons was shown copies of log book entries, (Exhibits 1) dated 01-28/29-11 and asked to explain the inconsistencies. C/O 2 Lyons stated, "OK." C/O 2 Lyons was asked to explain why on 01-28-11 for example there were no offenders logged in or out of the chapel for his entire shift. C/O 2 Lyons stated, "I failed to log or ~~the~~ ^{THEY} failed to call me and I didn't log it. I am admitting it's my mistake. If FH (field house) fails to call in count, means either I forgot to write it down or they didn't call me. I should have interrupted (C/O Biendl) her on the phone that day. Biendl was on the phone all day. She failed to call with her counts. I didn't call her on the radio. I was trying to be nice and not front her off. She was on her phone almost the whole shift; she was not having a good day. She was having problems with a neighbor's horse; we talked about it when she relieved me for break. Her break is at 1545 hours we talked for about 20 minutes when she came up to relieve me. No, I didn't say anything about her being on the phone or the busy signal. I just didn't record the numbers. Jayne had called down to Sgt. Johnson and asked where I was, Johnson said I was with him and he was sending me up now because I was late. My break started

at 1630 but I talked to Jayme for 20 minutes, I was out of the tower for about an hour. Then after she called I went back to the tower "

C/O 2 Lyons was asked why he does not log himself in or out for his lunch/meal breaks. Officer Lyons stated, "I was trained that the C/O (Correctional Officer) had to log in and then log out. So if Jayme (C/O 2 Biendl) never logged in I never logged out." C/O 2 Lyons was asked who trained him on the proper techniques of logbook entries. C/O Lyons responded, "I can't remember his name right now, I probably will later. I can picture his face, but I just can't remember his name." C/O 2 Lyons was asked if he has read and signed his post orders for his assigned tower post he stated "Yes, I am familiar with post orders, I have read and signed the post orders for the tower and for the chapel both ~~and~~ *I HAVE READ BUT NEVER SIGNED THE CHAPEL POST ORDERS.* 

C/O2 Lyons was asked to explain the process and procedure for typical evening when areas such as the PAB, Chapel and FH are cleared of all inmates. (Investigative note: PAB is an acronym for Program and Activities Building. FH is an acronym for Field House.) Officer Lyons stated, "I write it in as it happens. Every day I expect/know that PAB/FH and the yard are going to call in numbers of inmates, so I write PAB or FH with a blank next to it. Then I put in the number of inmates when they call in to me." C/O 2 Lyons was asked if a portion of the logbook is pre-written. C/O 2 Lyons stated, "Yes. Well no not pre-written certain occurrences happen every night. All ~~the~~ *MY DIRECT* sergeants have signed off on my entries." C/O 2 Lyons was asked to explain when the chapel was cleared on a typical day by Correctional Officer Biendl. C/O2 Lyons stated "Jayme would lead the inmates out to gate and stack them, (Investigative Note: Stack them is a slang term for lining offenders up prior to releasing them back their assigned housing

units.) let them out. A closed gate meant the chapel was secure. Closing of the gate meant to me all secure. Sometimes she would radio me." C/O 2 Lyons was asked what the percentage was that C/O Biendl would use the radio to notify him her area was secure he stated, "10-15% of the time."

C/O 2 Lyons was asked on the night of January 29, 2011 how did C/O 2 Jayme Biendl clear and secure the chapel area. C/O Lyons stated, "She stacked inmates at the gate for recall. Sent all her inmates out and closed the gate. About one minute after recall at about 2031 or 2032 I saw her close the gate. I could see her closing the gate and walking back in. I saw her close the gate and walk back in. If she would have been doing her job, this might have not happened." C/O Lyons was asked what if Jayme was doing her job and the inmate was hiding from her. C/O 2 Lyons stated "Um- well she still would have caught that."

On 05-25-11 the day after Correctional Officer Lyons initial interview in reference to the above statement he sent the following written electronic message to Teamster Business Representative as an addendum to his statement: *Hi I just realized this morning I think I misspoke at the interview yesterday. I told them that I wrote down the chapel as clear when she closed the gate. What I should have said was I assumed the chapel was clear when she came out, but I wrote it down when the zone three was called clear. This is how it appears in my incident report to Monroe PD and how I recall the events. Please advise me on the best way to modify my statement. This was in no way deliberate and I apologies for the inconvenience caused.*

I attest that the above statements are true and accurate to the best of my knowledge.

Signature

Joyce Lyons

Date

6-2-2011

/ 01-27-11 Watch 2, continued
 / All Keys accounted for
 1045 Recall Movement
 1107 Mainline in progress
 1230 WATLING OPEN P34 Y8 FH 73 C 68
 1330 MOIRWENT OPEN P37 V108 FH 68 C 39
 1345 1271116 LYONS On Post FH Keys And Equipment Accounted Security Check
 1430 Movement Sec 1440 PAB 39 CHANEL 7 HAN EOW 29 FH 7 YARD 46
 1511 CONSTRUCTION & BODE ALARM SEC 1513
 1530 Recall
 1545 YARD, FH, PAB, CHANEL, HOBBS, EOW, TOWER 9 CLEAR, YARD IN
 1650 Formal Count CLEAR 1650
 1800 Movement Sec 1810 PAB 35 CHANEL 3 HOBBS 39 EOW 30 FH 197 YARD 86
 1850 Movement Sec 1900 PAB 49 CHANEL 2 HOBBS 28 EOW 21 FH 73 YARD 69
 1900 Movement Sec 2000 PAB 38 CHANEL 11 HOBBS 0 EOW 18 FH 18 YARD 29
 2030 Recall
 2045 YARD, FH, PAB, CHANEL, HOBBS, EOW, TOWER 9 CLEAR, YARD IN
 2100 Formal Count CLEAR 2125
 2145 TOWER 9 SECURE
 0545 Watch TL: 1-28-11 C/O Manager on post. All equip acct for.
 Security checks complete.
 0600 Formal Count CLEAR 0621
 0730 Movement Y 18 FH 36 PAB 14
 0830 Movement Y 13 FH 15 PAB 23
 0930 Movement Y 13 FH 40 PAB 28
 1045 Recall
 1230 Movement Y 47 FH 116 PAB 37 CH 25 HS
 1330 Movement Y 32 FH 107 PAB 36 CH 17
 1345 1271116 LYONS On Post FH Keys And Equipment Accounted Security Check
 1432 Movement Sec 1442 PAB 36 CHANEL 7 HAN EOW 29 YARD 18
 1530 Recall
 1545 YARD, FH, PAB, CHANEL, TOWER 9 CLEAR, YARD IN
 1650 Formal Count CLEAR 1636
 1805 Movement Sec 185 PAB 35 CHANEL FH 124 YARD 50
 1850 Movement Sec 1900 PAB 32 CHANEL FH 79 YARD 31
 1900 Movement Sec 2000 PAB 4 CHANEL 9 FH 16 YARD 93
 2030 Recall
 2045 YARD, FH, PAB, CHANEL, TOWER 9 CLEAR, YARD IN
 2100 Formal Count CLEAR 2128
 2145 TOWER SECURE

14

1/29/11

TOWER 9 IN SERVICE

0544 WTBEGINS 90 STREETZ ON POST
KEYS EQUIP ACT FOR SECURITY CHECK COMPLETED

0600 FORMAL COUNT

RADIO CHECK (ALL TOWERS)

0631 MAINLINE

0605 INTERLINES

0725 YARD CTRK K238

0730 MOVEMENT P/40 Y/17 FH/44 ALL REMS. POSTED

IN ESPINA #04204, DURAN #775663, TIJERUNA #84070 BEGAN WORK

SMITH HOLLOWAY COMPLETED 0825

0820 1/4 MILLANER #875905, RICHMOND #858073, CARROLL #74572 BEGAN WORK

1/4 NEAL SUPERVISING

0830 MOVEMENT P/46 Y/15 FH/59 KEYS ONLY

0835 MOVEMENT P/33 Y/1 FH/31 KEYS, 222, 201

1032 C/O GTRK in tower for break relief

All Keys accounted for

1045 Recall movement

1114 C/O STREETZ RELIEVES C/O GTRK

1230 MOVEMENT P/61 Y/67 Y/47 FH/97 KEYS 238, 224, 221, 222

1230 MOVEMENT P/31 Y/1 Y/33 FH/90 KEYS 238, 223, 239

1345 129-114-101 LBS A. KOT HIKES the Equipment Account Security Check

1430 MOVEMENT Sep 1440 P/B 19 CARROLL P/B 34 YARD

1530 RECALL

1545 YARD, FH, P/B, CHANCE, TOWER 9 CLEAR YARD IN

1600 FORMAL COUNT CLEAR

1800 Movement Sep 1810 P/B 24 CHANCE 6 FH 101 YARD 35

1850 Movement Sep 1900 P/B 21 CARROLL 50 FH 607 YARD 21

1930 Movement Sep 2000 P/B 15 CARROLL 24 FH 29 YARD 22

2030 RECALL

2045 YARD, FH, P/B, CHANCE, VR, TOWER 9 CLEAR YARD IN

2100 FORMAL COUNT CLEAR NO

2120 FORMAL PICTURE COUNT CLEAR 2201

2200 TOWER SECURE

0550 1/30/11 WTBEGINS C/O ESTE ON POST, KEYS EQUIPMENT

ACCOUNTED FOR - 0532

0600 FORMAL COUNT, CLEAR 0632

0605 RADIO CHECK (ALL TOWERS) - 0632

0620 SECURITY CHECK COMPLETED - 0632

0700 LT HOFER ASSIGNED AS INCIDENT COMMANDER

LT HOFER CHARGE TO OPERATION CHIEF

POST ORDERS/MANUAL SIGN-OFF SHEET

Post: TOWER 9 OFFICER

Year: 2011

SUPERVISOR REVIEW		Date
Printed Name	Signature	
SGT. Allen	SGT. D. Allen	7/2/11

[illegible]

Custody Staff are Required to Review and Sign the Post Orders/Manual Monthly for the Position (s) in which they Work. In Addition, the Post Orders/Manual will be Reviewed and Signed upon Assuming a New or Unfamiliar Position.

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Distribution: ORIGINAL-Correctional Captain
DOC 02-333 (Rev. 05/20/10)

DOC 400.200

Exhibit 4

Facility: MCC WSRU
Month: January

POST ORDERS/MANUAL SIGN-OFF SHEET

Post: TOWER 9 OFFICER

Year: 2011

SUPERVISOR REVIEW

SUPERVISOR REVIEW		Date
Printed Name	Signature	
Sgt. D. Allen	Sgt. D. Allen	2/19/11

CORRECTIONAL OFFICER

[illegible]

Custody Staff are Required to Review and Sign the Post Orders/Manual Monthly for the Position (s) in which they Work. In Addition, the Post Orders/Manual will be Reviewed and Signed upon Assuming a New or Unfamiliar Position.

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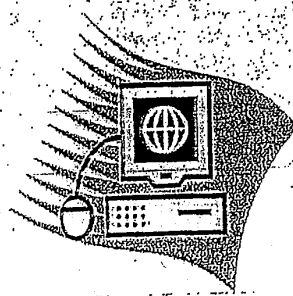
Distribution: ORIGINAL-Correctional Captain
DOC 02-333 (Rev. 05/20/10)

DOC 400.200

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RESTRICTED

RESTRICTED



Electronic Post Order Navigation Directions:

MCC WSRU Towers

MCC Post Orders are now being maintained and reviewed electronically.

The sections not specific to the post will be viewed by direct link from the underlined items in this index. (Ctrl + Click)

Each post will have a hard-copy manual containing the following items, which are also available to view in this file:

Post Order & Post Order Sign-Off Sheets

Directions to Post Order navigation

If you have difficulty navigating Post Orders, please call the Captain's Secretary at 2755 or ask your supervisor for assistance.

Note: All MCC Towers are to have a complete Post Order Manual at their post at all times.

WSRU Tower-9 Officer

Exhibit 5

RESTRICTED

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Washington State Department of Corrections - Division of Prisons
WSRU Post Orders for Tower 9
 Your Radio Call Sign: "King 409"
 Direct Chain of Command: - Hospital Sergeant (Phone #5242, Radio "King 211")
 If Hospital Sgt. Not Available - Shift Sgt. (Phone #2796, Radio King 202)
 Indirect Chain of Command: - (Shift Lieutenant) (Phone #2795, Radio "King 204")
EMERGENCY: Telephone - Radio - "WSRU Base"

Read and be knowledgeable of your Post Manual

Zone of Control: Responsible for controlling all offender and staff movement between Cell-house Entries exterior doors, balcony, VR access door, Hospital, Front/Back Offender Kitchen, Field house, Big Yard and school/work areas and all within sight and sound. Due to the criticality of this post, constant observation is a necessity. If visibility is limited due to inclement weather your supervisor will be notified immediately, for instructions.

Key Control: Key Rings [redacted] & [redacted] will be obtained from either off-going staff or from [redacted] When power outages or electronics go out, permission must first be obtained from the Shift Lieutenant or higher to issue keys to any staff member outside the Tower. These keys will be handled in accordance with MCC 420.550, Key Control.

Use of firearms, chemical agents, restraints and/or physical force: This is [redacted] There [redacted]
 [redacted] There are [redacted] stored for use in this Tower.

Movement Procedures: Movement shall ordinarily be restricted to those times designated as "Open Movement," during open movement periods all turnstiles will be unlocked. Between movement periods all turnstiles will be locked. Offenders wishing access to any area other than open movement period will have a pass. Passes will not be issued to yard-out areas. Be familiar with MCC 420.100, Offender Movement. During open movement times you will continually monitor the balcony, sidewalk to Gate 7 and the area around the base of the tower for offenders loitering and/or slow walking.

Access to Hospital: Offenders will be under escort if utilizing stairwell or elevator. All other offenders will gain access via Cell house Entry 1.

Receiving & Release Access: Access will only be granted if a Custody Officer is present in Receiving & Release.

UA Area/Hallway: The medical entry gate will not be open at the same time as the south medical entry or the stair door, unless authorized by Shift Lt. or higher. Additionally, these doors are not to be opened if the north receiving entry door is open. Offenders will only be granted access if a Custody Officer is present. IK will not be opened during open movement. Only IK staff may be authorized entry or exit to the IK. IK staff must be present before any IK door is opened for an offender. Offenders requesting access to the IK during non-movement periods will be by pass only. Maintenance workers may gain access with their supervisor present, only staff will open and secure doors. When Maintenance enters you will call King 282 and inform the officer how many offenders and staff enters. An IK officer will search the offenders and their carts, when they exit the IK. Every effort will be made by IK staff to coordinate offender work schedules with Open Movement periods. During Mainline, IK access will be denied to all offenders unless you receive prior notification by an IK Officer. Offenders will be ordered to return during an open movement period.

Search Procedures: If an offender or his possessions are to be searched because of suspicious acts or behavior, an R&M or one of the Entry Officers will conduct the search. Entry Officer will perform pat searches; R&M's will conduct strip searches.

Count Procedures: When Field house, PAB, Gate 7, and Big Yard are clear, the Entries will be notified and [redacted] to Entry will be secured. When count is in progress all doors will be kept shut except for staff passage. Care will be taken not to let offenders move when count is in progress. Conduct count according MCC 420.150. Counts (Restricted).

Post operations: Officers assigned to Tower 9 will ensure that staff are processed through turnstiles and gates between movement periods in a timely manner. The staff [redacted] will be kept secured at all times except for passage. Offenders requesting access will have a pass or be a porter in that area. Verification will be done prior to offenders entering hallways. Offenders will utilize the turnstiles unless wheelchair or bulky items prevent usage. Access to the tower will granted to authorized staff only.

Inventory of equipment & supplies: The inventory is located in your post manual. At the beginning of your shift will reconcile your inventory daily, and fill out the inventory sheet. Immediately notify your chain of command of any discrepancies.

Post Log: Tower 9 maintains a daily Tower log of all activities. This log is a legal document. No pages will be removed. If an error is made a single line will be drawn through it and initialed. Whiteout or correction tape will not be used.

Yard: Big yard will remain open regardless of the amount (one or more) of offenders in the yard. Yard Officers directed by shift for duties.

Security Call-in Check: Starting at 1815 hrs each evening, until 0545 hrs the next day, the Tower 9 officer will call Tower 10 with a security check call-in [redacted] hrs, etc.

Movement: During open movement, no activity is permitted in and/or out of the back IK.

Washington State Reformatory Unit / Monroe Correctional Complex

WSRU Tower 9 Officer

7/8/18

RESTRICTED

RESTRICTED

Signed copies available in the WSRU Captain's Office

EMERGENCY RESPONSE

WSRU Tower 9

Telephone- Radio "WSRU Base"

Respond to all emergencies within your zone of control. Remain at your post during emergencies that are outside your zone of control unless directed otherwise by your chain of command. If directed to respond to another location, be sure to pace yourself so that you will be able to deal with the situation when you arrive. Move cautiously. Do not rush into crowds, through doors or into cells/rooms. Identify and address the immediate need (i.e., back up involved officer(s), redirect offenders in the area, retrieve emergency equipment or transfer information to responding staff). Always know your escape route. Do not get trapped. If you are the first responder, take the steps listed below. Do not assume that resolution is complete until all participants are secure and you are physically removed from the incident site. Riotous or mutinous offenders will not be granted freedom from the confines of the Institution.

When you discover an emergency, determine the nature of the emergency - medical problem, fire, fight/assault, disturbance/group resistance, suspected bomb, hostage situation or other kind of emergency. notification has been made and assistance has arrived.

Once the nature of the emergency has been determined, make a clear, accurate notification by 1) phone 2) voice, 3) radio (WSRU Base), or 4) your radio. If utilizing the follow up with verbal notification if possible. The information needed for includes: your name, location and call sign; the location and nature of the incident; the number of offenders, staff and/or citizens involved; if there are any injuries to anyone; type of weapons involved, if any; and the type of assistance needed. If you are using a radio to make the notification, be sure you receive an acknowledgment of your transmission; if you do not, check your radio and repeat.

If incident is in your area, and you cannot resolve it; or if responding to an involved site and the area is not secure, from spreading, if possible. Use your megaphone to give clear directions. Separate out the non-participants and direct them to a safe location away from the immediate area. Do your best to preserve any evidence and the crime scene, if applicable.

Clearly identify the participant's involved and any potential witnesses for your documentation later. Once the emergency is stabilized, your actions should be directed toward ensuring the situation stays under control until resolved. Seek direction from your chain of command for what specific steps to take next. Document, who the participants were, and in chronological order of events as they occurred, their actions, the locations and times, and what weapons (if any) were involved. All pertinent information as to who what, where, when, & why should be included, if known. Once the emergency is stabilized, your actions should be such that the situation stays under control. Seek direction from your chain of command for what to do next.

Evacuation routes: Due to the nature of your zone of control, you should be constantly alert to all possible evacuation routes that may be used by staff within your zone of control.

Assembly areas: When directing staff and offenders to assembly areas, ensure the offenders are kept separate from the staff. Use common sense and good judgment when directing offenders and staff to assembly areas. Be vigilant to safeguard staff if assembled under your tower for protection.

Emergency Equipment:

FIRE EXTINGUISHERS: Top of stairs on right

FIRST AID KIT: On counter

EMERGENCY UTILITY SHUTOFF

WSRU Tower 9 Officer

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Monroe Correctional Complex

Post Manual Index - WSRU Towers

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2. Index

Section II

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4. Equipment
5. Supplies

Section III

1. Shift II Chronological
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3. Procedures Specific to Post
4. General Firearm Orders/Procedures for Use of Force to Prevent Escape
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2. Radio Information, Radio Usage, Motorola User Manual
3. Radio Call Signs
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1. Relief Procedures (for breaks and end of shift)
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Section VI

Emergency Reference Section

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3. Emergency Utility Shut-Off - See Post Manual
4. What to do before you evacuate
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6. Hostage Situation do's and don'ts
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Section VII

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1. Logging Procedures
2. Procedure for reordering supplies (SITR)
3. Work Order Instructions and Form
4. Request to Cause Change to Post Order Manual and Form
5. Incident Report Form, General Infraction Report Form
6. Hazard Form, Accident/Injury Form
7. Pack Up Procedures
8. Lost Key Procedures and Key Request Form
9. Weapons: Transferring, Unloading & Loading

Section VIII

Policies are available on the DOC Website at [http://\[REDACTED\]](http://[REDACTED])
Memorandums are available on the MCC Intranet at [S:\[REDACTED\]](http://[REDACTED])
A list of Policies and OM's pertaining to post is listed below

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Inventories

1. It will be the on-coming shift's responsibility to ensure proper equipment inventory prior to the relief of the off-going shift.
2. Inventoried items will be logged in the logbook as being present. If they are not, this will be reported to the Shift Sergeant/Lieutenant with a follow-up memo.
3. Report any discrepancies, malfunctions and/or damaged or missing equipment to the Shift Lieutenant.

Key Control Procedures

Tower 9 contains key rings: [REDACTED] and [REDACTED]

Key Ring [REDACTED]

Key Ring [REDACTED]

Location Opens [REDACTED]

Key Ring [REDACTED]

Key Ring [REDACTED]

Location Opens [REDACTED]

1. Accountability of keys is critical.
2. At the beginning of the shift, ensure all keys are present and in good condition.
3. As soon as possible ensure that you have a working knowledge of which keys open which doors. This is vital to secure and safe operations.
4. Immediately report missing or damaged keys to the Shift Lieutenant verbally, and follow up with a written memo.
5. Keys will be obtained utilizing the key chit system, and shall be handled in a manner consistent with Institution policies. Physical control of keys will be maintained at all times. Keys will not be thrown or dropped from one person to another. Keys will be passed hand to hand.
6. If staff you have relieved have taken institution keys off grounds, notify the Shift Lieutenant. The Shift Lieutenant will make a decision if keys must be returned immediately by the staff.
7. When issuing or receiving keys, count the number of keys on the ring [REDACTED]. Report any discrepancies to the Shift Lieutenant.

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8. Ensure that all key rings which are designated as such in IFI 420.550 are issued only to staff who are authorized either by policy or the Shift Lieutenant to use them.
9. Keys will be kept in hand, pants pocket, or approved key safe at all times.
10. Do not allow an unauthorized staff member, non-staff member or offender to use any keys that they are not routinely approved to have.
11. Certain offenders may be allowed to have various non-security keys such as tool crib, lunch slip box, cell keys, etc.

Tools

All tools assigned to your zone of control will be inventoried and secured in a locked location. Lost or damaged tools will be reported immediately to the Shift Lieutenant/Sergeant.

None assigned

Equipment

You are responsible for the following equipment assigned to this post.

- All items listed on shift to shift daily inventory sheet, and:
- Post orders
- Spare radio batteries
- Log book
- Gate control panel
- Telephone
- Fire extinguisher
- Portable heater

Supplies

You are responsible for the following supplies assigned to this post.

- Cleaning supplies
- Paper supplies

VSRU Tower 9 Officer

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Shift III

MY PRIMARY SECURITY FUNCTION IS TO: Maintain safety and security of the Tower 9 area. This includes all turnstiles and entry and exit points during emergent and non-emergent situations.

SHIFT TIME: 1330-2200

WEEK DAY	TIME	ACTIVITY	TASK	LOCATION	COMMENTS
Daily	1330	Muster	Arrive on time and ready for duty to the muster site	WSRU Admin - Bldg. muster room	After the conclusion of your daily muster report to your post for shift exchange.
Daily	Watch III Start of Shift 1400 hrs	Shift Change	Pass on any problems with gates, doors, etc.	Tower 9	
Daily	1430	Work/School Lines	Open Gate 7 Entry/Exit Turnstiles. Allow Hobby Shop offenders access through Fieldhouse Turnstiles.	Tower 9	Movement is to be between living units and program areas (PAB, Chapel, Hobby Shop, Education, and Gate 7 or other assigned work area).
Daily	1440	Work/School lines secure	Close all turnstiles.	Tower 9	Movement in between open movement periods is to be by the pass system only. Passes should only be issued at the request of staff at the point of Destination.
Daily	1445	Rec. Movement	Open Yard and Field House Entry/Exit turnstiles. Observe movement from living units and Rec. areas.	Tower 9	Movement is to be between living units and recreation areas (Yard and Fieldhouse) only. Exceptions are those offenders called out to Disciplinary, Medical, Grievance or Property room. Any other movement needs approval from Shift Lt. or designee.
Daily	1450	Secure Rec. Movement	Secure Turnstiles, obtain counts from Tower 1 1/2 and Fieldhouse, log counts in Tower 9 logbook.	Tower 9	If there are fewer than 7 offenders in the yard, clear the yard and notify shift.
Daily	1450-1515	Non-Movement period	All movement by offenders will be by the pass system only. Entry Officers will verify validity of the pass.	Tower 9	Be continually observant of staff at your control points and of all areas within your zone of Control, sight, and sound.

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Daily	1515	Rec. Movement-In	Release offenders from Rec. areas to living units through the Yard/Fieldhouse exit Turnstiles.	Tower 9	Release offenders from the Rec. Area by opening one turnstile at a time, releasing a preset number of offenders at a time as dictated by Shift Lt. (usually 20 offenders at a time; unless otherwise directed).
Daily	1530	Program In			
Daily	1545	Yard In			
Daily	1550	Formal Count	During this time all doors will remain secure except for passage of staff.	Tower 9	
Daily	1620 (or when Count clears)	Count Clear/Mainline	Industry workers return to the living units.	Tower 9	Offenders with elevator passes will be escorted by k-275.
Thur-Mon	1700	Visits	Open Visit Room Entrance [REDACTED]	Tower 9	Offenders must have a valid pass to report to the VR. Offenders may not loiter in the area to wait for other name to be called for visit.
Daily	1750 (or when mainline clears)	Work/School lines open	Open Gate 7 Entry turnstile. Allow Hobby Shop offenders access through Fieldhouse Entry Turnstile.	Tower 9	One way movement from living units to program areas only. Access to program areas by a call-out only. Ensure an officer is present at the turnstile prior to letting offenders through.
Daily	1815 - 2045	Check In	Security call-in.	Tower 9	Starting at [REDACTED] hrs and [REDACTED] on the [REDACTED] check in with Tower 10.
Daily	1800	Work/School lines closed	Secure all turnstiles. Obtain counts from PAB, Chapel, and Hobby Shop Officers.	Tower 9	Movement in between open movement periods is to be by the pass system only. Passes should only be issued at the request of staff at the point of Destination.
Daily	1805 (or 5 min. after Work/school closes)	Rec. Movement open	Open Yard and Fieldhouse Entry turnstile. Ensure that Rec. Officers are present before opening turnstiles.	Tower 9	One way movement from living units to Rec. areas only.
Daily	1815	Rec. Movement closed	Close Yard and Fieldhouse turnstiles. Obtain area counts from Tower 1 1/2 and Fieldhouse officers.	Tower 9	If there are fewer than 7 offenders in the Yard, Clear the yard and notify Shift.
Daily	1850	Work/School lines open	Open Gate 7 Entry/Exit turnstiles. Allow Hobby Shop offenders access through Fieldhouse Entry Turnstile.	Tower 9	Access to program area by call-out only. Ensure an officer is present at the turnstile prior to letting offenders through.

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Daily	1900	Work/School lines closed.	Secure all turnstiles. Obtain counts from PAB, Chapel, and Hobby Shop Officers.	Tower 9	Movement in between open movement periods is to be by the pass system only. Passes should only be issued at the request of staff at the point of Destination.
Daily	1930	Rec. Movement open	Open Yard and Fieldhouse Entry/Exit turnstiles.	Tower 9	Ensure that Rec. officers are present before opening turnstiles.
Daily	1940	Rec. Movement closed	Close Yard and Fieldhouse turnstiles. Obtain area counts from Tower 1 1/2 and Fieldhouse officers.	Tower 9	If there are fewer than 7 offenders in the Yard, Clear the yard and notify Shift.
Daily	1950	Work/School lines open	Open Gate 7 Entry/Exit turnstiles.	Tower 9	Access to program areas by call-out only. Ensure an officer is present at the turnstile prior to letting offenders through.
Daily	2000	Work/School lines closed	Secure all turnstiles. Obtain counts from PAB, Chapel, and Hobby Shop Officers.	Tower 9	Movement in between open movement periods is to be by the pass system only. Passes should only be issued at the request of staff at the point of Destination.
Daily	2015	Rec. Movement-In	Release offenders from Rec. areas to living units through the Yard/Fieldhouse exit turnstiles.	Tower 9	Release offenders from Rec. areas by opening one turnstile at a time, releasing a preset number of offenders at a time as dictated by Shift Lt. (usually [redacted] offenders at a time, unless otherwise directed).
Daily	2030	Programs In			
Daily	2045	Yard-In			
Daily	2100	Formal Count	During this time all Doors will remain secure except for passage of staff.	Tower 9	
Daily	2150	Secure post	Close cellhouse [redacted] and all other turnstiles and doors except the [redacted] door. Close all windows. Turn off [redacted] and [redacted]. Leave [redacted] key yourself out of the tower doors, securing them behind you. Return both keys in key set [redacted] to [redacted].	Tower 9	Make sure that staff are clear from behind turnstiles and the receiving and release area. Do not secure post prior to 2150.

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Shift II

MY PRIMARY SECURITY FUNCTION IS TO: Ensure the security of the institution, control the operation of gate 2 and sallyport gates, and to prevent escape.

SHIFT TIME: 0530 to 1400

WEEK DAY	TIME	ACTIVITY	TASK	LOCATION	COMMENTS
Daily	0530	Muster	Arrive on time and ready for duty the muster site.	WSRU Admin Bldg - muster room	After the conclusion of your daily muster report to your post for shift exchange.
Daily	0600	Shift Change	Pass on any problems with gates, doors, etc	Tower 9	
Daily	0600	Formal Count	During this time doors will remain secure expect for staff passage.	Tower 9	
Daily	0600 - 0730	Big Yard custody officer completes a yard security check prior to 0730 or the opening of the yard.	Insure a custody officer completes a yard security check prior to 0730 or the opening of the yard.	Tower 9	Notify Zone Sgt. if yard is scheduled to be opened and security check has not been completed.
Daily	0615 - 0730	Mainline	During this time monitor mainline, call for escorts for elevator (as needed).	Tower 9	Be aware of offenders coming down stairwell and any offenders loitering on the balcony or base of Tower 9.
Daily	0615 - 0715	Mainline	During this time offenders requesting access to the IK will be denied unless prior notice by an IK staff.	Tower 9	You will announce over the back IK speaker in a loud voice that an officer is needed at the back door. If a custody officer has not responded within ten minutes you will call over the radio to King 262 to report to the back door.

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Daily	0730 (Securing IK)	Work Lines/Open Movement	Open yard, Fieldhouse, PAB/Gate 7 Turnstiles (Free position) regardless of the securing of the IK open movement will not start prior to 0730.	Tower 9	Insure yard and Fieldhouse are to opened prior to letting offenders have access, i.e., fog lines, not staff, etc.
Daily	0740	Secure Movement	Secure all turnstiles (locked position)	Tower 9	
Daily	0740 -- 0830	Non Movement	All movement by offenders will be by the Pass System ONLY. Entry officer will verify authenticity of pass.	Tower 9	Be continually observant of staff at your control points and of all areas within your zone of control, sight and sound.
Daily	0830 -- 0840	Open Movement	Open yard, Fieldhouse, PAB/Gate 7 turnstiles (free position)	Tower 9	Insure yard and Fieldhouse are to be opened prior to letting offenders have access, i.e. foglines, no staff, etc.
Daily	0840	Secure Movement	Secure all turnstiles (locked position)	Tower 9	
Daily	0840 -- 0930	Non Movement	All movement by offenders will be by the Pass System ONLY. Entry officer will verify authenticity of pass.	Tower 9	Be continually observant of staff at your control points and of all areas within your zone of control, sight and sound.
Daily	0930 -- 0940	Open Movement	Open yard, Fieldhouse, PAB/Gate 7 turnstiles (free position)	Tower 9	Insure yard and Fieldhouse are to be opened prior to letting offenders have access, i.e. foglines, no staff, etc.
Daily	0940	Secure Movement	Secure all turnstiles (locked position)	Tower 9	
Daily	0940 -- 1030	Non Movement	All movement by offenders will be by the Pass System ONLY. Entry officer will verify authenticity of pass.	Tower 9	Be continually observant of staff at your control points and of all areas within your zone of control, sight and sound.
Daily	1015	Recreation Recall			
Daily	1030	Program Recall Shortline	Open all exit turnstiles (free position)	Tower 9	Offenders will be required to exit yard, Fieldhouse and PAB, Call King 204, Zone Sgt., when the yard is clear.
Daily	1035	Yard In			

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Daily	1045 (or when areas are clear)	Areas Clear	When all offenders have cleared Gate 7, the sidewalk and entries, secure the Entry, [REDACTED]	Tower 9	These doors will be opened when staff have returned from counting and are present. If an officer is not positioned, the doors will remain secure.
Daily	1120 (or when count clears)	Count Clear	Open PAB/Gate 7 turnstiles (Entrance/Exit in free position)	Tower 9	
Daily	1230 (or the securing of the IK)	Work Lines/Open Movement	Open Yard, Fieldhouse, PAB/Gate 7 turnstiles (free position) regardless of the securing of the IK Open Movement will not start prior to 1230.	Tower 9	Insure yard and Fieldhouse are to be opened prior to letting offenders have access, i.e. foglines, no staff, etc.
Daily	1240	Secure Movement	Secure all turnstiles (locked position)	Tower 9	
Daily	1240 - 1330	Non Movement	All movement by offenders will be by the Pass System ONLY. Entry officer will verify authenticity of pass.	Tower 9	Be continually observant of staff at your control points and of all areas within your zone of control, sight and sound.
Thurs - Mon	1245	Visits	Open Visiting Entry [REDACTED]	Tower 9	Offenders report to the Visiting Room with a pass. Offenders will not be allowed to loiter and wait for their name to be called.
Daily	1330 - 1340	Open Movement	Open yard, Fieldhouse, PAB/Gate 7 turnstiles (free position)	Tower 9	Insure yard and Fieldhouse are to be opened prior to letting offenders have access, i.e. foglines, no staff, etc.
Daily	1340	Secure Movement	Secure all turnstiles (locked position)	Tower 9	
Daily	1340 - 1430	Non Movement	All movement by offenders will be by the Pass System ONLY. Entry officer will verify authenticity of pass.	Tower 9	Be continually observant of staff at your control points and of all areas within your zone of control, sight and sound.
Daily	1400	Shift Change	Pass down all pertinent information.	Tower 9	As a minimum this will include gates and entries that have mechanical problems.

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OTHER DUTIES

Daily	As Needed	4 th Floor Elevator Escorts	Notify 4 th floor hospital to escort 4 th floor offenders using elevator	Tower 9	
Daily	As Needed	3 rd Floor Elevator Escorts	If the offender has a current HSR, notify any available R&M to escort offender to the 3 rd floor.	Tower 9	
Daily	As Needed	Porters	All offenders that are ambulatory or do not have to use the elevator will gain entry to the 3 rd or 4 th floor via the scanner at Entry #1	Tower 9	
Daily	As Needed	IK	Offenders wanting access to the IK other than Open Movement will have to have a pass.	Tower 9	All Offenders will report to Work in IK via A/B Dayroom.
Daily	As Needed	Maintenance Access to IK	Maintenance supervisors will be allowed to enter the IK with their crews without an officer present. You will announce over the radio to K262 how many supervisors and offenders have entered.	Tower 9	

MONTHLY DUTIES

		Fire Extinguishers	Insure all fire extinguishers are signed off, between the 1 st and the 5 th of each month.	Tower 9	If any discrepancies, have fire extinguisher taken to 23 J crew and have it replaced.
		Post Orders	Read and sign-off on Post Order Manual Sign Off Log.	Tower 9	

WSRU Tower 9 Officer

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Shift I

MY PRIMARY SECURITY FUNCTION IS TO: Ensure the security of the institution, control the operation of gate 2 and sallyport gates, and to prevent escape.

SHIFT TIME: 0515 to 0515

WEEK DAY	TIME	ACTIVITY	TASK	LOCATION	COMMENTS
Daily	0515	Equipment	Draw Key Rings [REDACTED]	[REDACTED]	
Daily	0515	Electrical Panel	Turn on electrical panels	Tower 9	Open [REDACTED] to cellhouse entries, #1 & #2 and medical entry. All other doors will be opened as needed. NOTE: offenders will not be allowed to enter the IK without an IK custody officer present.

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Procedures Specific to Post

These post orders cite specific and general instructions for the operation of this post assignment. They cannot cover every eventuality that may occur. You are expected to use good judgment, tact, and careful attention to detail in discharging your duties whether referenced in the post orders or not, and to maintain compliance with institution policies and procedures.

Procedures for Control of your Zone of Control

1. Continually monitor all areas in your zone of control.
2. Do not open swing gates to yard, Gate 7 or Fieldhouse unless a bulky item prevents staff or offenders from using the turnstile. Swing gates are not to be opened during movement periods. Do not open more than one swing gate at a time.
3. Do not open the Medical entry and the medical entry gate at the same time.
4. Other than during movement periods, offenders may not leave any area without a written pass.
5. If there is an incident in your zone of control, attempt to capture it using the camcorder.
6. During yard in and recreation movements, only allow the offenders to exit [redacted] at a time, beginning with the Fieldhouse. This will prevent too many offenders from gathering at the entries.
7. If there is fog in the yard or you see lightning, notify the Shift Sgt. immediately.
8. Do not allow offenders to loiter in any area during movement periods.
9. During codes all movement is to be stopped until told otherwise by the Shift Lt.
10. After movement periods log the offender counts for the PAB, Chapel, Hobby Shop, Fieldhouse and Big Yard.
11. After each movement period is closed, the yard officer or Tower 1 1/2 officer will give an approximate count of the number of offenders in the big yard to the Tower 9 officer.
12. Ensure all Fieldhouse recreation equipment is returned/moved to and from the field house prior to the end of or beginning of yard.
13. Supervise offender porters' assigned/working in the big yard.
14. If an offender is injured, notify main control and the infirmary by radio or telephone. Available staff will escort the injured offender to the infirmary.
15. Do not let an emergency distract your attention from other activities in the yard. Provide what assistance is needed immediately, and then let responding staff handle the emergency, unless your direct involvement is necessary. Otherwise your responsibility is to maintain security of the incident site, control offender movement, and ensure no breach of security occurs.
16. Yard will remain open for offender usage during inclement weather at Shift Lieutenant's discretion. Exception: fog lines or dangerous conditions.
17. The following items are authorized from the living units to the outside yard subject to search:
 - Walkman stereo
 - Personal drinking cup (summer months only, after authorized by Captain's memo)
 - One can of pop (must be consumed before leaving the yard)
 - Playing cards (personal property purchase only. Casino decks are institution issue for dayroom use only)
 - Books (personal or library)

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- Personal rug or beach towel
- Suntan or other lotion or baby oil

18. No tackle football is permitted.
19. Abuse of recreation facilities and equipment will result in disciplinary action.
20. ~~No form of martial arts is permitted.~~
21. **NOTE:** The yard may be closed at anytime for safety reasons (lightening, hail, fog, etc.) or Security reasons (Phase **ORT**) or darkness. If any of the above mentioned conditions exists, Contact Main Control and wait for the order to be given to close the yard.

Logging Procedures

1. The logbook is maintained for the purpose of providing legal documentation of events within your zone of control. For this reason it is necessary that it be accurate, legible and specific.
2. No pages will be removed from the logbook. If corrections need to be made, it will be done with a single line through the incorrect entry, initialed by the correcting officer. No entries will be obscured. No correction tape or correcting fluid will be used.
3. Familiarize yourself with the previous shifts entries, and sign in, indicating the date, time, name of staff on duty, and account for all inventories.
4. Log all activities that affect your area.

Location of Post Equipment and Instruction/Operator Manuals

The following items are located on the shelf above the television monitors on the east side of the tower:

Flex Cuffs
Post Orders
VCR Tapes
Fire Escape Ladder
Misc. forms

The logbooks and security inspection sheets are located on the counter next to the main staff sallyport monitor along with the battery charger and an extra battery.

Key Rings & (sets) are located in when tower is not in service.

Megaphone and binoculars are located on the counter facing the west side of the tower.

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Fire Extinguishers and other Fire Suppression Equipment

- 1 ABC Mounted on wall by top of stairwell.

FIRST AID KIT

Wall by Tower entry door.

Relief Procedures

1. You are not to leave your zone of control at any time during the shift without authorization of the Shift Sergeant or Lieutenant.
2. You are not authorized to leave your post at the end of shift until a replacement officer has arrived and a shift exchange briefing has occurred.
3. If your relief has not arrived by shift change, notify the Shift Sergeant that you have not been relieved.
4. During shift change staff will exchange keys and equipment, and the following information will be passed on to the incoming officers:
 - a. Any incidents that occurred.
 - b. Security concerns
 - c. Other information pertinent to the operation of the post.

This exchange of information will take place in a place and manner away from offenders in order to protect the confidentiality of information being discussed.

5. At the end of your shift, ensure that the institution log is up to date and all entries have been completed for the shift; and the inventories have been done. Ensure all documentation and paperwork have been completed.
6. Relieving staff will review the area logbook from the previous shifts for pertinent information and special instructions.
7. The oncoming officer should arrive at the post and be ready to assume the duties at the scheduled shift change.
8. Do not have anyone substitute for you on duty assignment without prior supervisory permission.

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Closing of Post (end of shift, not relieved)

1. Clean up after yourself.
2. Turn off the [REDACTED]
3. Remove the tapes from the VCRs, rewind them using the tape re-winders and place them back in order on the shelf.
4. Ensure that all doors that are under your control, to include sliders, are secured except for the [REDACTED]. Leave this slider open $\frac{1}{2}$ to $\frac{3}{4}$ of the way open. This will allow the door to be manually opened or closed as needed on Shift 1.
5. Turn off heaters, coffeepot and anything else that might be on.
6. Turn off the [REDACTED] Button located on [REDACTED]
7. Key yourself out of the tower (do not use the interlock override button and pop the doors open).
8. Return keys to [REDACTED] (radio remains in the tower).

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STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

☐ Confidential

Date/Time of Incident 1/29/2011	Offenders Involved Scherf, Bryon E.	DOC Number 287281	Living Unit A 112
Location WSRU Tower 9/Chapel	Witnesses		
Use of Force Incident? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

DETAILS: Who was involved, what took place, how did it happen, description of any injuries, damage, use of force, etc. Attach additional sheet, if necessary.

On 1/29/2011 I C/O (Corrections Officer) George Lyons was working in tower 9 at the Washington State Reformatory Unit (WSRU). At 2030 hours Main control called recall. I opened the exit gates from the Yard, Field House, and P.A.B./Chapel walkway. At approximately 2031 I observed C/O Biendl finished letting the offenders out of the Chapel closed the gate and returned to the Chapel building. At approximately 2035 a C/O made radio notification to King 409 (Tower 9) that Zone Three was clear. I then logged the P.A.B. and Chapel as clear. I monitored the base of tower 9 and verified that all offenders were clear and back on their units. At approximately 2113 several officers went out from the base of Tower 9 and at approximately 2115 an officer made radio notification that an offender had been located in the Chapel. I opened the gate to allow the staff to take the offender back to the Shift Office, and then over to the Intensive Management Unit. I remained at my post until approximately 2203 and then left the facility once released by the Shift Lieutenant. A written report was not requested of me until 5/13/2011 all of the times listed are as accurate as I can recall.

Immediate Action Taken:

Staff Signature _____ Date 5/13/2011 Title C/O 2 Staff Name (Please Print) _____

TO BE COMPLETED BY CHIEF INVESTIGATOR

Date/Time Received	Incident Number	
Investigation Assigned To	By	Date

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Distribution: WHITE - Chief Investigator
DOC 21-917 (Rev. 04/22/08)

CANARY - Executive Team Member

PINK - Originator
DOC 390.350, DOC 420.250, DOC 420.360, DOC 490.800

GOLDENROD - Immediate Supervisor

Exhibit 6

MCC-WSRU Radio Transmissions on 1-29-11

~~King-241 to King-409, 2 sponsors enroute (00:02) (equates to 8:10)~~

K409 (acknowledges) (00:07) (equates to 8:10)

King 230 to WSR Base, Tower secure (05:35) (equates to 8:15)

WSR Base (acknowledging) 2015 hrs. (05:42) (equates to 8:15)

King-237 to King-409, one from the field house to his unit; work complete (06:25) (equates to 8:16)

K409 (acknowledges) (06:30) (equates to 8:16)

King-223 to King-410 (09:24) (equates to 8:19)

King-223 to King-410 (09:41) (equates to 8:19)

King-410 (09:44) (equates to 8:19)

K-223, when available call x2920 (09:49) (equates to 8:19)

King-410 received (09:54) (equates to 8:19)

Paul-572 to WSR Base, all concerned towers; 1 staff clear outer perimeter/IMU (10:11) (equates to 8:20)

WSR Base received at 2019 hrs (10:21) (equates to 8:20)

WSR Base to all portables, recall in progress; 2030 hrs. (20:28) (equates to 8:30)

King-409 field house clear (22:17) (equates to 8:32)

King-409 (acknowledge) (22:20) (equates to 8:32)

~~**Hot Mic** no transmission (22:43-22:46) (equates to 8:32)~~

~~**Hot Mic**no transmission (23:03-23:05) (equates to 8:33)~~

King-400 to King-409, you guys clear of inmates/2 officers remain (23:46) (equates to 8:33)

King-409 (acknowledges) (23:53) (equates to 8:33)

King-235 to King-409; PAB is clear (25:34) (equates to 8:35)

King-409 (25:38) (equates to 8:35)

~~King-534 to K-409; Breezeway clear of offenders (26:50) (equates to 8:36)~~

~~King-409 (acknowledges) (26:57) (equates to 8:36)~~

King-250 to King-409; be advised V/R is not clear (27:01) (equates to 8:37)

King-409 (acknowledges) (27:07) (equates to 8:37)

King-202 to King-235 (27:54) (equates to 8:37)

King-235 (acknowledging K202) (27:59) (equates to 8:37)

Can you landline 2796? (K-202) (28:01) (equates to 8:38)

King-515 to King-409 (28:34) (equates to 8:38)

King-409 (acknowledge) (28:39) (equates to 8:38)

~~You're breezeway is clear (from K515) (28:41) (equates to 2038 hrs)~~

King-409 (28:48) (equates to 8:38)

King-515 to King-511/521; A/B hallway entrance is clear (28:50) (equates to 8:38)

King-511 (acknowledging) (28:58) (equates to 8:38)

King-250 to King-515; you got 2 inmates enroute from the visiting room/break King-250 to K409; visiting room is clear and secure (29:03) (equates to 8:39)

King-409 (acknowledging) (29:12) (equates to 8:39)

King-515 (acknowledging) (29:15) (equates to 8:39)

King-220 to K531/K541; C/D entry hallway clear (29:17) (equates to 8:39)

King-531 (acknowledging) (29:24) (equates to 8:39)

King-223 to King-515 (33:03) (equates to 8:43)

King-515 (acknowledging) (33:07) (equates to 8:43)

Disregard (K223) (33:09) (equates to 8:43)

King-515 (acknowledging) (33:12) (equates to 8:43)

WSR Base to all WSR portables; yard-in at 2045 hrs (35:23) (equates to 8:45)

WSR Base to all concerned portables; count in progress 2100 hrs (50:25) (equates to 9:00)
King-223 to WSR Base/all concerned Towers; 2 staff on foot outer perimeter check WSR
(53:06) (equates to 9:03)

WSR Base received 2102 hrs. (53:12) (equates to 9:03)

King-239 to WSR Base; 2 behind gate 7 for EFV count (53:53) (equates to 9:03)

WSR Base received @ 2103 hrs (53:59) (equates to 9:03)

King-221 to WSR Base; 2 officers past Gate 7 for fire watch (55:49) (equates to 9:05)

WSR Base received at 2105 hrs. (55:55) (equates to 9:05)

King-235 to King-202; that individuals been found in the chapel (1:08:25) (equates to 9:17)

King-202 (acknowledges) (1:08:32) (equates to 9:17)

King-201; escort that offender in restraints to the shift office (1:08:38) (equates to 9:17)

King-236 to WSR and all concerned Towers; 2 staff clear of the outer perimeter check
conducting outer perimeter check; WSR (1:09:59) (equates to 9:18)

WSR Base received; be advised that you one inmate in restraints coming from the chapel to shift
(1:10:05) (equates to 9:19)

King-236 and 237 are advised (1:10:16) (equates to 9:19)

King-221 to WSR base; 2 officers clear of fire watch (1:10:53) (equates to 9:19)

WSR Base received at 2120 hrs (1:10:56) (equates to 9:19)

King-201 to WSR base (1:11:00) (equates to 9:20)

WSR Base (1:11:04) (equates to 9:20)

Issue a picture card count (K201) (1:11:06) (equates to 9:20)

WSR Base received at 2120/WSR Base to all WSR portables; formal picture card count now in
progress 2120 hrs (1:11:08) (equates to 9:20)

King-202 to any unassigned portables; report to the units and assist with picture card count
(1:11:25) (equates to 9:20)

King-250 to King-202 (1:11:33) (equates to 9:20)

King-202 (acknowledges) (1:11:44) (equates to 9:20)

You want me to shut down my post and assist with count? (K250) (1:11:46) (equates to 9:20)

King-202; negative (1:11:56) (equates to 9:20)

~~King-250; received (1:12:01) (equates to 9:21)~~

~~**Hot mic (1:13:42 to 1:13:43) (equates to 9:22)~~

WSR Base to King-239 (1:13:46) (equates to 9:22)

WSR Base to King-239 (1:13:58) (equates to 9:22)

King-238 for King-239 (1:14:10) (equates to 9:23)

Are you aware of 239's location? (WSR Base) (1:14:13) (equates to 9:23)

King-202; I've got 239 in the office (1:14:17) (equates to 9:23)

Received, transferring a outside line; WSR Base clear at 2123 hrs (1:14:22) (equates to 9:23)

King-236 to WSR Base and all concerned Towers; 2 staff clear of the inner perimeter check, WSR. (1:16:00) (equates to 9:25)

WSR Base received at 2125 hrs. (1:16:07) (equates to 9:25)

King-221 to WSR Base; 3 with 1 enroute to IMU (1:19:34) (equates to 9:28)

WSR Base received at 2129 hrs (1:19:34) (equates to 9:28)

King-521 to King-501 (1:33:00) (equates to 9:42)

King-501 (acknowledges)

Land line 5225 (K-521) (1:33:05) (equates to 9:42)

Received (K501) (Pause) I'm out here on the tier (1:33:09) (equates to 9:42)

King-223 to all concerned Towers; 4 staff in back of IMU (1:37:35) (equates to 9:47)

WSR Base received at 2147 hrs (1:37:44) (equates to 9:47)

Hot Mic (1:42:07) (equates to 9:52)

201 to 202 (1:44:55) (equates to 9:54)

King-201 (1:51:18) (equates to 10:01)

King-201 (WSR Base) (1:51:25) (equates to 10:01)

King-213; permission to release on time? (1:51:28) (equates to 10:01)

Negative (K-201) (1:51:32) (equates to 10:01)

~~King-213 received (1:51:37) (equates to 10:01)~~

WSR-Base to all portables; formal picture card count is clear at 2201 hrs. (1:52:17)

201 to 213; go ahead and allow staff to leave (1:52:24) (equates to 10:02)

King-213 (acknowledging) (1:52:27) (equates to 10:02)

Interview of George Lyons

Detective Hatch: And the date is May 19th, 2011. The time is now 14:04 hours. This is Detective Barry Hatch with Monroe Police. Statement is being recorded at Monroe Police Department. There are two persons present in the room and this is the statement of George Lyons. Uh, George do you understand this conversation is being recorded?

George Lyons: Yes.

Detective Hatch: Are you okay with that?

George Lyons: Yes.

Detective Hatch: Okay. Can you give your full name and spell it please?

George Lyons: George William Lyons. G-E-O-R-G-E, L-Y-O-N-S.

Detective Hatch: Okay. And your date of birth?

George Lyons: 2/17/1986

Detective Hatch: And how about your home address? What city?

George Lyons: [REDACTED] Washington.

Detective Hatch: Okay.

George Lyons: [REDACTED] Washington.

Detective Hatch: Got it. And how about a day phone number to contact you?

George Lyons: [REDACTED]

Detective Hatch: Okay. All right. Uh, George how are you employed right now?

George Lyons: I'm a corrections officer with the Washington State Department of Corrections.

Detective Hatch: And how long have you worked for the Department of Corrections?

George Lyons: Three years and four months.

Detective Hatch: And has all of that time been in Monroe?

George Lyons: Yes.

Transcribed by Monica Sandoval
Investigative Support/Monroe PD

Interview of George Lyons

Detective Hatch: Okay. And uh, where were you working on January 29th?

George Lyons: The Washington State Reformatory Unit uh, Tower 9.

~~Detective Hatch: Okay. And how long had you been assigned to Tower 9?~~

George Lyons: Since March of 2008.

Detective Hatch: And Tower 9 is that a post that you work alone or with some one?

George Lyons: I'm alone in Tower 9.

Detective Hatch: Okay. And what are your normal days off?

George Lyons: Uh, Monday and Tuesday.

Detective Hatch: And you... what shift do you normally work? What hours?

George Lyons: Watch 3, which runs from 13:30 to 22:00.

Detective Hatch: Uh, Tower 9 is that manned all day long?

George Lyons: Uh, it's manned on Watch 2 and Watch 3.

Detective Hatch: Okay.

George Lyons: 16 hours a day approximately.

Detective Hatch: Okay. So while you're... when you go home at night uh, at close to uh, 10:00 o'clock at night, the tower is shut down after that?

George Lyons: Correct.

Detective Hatch: And... and no one is in there?

George Lyons: Correct.

Detective Hatch: Okay. And Tower 9 if you were to enter the prison from the main gate at main control there uh, and if you were to want to go anywhere, out into the yard or Industries or anything, would you have to go by Tower 9?

George Lyons: Yes.

Detective Hatch: Okay. And does Tower 9 control any of the gates to get there?

Transcribed by Monica Sandoval
Investigative Support/Monroe PD

Interview of George Lyons

George Lyons: Yes.

Detective Hatch: Okay. And approximately how many gates does it control?

George Lyons: Approximately [REDACTED] gates.

Detective Hatch: Okay. So um, as part of your assignment in Tower 9 of, can you maybe just give me a thumbnail of your responsibilities of... of what you do up there?

George Lyons: Um, I monitor and control offender movement, allow staff access to the different portions of the facility and in general keep the facility contained in the different sections.

Detective Hatch: Okay. And do you keep track of uh, what's coming and going in any sort of logbook?

George Lyons: Yes.

Detective Hatch: Okay. And uh, on your shift on uh, any given day you... you take notes and whatnot?

George Lyons: Uh, just the logbook.

Detective Hatch: Okay. Prior to uh, 8:00 o'clock at night, do you remember anything unusual about January 29th?

George Lyons: No.

Detective Hatch: It was pretty much business as usual?

George Lyons: Correct.

Detective Hatch: Tell me are Saturdays different than uh, Monday thru Friday in, as far as Tower 9 goes?

George Lyons: Yes.

Detective Hatch: How so?

George Lyons: It's a little bit slower. Uh, there's fewer uh, staff around. Uh, we don't have maintenance. Less in the facility is open. Uh, you don't have Industries out in Gate 7. Uh, just not as much work going on.

Detective Hatch: So the... the inmates not going to Industries at all?

Transcribed by Monica Sandoval
Investigative Support/Monroe PD

Interview of George Lyons

George Lyons: On Saturdays, no.

Detective Hatch: Okay. So everything is shut down out there?

George Lyons: Yes.

Detective Hatch: And is the PAB Building opened on weekends?

George Lyons: Yes.

Detective Hatch: Is the chapel open on weekends?

George Lyons: Yes.

Detective Hatch: Okay. Is the uh, weigh room, the yard is that open on...

George Lyons: Yes.

Detective Hatch: ...Saturdays? Okay. So I got your written report here and it makes mentioned uh, that uh, in fact I'll read this. That prior to 21:13 all the events that occurred on the 29th were similar to any other Saturday. Uh, what happened at 21:13?

George Lyons: Uh, several staff that normally wouldn't have come off the units carrying count came out to the base of my tower and started gaining access to different areas of the facility. Um, in what I found out later was looking for a missing inmate.

Detective Hatch: Did you have any advanced warning that there was an inmate missing...?

George Lyons: No.

Detective Hatch: ...in any way? Uh, while you're in Tower 9 do you monitor any radio frequencies?

George Lyons: Yes, the [REDACTED] frequency for the reformatory.

Detective Hatch: Okay. Uh, so that covers what? Would that cover like PAB and the rovers and movers?

George Lyons: Yes.

Detective Hatch: Uh, would it also cover the chapel?

George Lyons: Yes.

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Investigative Support/Monroe PD

Interview of George Lyons

Detective Hatch: Would it also cover the...the guys that are working in the yard?

George Lyons: Yes.

~~Detective Hatch: Would it cover the...the guys that are working [REDACTED]?~~

George Lyons: No.

Detective Hatch: Okay. So they're in a different frequency?

George Lyons: Correct.

Detective Hatch: So uh, when...when there's an inmate that is found missing from his cell you wouldn't have any notice of that, right?

George Lyons: Not unless someone on my frequency made notification.

Detective Hatch: Okay. How did you know it was 21:13 hours when these officers came running towards the tower?

George Lyons: Um, something unusual was happening and whenever that happens I tend to check my gates and the time and make sure I have everything squared away.

Detective Hatch: Okay. And did you open the gate for them or did they use keys to get through?

George Lyons: I opened the gate for them.

Detective Hatch: Okay. Did you know where they were headed?

George Lyons: Um, had a general idea of the direction. Assumed that everyone in the chapel and PAB, because those are the only buildings opened in that area.

Detective Hatch: Okay. And then so what happens after they head out towards the chapel and PAB?

George Lyons: Um, two of the officers went into the chapel and made radio notification that they had located an offender.

Detective Hatch: Did they say on the radio that uh, offender's name?

George Lyons: No.

Detective Hatch: Okay. What happens next?

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Investigative Support/Monroe PD

Interview of George Lyons

George Lyons: Uh, they were directed to restrain the offender and escort him to shift.

Detective Hatch: Would that be the Shift Office?

George Lyons: Yes, the Shift Office.

Detective Hatch: Okay. And that's in the main building there, correct?

George Lyons: Correct.

Detective Hatch: Okay. And at some point did you see them come back through?

George Lyons: Yes. I allow... I opened the gate for them to come back through and then opened the door for them to go down to the Shift Office.

Detective Hatch: Okay. And what happens next?

George Lyons: Uh, they took him down to the Shift Office and then several minutes later they uh, brought it up to the base of my Tower, placed leg restraints on him at the base of my Tower and then I opened up the gate for several officers to escort him to the intensive management unit.

Detective Hatch: Okay. And did you make note of any of that in your logbook?

George Lyons: I did not.

Detective Hatch: Okay. Did you ever see the offender after that?

George Lyons: After what time?

Detective Hatch: After he was uh, put in leg restraints and taken to I&U?

George Lyons: No.

Detective Hatch: Okay, what happens next if you remember?

George Lyons: Um, I waited in Tower 9 and at about 10:00 o'clock, 22:00 I was given permission to close down Tower 9.

Detective Hatch: Okay.

George Lyons: And at that...

Detective Hatch: And do you remember who gave you that permission?

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Investigative Support/Monroe PD

Interview of George Lyons

George Lyons: Uh, it would've been oh...Lieutenant Briones.

Detective Hatch: Okay. Is that kinda a...a normal protocol?

George Lyons: ~~Uh, no. Normally I would close the Tower at about 21:45, 21:50.~~
~~Um, but because there was an emergency and a picture card count~~
~~um, it's required I remain on post until that's resolved.~~

Detective Hatch: Okay. So you stayed open until you heard just because you know that's the policy?

George Lyons: Yes.

Detective Hatch: Okay. And then when Lieutenant Briones cleared you, did he do that over the radio or by telephone?

George Lyons: By telephone?

Detective Hatch: By telephone?

George Lyons: Yes.

Detective Hatch: Okay. So Lieutenant Briones calls you and says what?

George Lyons: I believe I called him. I'm not in part...entirely sure, but I asked if it...if I was cleared to leave yet and I left. He said yes.

Detective Hatch: Okay. So you shut down the Tower um, you make a note of that in the logbook I assume.

George Lyons: Yes.

Detective Hatch: And then uh, you go thorough the process of turning in equipment and keys and whatnot?

George Lyons: Yes.

Detective Hatch: Okay. Uh, and then do you secure for the night and go home then?

George Lyons: Yes.

Detective Hatch: Okay. And uh, at some point were you notified uh, about Jayme Biendl's murder?

George Lyons: Yes.

Transcribed by Monica Sandoval
Investigative Support/Monroe PD

Interview of George Lyons

Detective Hatch: Okay. Uh, and if you remember, how long after you left did that happen or what time...?

George Lyons: It was a little after 11:00 uh, sometime from 11:00 to 11:30. I believe.

Detective Hatch: At 11:30 that night or the next day?

George Lyons: That night.

Detective Hatch: Okay. And how were you notified?

George Lyons: Uh, by a phone call from the... another officer.

Detective Hatch: Okay. And what did they tell you?

George Lyons: Um, that something had happened down in the chapel and they found Biendl out there.

Detective Hatch: Okay. And did they tell you that uh, she had been murdered?

George Lyons: Um...

Detective Hatch: Or that she was dead?

George Lyons: Yes. I don't remember the exact wording, but yes.

Detective Hatch: Okay. Uh, did you contact anyone else or have any contact with anyone...

George Lyons: No.

Detective Hatch: ...prior to the start of your next shift?

George Lyons: No.

Detective Hatch: Okay. And so uh, what was the next shift that you worked?

George Lyons: I worked the next day starting at 1:30.

Detective Hatch: Okay.

George Lyons: 13:30.

Detective Hatch: So uh, the 30th of January?

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Investigative Support/Monroe PD

Interview of George Lyons

George Lyons: Yes, 30th of January at 13:30.

Detective Hatch: Okay. And did you go to uh, muster that day?

George Lyons: Yes.

Detective Hatch: Um, did you learn anything else that happened during muster?

George Lyons: Um, we were told that uh, inmate Byron Scherf had killed Biendl or that had been taken to segregation after been found out of count and Biendl had been found murdered in the chapel.

Detective Hatch: Okay. And did you resume your duties back at Tower 9 then?

George Lyons: Yes.

Detective Hatch: Okay. And so having that in mind that...that Biendl uh, was found murdered in the chapel um, backing up uh, do you remember clearing the...the uh, chapel on the night of the 29th?

George Lyons: Uh...

Detective Hatch: Or making a notation that it was cleared?

George Lyons: Yes.

Detective Hatch: Okay. And maybe if you can just walk me through that last movement of the night prior to that, I guess it would've been 20:30 recall.

George Lyons: At 2030 main control announced recall over the radio. I opened the return gates from uh, the out areas, yard, PAB, chapel, field house. Um, I watched the returning inmates at about 21...or excuse me, 21:31. Um, Biendl had let out to what I believe to be the last inmate and closed her gate and went back into the building. Um, at that point I wrote down her building was cleared.

Detective Hatch: Was that pretty normal?

George Lyons: Yes.

Detective Hatch: Uh, to not hear her on the radio, but just to see her come out and close the gate...

George Lyons: Yes.

Transcribed by Monica Sandoval
Investigative Support/Monroe PD

Interview of George Lyons

Detective Hatch: ...and go back in? Okay. And did you make any notations of any of the other areas being cleared?

George Lyons: Yes.

Detective Hatch: Uh, what other areas?

George Lyons: The yard, the field house, the PAB uh, the visiting room and Tower 9...

Detective Hatch: Do you...

George Lyons: ...base area.

Detective Hatch: ...do you get radio notification that all those are cleared or do you get a...a...just some other notification? Like with Biendl you said you see her let the inmates out and then close the gate.

George Lyons: Uh, with the PA uh, with the PAB-I get radio notification. Uh, with the field house I get radio notification on most nights. Um, that's about it.

Detective Hatch: How about the field house?

George Lyons: Yes, usually.

Detective Hatch: But not always?

George Lyons: But not always.

Detective Hatch: Uh...

George Lyons: Sometimes I just be verbally, 'cause it's right there at the base of the tower and they let me know.

Detective Hatch: You have what days off?

George Lyons: Monday, Tuesday.

Detective Hatch: Um, were there days that you were working that Biendl was not working and there was someone else working that...

George Lyons: Yes.

Detective Hatch: ...(inaudible)? Okay. Did they do business kind of the same way?

Transcribed by Monica Sandoval
Investigative Support/Monroe PD

Interview of George Lyons

George Lyons: Yes.

Detective Hatch: Uh, so was it normal not to get any sort of notification that they were clear?

George Lyons: Yes.

Detective Hatch: Does anybody turn in any equipment to Tower 9 or is it only you're equipment that is out there?

George Lyons: Only my equipment.

Detective Hatch: Okay. So there's no reason for anyone else to come up into there or...?

George Lyons: No.

Detective Hatch: And do you keep track of uh, how many inmates pass through both directions?

George Lyons: Um, I keep track of how many inmates are in each location. Um, but I don't actually keep track who goes out and in. The officers in those locations tell me how many people are those uh, areas.

Detective Hatch: When the uh, inmates come and go are there other officers that are out and about on the ground?

George Lyons: Yes.

Detective Hatch: Uh, and the... would those be the R&M officers?

George Lyons: Yes. Usually there's R&M officers on the ground and then also the yard officers usually come out and stand at the base of the tower during movement.

Detective Hatch: And why do they do that?

George Lyons: Um, they're more useful at the base of the Tower then out in the yard during movement.

Detective Hatch: Is that sort of self-initiated? Do they do that on their own or are they assigned to do that?

George Lyons: I don't know.

Interview of George Lyons

Detective Hatch: Okay. So do you remember which officers were down on the ground uh, during the last movement of that... that day?

George Lyons: Uh, the only officer I can name by name that was on the base of the tower was Officer Maynard. Um, and I can't remember the rest of the officers that were down there.

Detective Hatch: Okay. Do you remember the officers if... if you remember, can you name the officers that uh, came out at uh, 21:13 hours.

George Lyons: Um, I know Officer Piffath went down to the visiting room um, with three other officers that I don't know who they were. Uh, and then Officer Fredricks and one other officer went out toward the PAB and then met up with Officer Maynard and Officer Wally in front of the chapel.

Detective Hatch: Okay. And were those the officers that eventually came back with uh, inmate Scherf?

George Lyons: Yes. With Officer Young and MacAfee.

Detective Hatch: So Young and MacAfee were with...

George Lyons: They've been out doing night patrol which is, or fire watch, excuse me, out in the back of the facility making sure everything was lockup and turned off. Um, and when they were coming back when Scherf had been found.

Detective Hatch: I see. Uh, now Tower 9 on the, the gate that goes out towards the chapel and PAB uh, there are both turn-styles and a gate?

George Lyons: Yes.

Detective Hatch: Uh, you control all of those?

George Lyons: Yes.

Detective Hatch: And how do you decide which one to have people go through the gate or the turn-style?

George Lyons: The only time I open the gate is when the turn-style will not work. Um, so if you have a cart or if you have a restraint inmate um, or a large box that won't fit, that sort of thing. Otherwise the gate remains lock.

Detective Hatch: Okay. And people use the turn-styles?

Interview of George Lyons

George Lyons: Yes.

Detective Hatch: And only one of those go west and one of those goes east?

George Lyons: Correct.

Detective Hatch: Do you remember the officer that was at the PAB building?

George Lyons: During the shift?

Detective Hatch: Yeah.

George Lyons: It was Officer Fredricks.

Detective Hatch: Okay. And do you remember her coming back?

George Lyons: No.

Detective Hatch: Uh, was it normal for Jayme Biendl to be or...or uh, Officer Fredricks to still be in their respective posts uh, when you cleared the uh, Tower 9 for the night?

George Lyons: No, that wouldn't be normal.

Detective Hatch: What do you mean? Would it...would it be...what would be normal?

George Lyons: Normally they pretty much follow the inmates right out. Um, go in, turn out the last nights, do a last sweep of the building to make sure it was empty. Uh, um, make sure all the staff got out, that sort of thing, get their lunch box and then they followed the last of inmates.

Detective Hatch: So after the inmates have all left then you eventually see a couple officers coming out?

George Lyons: Usually yeah.

Detective Hatch: Okay. And um, just so I'm clear. You...you didn't see Officer Fredricks coming back out that night?

George Lyons: Not that I remember, no.

Detective Hatch: Okay. But uh, did both Fredricks and Biendl, the PAB officer and the chapel officer, did they have all the appropriate keys to bypass

Interview of George Lyons

all of the gates so that they could get back if Tower 9 was shut down?

George Lyons: No, if Tower 9 was shut down, no they couldn't have gotten back.

Detective Hatch: So they couldn't get back?

George Lyons: No, 'cause they couldn't get past the turn-styles.

Detective Hatch: Okay. So they don't have keys for those?

George Lyons: No.

Detective Hatch: Do you know how Officer Fredricks got back then?

George Lyons: Um, the gate would've been opened from recall most likely.

Detective Hatch: The gate?

George Lyons: The turn-style...

Detective Hatch: Ahem.

George Lyons: I would've just open that... that turn-style to come back and then um, she would've just come back following the inmates and the gate would've still been opened.

Detective Hatch: Okay. Uh, so I guess I'm confused. Uh, the turn-style stay open so they just spin freely? Correct?

George Lyons: When they're unlock yes.

Detective Hatch: Okay. So when you go home for the night are they...

George Lyons: They're locked.

Detective Hatch: They're locked?

George Lyons: Yes.

Detective Hatch: Okay. Uh, but Officer Fredricks and Officer Biendl they don't have keys to get through there?

George Lyons: No.

Detective Hatch: Um, and neither one of them came out that night?

Interview of George Lyons

George Lyons: Well, they came...uh, I didn't see Fredricks, but during recall staff come through with the inmates all the time. Um, and so if I still had people coming back I would've left that turn-style, because it's a one-way gate...

Detective Hatch: Ahem.

George Lyons: I would've just left it open so they could come through without having to wait.

Detective Hatch: Okay. Was it normal for Officer Biendl to come back with the inmates as well?

George Lyons: Uh, right. Yeah, behind them as soon as they've gotten out and um, I don't think she had any sponsors that night that I know of and so she would've been leaving right behind them.

Detective Hatch: Uh, is the officer always the last one out or sometimes the chaplains or sponsors....

George Lyons: Um...

Detective Hatch: ...the last one out?

George Lyons: Uh, the sponsors would never be the last one out, but sometimes the chaplain um, would stay a little bit later.

Detective Hatch: And how about at PAB? Are there other people that stay beyond the last officer?

George Lyons: No. Not that I recall, no.

Detective Hatch: Okay. So on that night um, you didn't see Fredricks or Biendl come out? Uh, when you shut down the, and shut down the Tower at 22:02 or 22:03 hours.

George Lyons: Yes.

Detective Hatch: Okay. All right. Anything else you want to add?

George Lyons: Not that I can think of.

Detective Hatch: Okay. All right. George if you can just read that sentence out loud for the tape right there and then sign right there on the bottom?

Interview of George Lyons

George Lyons: I, George Lyons, declare the facts stated on this tape are true and correct to the best of my knowledge.

Detective Hatch: Okay. That's all true we will stop the tape at 14:27 hours.

End of Recording

Transcribed by Monica Sandoval
Investigative Support/Monroe PD



INTERVIEW ACKNOWLEDGMENT

Case Identification Number:

04-022-11-3107

Date of Interview:

May 25, 2011

Name and Title of Interviewee:

C/O Randall Yates

As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees

Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

R. Yates
Interviewee Signature

5-25-11
Date

Jimmy G. Conc
Investigator Signature

May 25, 2011
Date

Correctional officer 2 Randall Yates.
Correctional officer 2 Randall Yates was interviewed on May 25, 2011 at Monroe
Correctional Center. This interview was conducted by Investigator Tammy Gwin-Cork.
Also present during the interview was Investigator Jennifer Piukkula and Teamster
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~~Business Representative Sarena Davis. At the direction of Teamster Business~~
~~Representative Davis this interview was not recorded.~~

Correctional officer 2 (C/O2) Randall Yates stated his hire date with the Department
of Corrections is 10-18-2005. C/O2 Yates stated his was working on the night of January
29, 2011
but was assigned to the IMU. (Investigative Note: IMU is an acronym for Intensive
Management Unit.)

C/O 2 Yates was asked to explain the duties of a chapel officer on a typical shift.
C/O 2 Yates
stated, "Pick up gear and call out sheet at master control, unlock the chapel, open
the door.
Sometimes prop the door open, like if it's nice out, do a walkthrough of the
building, check the
clerk's office, check the C/O's office, check all the offices. Walk through the
chapel. When
movement is called, stand in doorway; check off the inmates as they arrive. At break
time I
secure my area, do a final walk through, call Tower 9 by radio when everything is
clear or not
clear for example 2 staff with 1 sponsor left in the building." C/O 2 Yates was
asked to give a
verbal example of the radio transmission he would give when leaving the chapel area.
C/O 2
Yates stated "King 241 to King 409 Chapel clear of all inmates, 3 staff remaining."
C/O 2 Yates
was asked if normally calls the tower by radio. He replied, "sometimes by phone."
C/O 2 Yates
was asked what happens if he forgets to clear or call in clear the building to the
tower. C/O 2

Yates responded, "The tower guy will yell at you or the other R & MS will yell at
you.
Witherall's good about hearing me clear it, Lyons too." (Investigative Note:
Witherall and
Lyons is referring to Correctional Officer Robert Witherall and George Lyons)

C/O 2 Yates was asked to explain the procedure for securing the chapel at the 2030
recall. C/O 2
Yates stated, "It is the same procedures as the 1530 recall; sweep the chapel for
inmates, after the
last inmate has left, I would check all rooms, start turning out lights. Have the
sponsors wait five

~~minutes after the inmates have left so they are not on the breezeway with inmates at~~
A
the same
movement. Sometimes I will ask Tower 9 if the breezeway is clear so I can send out
the
sponsors. Do another sweep turn off rest of the lights, close and lock up, check the
doors, notify
Tower 9 'clear and secure' over the radio, then leave. (Investigative Note: sponsors
are
trained volunteers from the community who provide a service to the offender
population.)

C/O Yates was asked to explain the duties of a Tower 9 officer on a typical day. C/O
Yates

Correctional Officer 2 Randall Yates
stated, "open and close IK doors, open and close receiving/ release gate for
hospital inmates,
run elevators for 3rd and fourth floor hospital, open and close turnstile gates for
staff leaving.
Note in the logbook what time count clears, there's not that much traffic at that
time (1630-1700,

~~all of the inmates are at main line at that time.~~ C/O 2 Yates was asked if he logged
himself in or
out of the logbook in Tower 9 or completed a tool or equipment inventory checklist.

C/O 2
Yates stated, "No, I never did. I just had a radio and [redacted] of [redacted] keys.

The security
checklist doesn't really pertain to me, I am only there for half an hour a day."

By The officer assigned to the post for the majority of the shift is responsible for
filling out
the tool and inventory forms. Tower nine is an [redacted] post therefore there is
little in the way of
equipment in it. If something was unaccounted for or nonfunctioning it would
probably be immediately
noticed by the officer working manning the tower. *by*

C/O 2 Yates was asked the institution phone number for the Chapel. He responded, "I
don't
know."

By At every post There is an institutional phone list of every post in the facility.

Even if the officer cannot recall the number of the post worked, that information is
readily
available *by*

I attest that the above statements are true and accurate to the best of my
knowledge.

Signature: *R. Yates*

Date: 6-8-11

A



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 04.022.11.3107

Date of Interview: 5.24.11

Name and Title of Interviewee: Rodney Shimogawa, LT

As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees:
Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

[Signature] LT Shimogawa
Interviewee Signature

5/24/11
Date

[Signature]
Investigator Signature
Jennifer Piukkula

5/24/11
Date

Lieutenant (Lt.) Rodney Shimogawa was interviewed on May 24, 2011 at Monroe Correctional Center. This interview was conducted by Investigator Tammy Gwin-Cork. Also present during this interview was Investigator Jennifer Piukkula. This interview was recorded with Lt. Shimogawa's permission.

~~Lt. Shimogawa was advised he was being called as a witness into allegations against Correctional Officer, George Lyons for failing to document and or falsely documenting log book entries. Lt. Shimogawa stated he understood the allegations and that he was being called as a witness.~~

Transcription of audio recording 28:05-42:00

TGC: O.K. I am gonna hit you with some real easy ones.

TGC: What is your radio call sign?

RS: "201 King 201"

TGC: Shift Sergeant?

RS: "King 202"

TGC: P.A.B. Officer?

RS: Uh what is it? I can't recall. Huh.

JP: 235. (Everyone laughing)

TGC: Stop it (to JP)

JP: This is fun, I won't answer anymore I swear.

RS: (Laughing)

~~JP: This is fun~~

TGC: Stop it or I'm gonna poke you.

RS: I'm sorry are you still waiting for the PAB?

TGC: Mm Hmm (Affirmative response)

RS: Is it 235?

TGC: Yeah it is. (RS laughing out loud)

JP: I was helping him.

TGC: Well stop it. (Everyone laughing)

TGC: This isn't Jeopardy.

TGC: Chapel officer?

RS: 241?

TGC: Very good.

TGC: Visiting Room Officer?

RS: We have numerous ones but, 207 is the Sergeant.

TGC: K.

RS: How does it go from there 271, 272 and so on there's like five or six different ones. I don't recall all the radios call signs. I will be honest with you.

TGC: That's ok, that's why you're the Lieutenant.

RS: (Chuckles)

TGC: How about the Tower Officer?

RS: They all start with 400. 409, 401, 404 and so on.

TGC: And how about what time are movements?

RS: Umm well I guess it depends on what time huh.

TGC: On, on, on 3rd Shift.

TGC: Let me rephrase that. What time are movements on third shift?

RS: 1750 is our big movement and then. Uh we have had numerous changes. I am uh trying to uh um.

TGC: Are they to to, from from movements?

RS: Yeah.

TGC: Ok

RS: We have had a lot of recent changes, with how the schedule goes. Umm before they were one way movements. (TGC: Uhh huh) but now we have gone to two way movements. With recent events we have become more restricted to what time offenders can move. Umm 1830, 2030 2045. But those are 2030 is the recall, 2045 is the yard in.

TGC I'm sorry 1830 is the recall and 2030 is the recall and what was the other one?

RS: 2045.

TGC: And that's a yard in?

2
RS

RS: Correct.

TGC: Which is for a count?

RS: Mm Hmm. (Affirmative response)

TGC: So you have a 9 o'clock count? Is that correct?

RS: 2100.

TGC: So you also have a count at 4 o'clock.

RS: We do we have a count at 1600.

TGC: Ok is it straight up 1600? Or 1605?

RS: 1600.

TGC: 1600.

JP: I thought it was 1350?

RS: 1350?

JP: See on this right here? See this right here on this formal count? Dooop doop dee dooop dop.
Somewhere here. 1350.

RS: Where do you see 1350? 1350 is on day shift umm we have 1550.

JP: On 1550, I'm sorry. That is what I meant.

RS: Yeah, 1550.

TGC/JP: 1550 is the count?

RS: Umm yeah then 2100 is the formal count.

TGC: So 1550 is a count and 2100 is a count. Got it.

RS: On, on the days that I am here. On Friday and Saturday often times. The um, the afternoon count is delayed because uh of the processing of visitors out and the offender out of the visiting room so sometimes it can be delayed. So a lot of the times it can be around 1550 to 1600.

TGC: Ok so like on Saturd...

RS: But on.

TGC: So on Saturdays and Sundays.

RS: On Fridays and Saturdays.

TGC: So it will be delayed on from 1550 to.

RS: Well it could be delayed, yeah.

TGC: Well ok.

TGC: Um, Well I know that this is still raw, and I apologize for it. But we need to talk to talk about Jayme.

RS: Ok.

TGC: So, I am sorry.

RS: That's fine.

TGC: The, the night of the 29th did you have a conversation with Officer Lyons about Jayme clearing the chapel?

RS: No.

TGC: No.

RS: No, Hmm mm.

TGC: No conversation at all with him?

RS: Not until after the incident.

TGC: Ok.

TGC: When was that conversation?

RS: When was that conversation?

TGC: Mm Hmm. (Affirmative Response)

RS: Uhh.

TGC: Do you remember about when it was?

RS: Probably uhh about uhh a week after the incident.

TGC: Ok and what was that conversation about?

RS: Mostly a wellness check. On all the staff to see how they are doing.

TGC: Ok.

RS: It wasn't specific, to whether you did your job or not umm. But it was more of a how are you doing are you ok. Umm I, I don't during. When I was doing wellness checks with the staff I wasn't out to get

RS

information to find out whether or not there jobs were completed or done. Uhh the questions were, thh I was mostly more general talking. I wasn't. I was avoiding things to place blame on anybody.

TGC: Ok.

RS: So, It wouldn't have been. Uhh a talked about procedures or what he did that night. Uhh if that makes sense.

TGC: It does, Did you talk about with him Jayme clearing the Tower? Or clearing her area with the Tower?

RS: Uhh I think what I recall is umm him saying that he thought that she cleared her area or something. I can't be certain though.

TGC: Do you recall how she cleared the area?

RS: No, hmm mm (Negative response)

TGC: You don't recall that at all?

RS: Every night Uhh when they clear there are they get on the radio my area is clear and secure umm and the Tower officer will log in what time the cleared and secured there area or.

TGC Now is that logged in as a general?

RS: INAUDIBLE RESPONSE- PAPERS SHUFFLING

TGC: Ok so is it logged in as the PAB cleared at 2031, visiting room cleared at 2032 or is a general everybody cleared at 2045?

RS: Umm my expectation is that would be that every individual area clears there area you log it in what time they are secure. Clear and secure.

TGC: Ok.

RS: Umm, I don't know what his practice was prior to that. I don't know.

TGC: Ok and how are they trained?

RS: How are they trained?

TGC: Yes.

RS: Well as main control or as unit officers every single movement or anything that is called to them is commonly logged. As far if there clear at this time or secure at this time it's logged. I would assume that the same expectation would hold for the tower, the tower 9 officer, should be logging all the movements that take place.

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RS

TGC: Ok.

TGC: So your expectation is all movements, all areas that are cleared.

~~RS: Yeah. Umm. When that officer clears and secure that area, they should be making that radio call~~
ummm which was, I thought was a common practice.

TGC: And those are cleared via the radio?

RS: Correct.

TGC: Not telephone?

RS: Right.

TGC: And who else logs that? Other than Tower 9, Does else anyone else log the area clear and secure,
So I am the visiting room. I clear the visiting room.

RS: You should be logging that it in you're, in your log book. Tower 9 Umm every individual area should
be clearing, securing there area and Tower 9 should be logging that these areas.

TGC: So at 2032 I cleared my area, I logged at 22 at 2032 area clear and secure, I log it in my log book

RS: Yeah.

TGC So Jennifer is in Tower 9 and logs it in her log book do you log it somewhere.

RS: No I don't.

TGC: Does anyone else?

RS: I can't be certain, I don't believe so.

TGC: OK so just myself as, the officer working in that area and Tower 9.

RS: Correct.

TGC: Ok.

JP: So there is no official running log of anything that is called outside of an emergency.

RS: No there is not. Well main control is logging all the movements.

JP: All the movements meaning what?

RS: All the general movements. The movement sheet that you had, you know the 2030 recall, they
would log that in. There not gonna log when an area calls secure.

JP: Ok.

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RS

TGC: They just log movements.

RS: Yeah.

TGC: Ok.

TGC: Those are all the questions that have.

JP: Umm Ok Hmmp (Cough) Basically, uhh. I need to find out if you had any conversations with Officer Lyons January 29th after the incident that evening before he left.

RS: Oh the evening prior to him leaving the incident.

JP: Mm Hm. (Positive response)

RS: No I didn't talk to him at all.

JP: Ok, so when count cleared at 2201 that night, umm did he leave? At 2202 or whatever time and he was gone? And you didn't see him again until the next day?

RS: Umm, I can't recall if I saw him the next day. I know I saw him at least the next week.

JP: Ok.

RS: Uhh, I, I what, what I assumed happened. I was swamped with paperwork at that time and I'm trying to get all these documents together.

JP: Ok.

RS: Umm, Also having a lot of the shift Watch One coming in. Uhh Explaining to Lt. Briones what happened. I'm also reviewing uhh videotapes of the units to try to find out what happened to Byron Sherf. Umm I'm trying to to investigate further what is going on. I'm not focusing on the staff that are being relieved right now.

JP: Ok.

RS: So what I, what I could assume is he came in and turned in his report and left. That would be at least the expectation uhh prior to him leaving and the Sgt. should be reviewing that incident report make sure it's

JP: Sure.

RS: Ok.

JP: What day did you go in and talk with Monroe Police Department or did they come here for you?

RS: I've had uhh many interviews uhh.

JP: First one?

7
RS

RS: First one I talked to them at the incident site.

JP: Ok.

JP: Formal taped statement?

RS: Uhh I believe that was a couple days later.

JP: K.

JP: February 2? Does that sound about right?

RS: I don't know.

JP: Ok.

RS: I have had so many different interviews during this whole incident.

TGC: That is where your timeline is not matching up. Because at that point you had already talked to Lyons.

RS: On-uhh which night?

TGC: February 2

RS: Ok.

JP: In your statement with the police.

RS: So what is your question?

JP: In your statement with the police, I don't know how they phrased it. I can't remember. I don't have it sitting in front of me. Umm you talked having a conversation with Officer Lyons.

RS: Hmm.

JP: Regarding.

TGC: Jayme clearing her area.

JP: And about what happened basically.

TGC: And what time she cleared the area.

RS: Hmm Ok.

JP: And then the conversation you had with him verses what he is reporting is kinda inconsistent. So like.

RS: Yeah.

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RS

JP: that is why I wanted to find out from you if you remember that conversation with Mr. Lyons.

RS: Hmm. mm. (Negative response)

RS: The only conversation I remember is, is doing a wellness check and I remember when I was talking, I've, I've talked to a lot of staff. But but I avoided talking about how they did their job.

JP: Mm Hmm.

RS: In in order not to to to place blame on anybody.

JP: Is it possible you just don't remember talking with the police... (Inaudible JP and RS talking over each other).

RS: It is very possible.

JP: A lot of different interviews with them to me that was one of the things you guys talked about and you just don't remember right now?

RS: That that night after the incident I left the facility at 5 o'clock in the morning. Umm and I get here at about 11 so I came here at 11 and umm and it was was now operations sections chief. That whole entire week was busy. I am having a really hard time recalling specific incidents or specific times. Umm, talked to Monroe Police Department when they were here talked to them down at the police station. And that was during umm my umm taped interview. And that might have been a couple days after the incident.

JP: Yeah.

RS: Uhh But I I um um um the whole incident is becoming foggy with all the details.

JP: Ok.

RS: There was so much going on that a lot of the details.

JP: Sure.

RS: Mash together.

JP: Yeah, that was just one part of the conversation that came about regarding Officer Lyons, that just kinda jumped out at us. That we needed to clarify with you to see if you remembered any of those details. So umm yeah that's it.

RS: Ok.

JP: That's all I got.

TGC: All I got.

JP: Umm we have already given the directive to not discuss this with any staff members or anything,
yeah, cuz it's a DOC investigation. Do you have any questions for us.

RS: No, hmm mm. (Negative response)

TGC: Ok, I am going to turn this recorder off. (Shuffling sound)

RS: Ok.

*****Recorder Turned Off*****

I attest that the above statements are true and accurate to the best of my knowledge.

Signature Robert F. Shimogawa Date 6/10/17

CS

Gwin-Cork, Tammy L. (DOC)

From: Sarena Davis [Sarena.Davis@Teamsters117.org]
Sent: Wednesday, May 25, 2011 8:13 PM
To: Gwin-Cork, Tammy L. (DOC)
Subject: Fw: Investigatory Interview

Sarena Davis Teamsters117

----- Original Message -----

From: George Lyons [mailto: [REDACTED]]
Sent: Wednesday, May 25, 2011 11:10 AM
To: Sarena Davis
Subject: Re: Investigatory interview

THANK YOU

On May 25, 2011, at 10:40 AM, Sarena Davis wrote:

> I will ask today when I see them
> Sarena Davis Teamsters117

> ----- Original Message -----

> From: George Lyons [mailto: [REDACTED]]
> Sent: Wednesday, May 25, 2011 09:16 AM
> To: Sarena Davis
> Subject: Investigatory interview


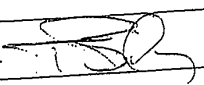
> Sarena,

> Hi I just realized this morning I think I misspoke at the interview yesterday. I told them that I wrote down the chapel as clear when she closed the gate. what I should have said was I assumed the chapel was clear when she came out, but I wrote it down when the zone three was called clear. This is how it appears in my incident report to Monroe PD and how I recall the events. Please advise me on the best way to modify my statement. this was in no way deliberate and I apologies for the inconvenience caused.

> George Lyons

> [REDACTED]

INVESTIGATION REPORT

 Department of Corrections <small>WASHINGTON STATE</small>	
Case Number:	06-028-11-3107
Name of Investigator:	Tim Birley, Workplace Investigator 
Assigned by:	Scott Frakes, Superintendent Monroe Correctional Complex
Date Opened:	June 6, 2011
Date Completed:	August 5, 2011
Name of Accused Staff:	George Lyons, Correctional Officer
Name(s) of Alleged Victim(s):	None Identified
Origin of Report:	During the collection of evidence and witness statements for the initial investigation on Correctional Officer George Lyons #04-023-11-3107, it was discovered that the statements given by Officer Lyons contained conflicting accounts of events that transpired on January 29, 2011.
Persons Interviewed:	Correctional Officer George Lyons - Accused
Persons not interviewed:	<p>Monroe Police Department Detective Barry Hatch interviewed Correctional Officer George Lyons on May 19, 2011. A transcribed statement of the recorded interview was provided to the Department of Corrections and was used in this investigation.</p> <p>Monroe Police Department Detective Paul Ryan interviewed Correctional Lieutenant Rodney Shimogawa on January 31, 2011. A transcribed statement of the recorded interview was provided to the Department of Corrections and was used in this investigation.</p> <p>The Department of Corrections (DOC) Critical Incident Review (CIR) Team members were not interviewed regarding the information that they provided. The testimony given by Correctional Officer George Lyons to the CIR Team was passed on to DOC Management for use in this investigation. The CIR report has not been released as of the completion of this investigation report.</p>
Referral to Local Law Enforcement:	No Referral was made to Local Law Enforcement
Summary of Allegations:	<ol style="list-style-type: none"> 1. It is alleged that Correctional Officer George Lyons failed to cooperate with a Department investigation and/or failed to fully and honestly answer all relevant and material questions. 2. It is alleged that Correctional Officer George Lyons failed to cooperate with outside Law Enforcement agencies and/or failed to fully and honestly answer all relevant and material questions. <ol style="list-style-type: none"> A. On January 31, 2011, Lieutenant (Lt.) Rodney Shimogawa was interviewed by Monroe Police Department (MPD) Detective (Det.) Paul Ryan. This interview was recorded and transcribed. Det. Ryan asked at 8:30 at night...that's when offenders need to start making their way? Lt. Shimogawa stated "Yeah, in all area this is, after reviewing this incident and seeing what...how it...how it happened, I started asking more, you know, unfortunately, started asking some more questions." Det. Ryan responded, "Yeah." Lt. Shimogawa stated, "The procedure that I know of, all the building areas fall into Tower Nine's area's security." Lt. Shimogawa said, "I talked to Tower Nine just the other night

(January 30, 2011) and if an area is not secured, Tower Nine should be calling and saying, is your area secure? What's going on? So I talked to him." Det. Ryan asked, "Who is him?" Lt. Shimogawa stated, "Officer Lyons." Shimogawa went on to say, "I talked to Officer Lyons and said do you recall Officer Biendl calling in secure? And I asked him because this has always been the common practice that they always call in that their area's secure. That way we can know that we have the facility locked down. He (Lyons) said to the best of his knowledge that she did call and secure it, and that she (Biendl) was all cleared and he was telling me that a normal routine for her is when she calls in clear, she's at the entry of the Chapel, she'll go inside the Chapel after she calls in clear and secured, grab her lunchbox and wrap up the day and leave. From his (Lyons) recollection, he said all areas called in clear and secure." (Exhibit 2 pgs 42-43)

B. On or about April 1, 2011, a Critical Incident Review (CIR) surrounding the death of Officer Jayme Biendl on January 29, 2011 at the Monroe Correctional Complex was conducted by a team from the Washington State Department of Corrections (DOC). Information was provided by the CIR Team to DOC Management. The CIR noted that Tower 9 Officer George Lyons stated that he does not remember how the Chapel Officer that night (Jayme Biendl) announced her "all clear". Officer Lyons stated that normally she would radio the announcement but sometimes she would wave to him from the front of the Chapel (indicating all clear) and then return inside to conduct her security check prior to closing the Chapel and exiting Zone 3.

C. In the Incident Report that Correctional Officer George Lyons wrote on May 13, 2011 and turned over to Monroe Police Department, he wrote: "At approximately 2031 I observed C/O Biendl finished letting the offenders out of the Chapel closed the gate and returned to the Chapel building." (Exhibit 3)

D. On May 19, 2011, Correctional Officer George Lyons was interviewed By Monroe Police Department Detective (Det.) Barry Hatch. The interview was recorded and transcribed. Det. Hatch asked Officer Lyons to walk him through the last movement of the night, the 20:30 recall. Officer Lyons stated, "At 2030 main control announced recall over the radio. I opened the return gates from the out areas, yard, PAB, Chapel, and Field House. I watched the returning inmates at about 21:31. Biendl had let out to what I believe to be the last inmate and closed her gate and went back into the building. At that point I wrote down her building was cleared." (Exhibit 4 pg 9)

E. In the May 24, 2011 interview with Correctional Officer George Lyons, conducted by Department of Corrections Investigators, when asked on 1/29/11, you made an entry in the logbook at 2045 hrs indicating the Chapel was clear; how did Officer Biendl clear and secure the Chapel with you? Officer Lyons stated, "She stacked the inmates at the gate for recall (2030 hrs). She sent all her inmates out and closed the gate. About one minute after recall...at about 2031 or 3032 hrs, I saw her close the gate. I could see her closing the gate and walking back in...I saw her close the gate and walk back in." Officer Lyons indicated he notated in the Tower 9 logbook that the Chapel was clear when she closed the gate. (Exhibit 5 pg 8)

F. In the May 24, 2011 interview with Correctional Officer George Lyons when asked when was the next time you remember talking speaking to Lt. Shimogawa? Officer Lyons stated, "The next night we spoke...Shimmy and me (Referring to Lt. Shimogawa). He asked what happened that night...I told him Jayme called me on the radio but that isn't what happened. I probably wanted it to happen that way...in my mind...but no, she closed the gate and went back in. That meant clear and secure." (Exhibit 5 pg 9)

Investigative Note: A timeline of events and statements that have been made by Officer Lyons was described to him during an interview on June 29, 2011. He was given a chance to respond to each of his previous statements.

- G. In the June 29, 2011 interview with Correctional Officer George Lyons, conducted by Department of Corrections Investigators, when asked about his conversation with Lt. Shimogawa on January 30, 2011, Officer Lyons stated that he did talk with Lt. Shimogawa the day after it happened and when speaking with Shimogawa he didn't remember the events correctly. Lyons stated, "I didn't process the events that happened that night and the statement was incorrect. What Shimogawa put on record with Monroe PD is correct and what I said to him was not correct." Lyons stated, "I was under the impression that we were just two guys talking that night and that is what he told me. I wasn't trying to be deceitful. I think maybe when Zone 3 was called clear that led to my confusion." (Exhibit 6 pg 1)
- H. In the June 29, 2011 interview with Correctional Officer George Lyons, when asked about his statement to the Critical Incident Review Team (CIR), Lyons stated, "I just...Yeah...I didn't remember. I couldn't remember her calling me on the radio, so it must have been when Zone 3 was called clear that I was confused about." (Exhibit 6 pg 2)
- I. In the interview with Officer Lyons when asked about the Incident Report he wrote and turned over to the Monroe Police Detectives 3 months after the incident and what jogged his memory to recall this version of events, Lyons stated, "I couldn't remember her calling me on the radio so it must have been when Zone 3 was called clear that I heard." (Exhibit 6 pg 2)
- J. In the interview with Officer Lyons when asked about his interview with Monroe Police Detective Hatch, Lyons stated, "The time should have been 20:31 not 21:31. That is a mistake. The statement is correct. She closed the gate and did not call on the radio. I watched her close the gate." (Exhibit 6 pg 2)
- K. In the interview with Officer Lyons when asked about his interview with Department of Corrections Investigators on May 24, 2011 when he stated that a closed gate meant the Chapel was clear, he stated, "If I didn't watch her close the gate, I would check on her. I would wait at the window till she came out. I'd wait till she came out of the chapel. I saw her close the gate so I had no worries that night." (Exhibit 6 pg 2)
- L. In the interview with Officer Lyons when asked, did you observe the gate area in front of the chapel the entire time offenders were on the breezeway? Lyons stated, "Yes, I watched the offenders, but not exclusively. Biendl cleared the chapel pretty quickly and when she shut the gate I moved on to viewing other areas." (Exhibit 6 pg 3)
- M. In the interview with Officer Lyons when asked, at anytime did you take your eyes off the gate in front of the chapel while offenders were exiting? Lyons stated, "I am sure I didn't have eyes on it the whole time. I had that whole side of the tower to watch." (Exhibit 6 pg 3)

Investigative Note: At this time a picture of the Chapel gate area was shown to Officer Lyons. The picture was taken with a camera and depicts the view that the Tower 9 Officer has of the Chapel gate area. Officer Lyons acknowledged that the picture is consistent with what he sees looking from Tower 9. (Exhibit 8)

N. In the interview with Officer Lyons when asked, do you recall on January 29, 2011, at 2030 hrs if it was dark and possibly raining? Officer Lyons stated, "I think so." (Exhibit 6 pg3)

O. In the interview with Officer Lyons when asked, is it possible that you didn't watch the Chapel gate area or maybe it was difficult to see the Chapel gate area that night and when you observed the gate was closed and because it was closed it meant the Chapel was secured? Officer Lyons stated, "No, I would have watched her close it. I did watch her. Yeah." (Exhibit 6 pg3)

P. In the interview with Officer Lyons when asked, do you recall seeing Officer Biendl with her uniform jacket on when she closed the gate? Officer Lyons said, "No." (Exhibit 6 pg 3)

Q. In the interview with Officer Lyons when asked, Did Officer Biendl have anything in her hands when she closed the gate? Officer Lyons stated, "She would have had her keys in her hand." Investigative Note: A short break was taken to caucus. After the break, the question was asked again about anything in Biendl's hand? Officer Lyons said, "No." (Exhibit 6 pg 3)

Investigative Note: At this time it was explained to Officer Lyons why these details are very important. There is a possibility that this investigation and the statements being made today could be called into court and used in helping or hindering the prosecution of offender Scherf.

R. In the interview with Officer Lyons when asked, is it possible that you were not looking in the direction of the Chapel gate at the time someone shut the gate? Officer Lyons stated, "No, I saw Biendl shut that gate." (Exhibit 6 pg 4)

S. In the interview with Officer Lyons when asked, is it possible that an offender could have shut the chapel gate and then re-enter the Chapel? Officer Lyons stated, "If or when I watched her at the gate someone else shut it? No, I saw her shut the gate. I assumed she locked it. If the gate was not secure or locked properly...maybe an inmate could have shut it. I didn't see that so I know it didn't happen." (Exhibit 6 pg 4)

Investigative Note: A call activity report for radio call sign K-241 generated for the period of December 1, 2010 to January 29, 2011 was explained to Officer Lyons. For example, the report shows that on the days that Officer Yates worked the chapel (K-241), there is consistent call activity on or shortly after 2030 recall is announced. (Exhibit 7)

T. In the interview with Officer Lyons when asked, in a previous interview on May 24, 2011, you stated that Officer's Jayme Biendl and Randall Yates would only use their radios to clear the Chapel 10 to 15 percent of the time. Officer Lyons responded, "Since I only worked with Yates one day a week, maybe he called 25 to 50 percent of the time. The other times maybe I didn't hear it. Maybe he got stepped on; lots of people get stepped on." Investigative Note: "stepped on" is a term used for other radio traffic overriding or interrupting a transmission. (Exhibit 6 pg 4)

U. In the interview with Officer Lyons when asked, do you call back if they are "stepped on"? Officer Lyons said, "No, not usually. I will just wait and see if they walk out. If I see them walking, I assume all is okay. If I don't hear them, I shouldn't assume they are clear. Biendl shut the gate. I've seen her do that before for a couple of years now. That's what I assumed with Biendl for years when I see her lock it up. If I didn't see them walk out they possibly walked out with the inmates when the gate is open. If I didn't hear from someone that is what I assumed." (Exhibit 6 pg 4)

	<p>V. In the interview with Officer Lyons when asked, is it possible that you did not see Officer Biendl shut the gate? Officer Lyons stated, "It's not possible she didn't shut the gate. It's ingrained in my head as to what she did. She did that every night." (Exhibit 6 pg 4))</p> <p>W. In the interview with Officer Lyons when asked, if this was ingrained in your head what Biendl did that night why did you tell Lt. Shimogawa and the Critical Incident Review Team different stories? Officer Lyons stated, "My discussion with Shimogawa...a friend of mine just died that night. The CIR Team...isn't that what I told them?" (Exhibit 6 pg 4))</p>
	<p>Investigative Note: Officer Lyons was reminded that he told the CIR Team that he did not remember how the chapel officer (Biendl) announced her "all clear".</p> <p>X. In the interview with Officer Lyons when asked, is it possible that you were experiencing a "state of complacency" that night while conducting your duties? Officer Lyons stated, "I think that is what happened to all staff that night. We all performed below par or not above par." (Exhibit 6 pg 5))</p> <p>Y. In the interview with Officer Lyons when asked, is there anything that I have not asked or anything that we have not talked about that you would like to add at this time? Officer Lyons stated, "I want to apologize for my bad memory. I am not 100 percent positive and I can't accurately say that I saw Jayme (Biendl) shut the gate that night. I can't honestly say that she did." (Exhibit 6 pg 5)</p>
Report of Retaliation:	There have been no reports of retaliation during this investigation.
Exhibits:	<ol style="list-style-type: none"> 1. Investigation Assignment Letter (2 pages) 2. Correctional Lieutenant Rodney Shimogawa interview with Monroe Police on 1-31-11 (56 pages) 3. Incident Report submitted to Monroe Police by Officer George Lyons (1 page) 4. Correctional Officer George Lyons interview with Monroe Police on 5-19-11 (16 pages) 5. Correctional Officer George Lyons interview with Department of Corrections Investigators on 5-24-11 (11 pages) 6. Correctional Officer George Lyons interview with Department of Corrections Investigators on 6-29-11 (6 pages) 7. Radio Call Activity Report (Dec. 1, 2010 to Jan. 29, 2011) for Radio ID #1700401 (K-241 Chapel Officer) (6 pages) 8. Photograph showing view of Chapel gate area as seen from Tower 9 (1 page)



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P.O. Box 41105 • Tumwater, Washington 98504 • (360) 725-8553
FAX (360) 664-0271

To:
From:
Date:
Case Number:

Tim Birley, Workplace Investigator
Todd Dowler, Labor Relations Manager
June 6, 2011
06-028-11-3107

**Investigation
assignment**

On behalf of Scott Frakes, I am designating you as the fact finder to conduct a full and fair investigation into allegations of employee misconduct.

Allegations

1. It is alleged that Correctional Officer George Lyons failed to cooperate with a Department investigation and/or failed to fully and honestly answer all relevant and material questions.
2. It is alleged that Officer Lyons failed to cooperate with outside law enforcement agencies and/or failed to fully and honestly answer all relevant and material questions

Timeframes

Please submit a draft report by June 27, 2011. Should you need additional time to complete the investigation, contact Heidi Loveall, Human Resource Consultant.

**Submitting the
draft**

Once you have a draft report prepared, send it to LRAdmin@doc1.wa.gov for review before finalization.

Review call

An investigation review call will be scheduled. The purpose of the call is for the appointing authority to review and finalize the draft report.

**If you need
assistance**

If you have any questions about the investigation process, feel free to contact

- Angela Roberts, Labor Relations Consultant
- James Bennett, Human Resource Consultant

"Working Together for SAFE Communities"

Exhibit 1

June 6, 2011
Page 2 of 2

Attachments

Attached please find the following documents:

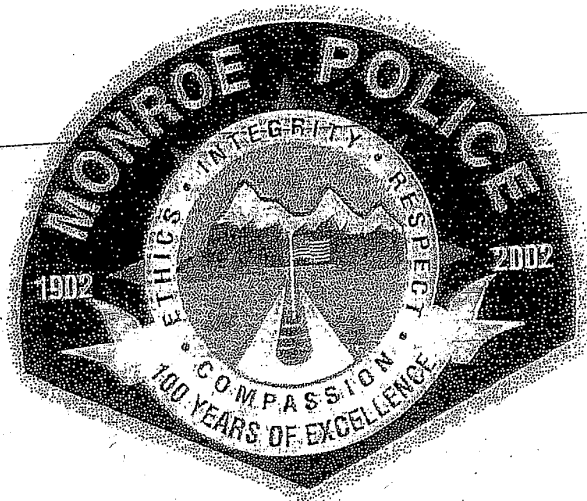
- Investigation Report Template
- Interview Acknowledgement Form
- Interview Summary Template

TAD:hml
Attachment

cc: Scott Frakes, Superintendent
Angela Roberts, Labor Relations Consultant
James Bennett, Human Resource Consultant

"Working Together for SAFE Communities"





2011-0186

Transcription of:

Rodney Shimogawa
Interview
01/31/2011
Detective Ryan

000593

Exhibit 2

000238

Case # 2011-0186

MONROE POLICE DEPARTMENT
TAPE RECORDED WITNESS STATEMENT

Statement of RODNEY SHIMOLAWA Drivers License SHIMORN202MT

The date is 01-31-2011. The time now is 11:29 A.M.
I am DET. RYAN of the Monroe Police Department. This statement
is being recorded at MONROE POLICE DEPT. There are 2 persons
present in the room. For the purpose of voice identification, would each person present besides
Mr., Ms., Mrs., _____ who is giving a statement, state your name
and occupation one at a time.

- Q. RODNEY, do you understand that this statement is being recorded?
Q. Would you give your full name and spell it please?
Q. Would you give your date of birth? 7-30-80
Q. Would you give your address? [REDACTED]
Q. Would you give your home telephone number? [REDACTED] / C- [REDACTED]
Q. Would you give your work telephone number? 360-794-2600 R 2438, F 2795

Date 01-31-2011 Time _____ Location MONROE POLICE DEPT.

(The following statement is to be read aloud onto the tape by the subject and then signed)

I, RODNEY SHIMOLAWA, declare that the facts stated on this tape are true and correct
to the best of my knowledge.

[Signature]
Witness Signature

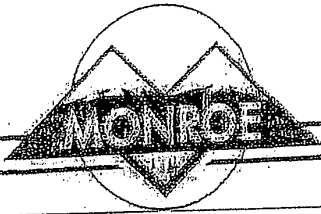
[Signature]
Signature

Date 1/31/11

Date 1-31-2011

12:52 P.M.

000594



City of Monroe

Police Department

Taped Interview Review Form

On 2-16-2011 I reviewed the audio recording and transcription for an interview
Date

conducted with RODNEY SHIMOBAWA on 1-31-2011.
Subject's Name Date

The transcription is a true and accurate record of that interview.

PAUL RYAN
Officer's Name Printed

Paul R
Officer's Signature

2-16-2011
Date

818 W Main Street, Monroe, WA 98272-2125
(360) 794-6300
fax: (360) 794-3129

Interview of Rodney Shimogawa

Case #2011-0186

Detective Ryan: This is a Monroe Police Department tape-recorded witness statement of Rodney Shimogawa, did I pronounce that correct?

Rodney Shimogawa: Yes

Detective Ryan: Ok, driver's license, phonetically: Sam Henry Ida Mary Ocean Robert Nora Two Zero Two Mary Tom. Today's date is January 31, 2011 and the current time is 11:29 am. I am Detective Ryan of the Monroe Police Department, this statement is being recorded at the Monroe Police Department and there are two persons present in the room. Mr. Shimogawa, would you please identify yourself by voice?

Rodney Shimogawa: Rodney Shimogawa

Detective Ryan: Rodney, do you understand that this statement's being recorded?

Rodney Shimogawa: Yes

Detective Ryan: And would you give your full name and spell it please?

Rodney Shimogawa: Rodney Shimogawa, R-O-D-N-E-Y, last name, S-H-I-M-O-G-A-W-A.

Detective Ryan: And your date of birth?

Rodney Shimogawa: 7-30-80

Detective Ryan: And your address?

Rodney Shimogawa: [REDACTED] WA [REDACTED]

Detective Ryan: Home telephone number?

Rodney Shimogawa: Uhh, [REDACTED]

Detective Ryan: Do you have a cell number?

Rodney Shimogawa: [REDACTED]

Detective Ryan: And what's the work number at the prison?

Rodney Shimogawa: Umm, the primary contact, the front desk is, uhh 360-794-2600.

Detective Ryan: Do you have an extension?

Transcribed by Mindy Orcutt
Executive Assistant/Monroe PD

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Rodney Shimogawa: Uhh, it depends where I work, umm, either 2438 or umm, 2795.

Detective Ryan: And do you go by Rodney or Rod or....

Rodney Shimogawa: Uhh, Rodney is just fine.

Detective Ryan: Ok, Rodney, can you tell me, umm, tell me where you're employed, what your rank is, and what your... what your job duties are?

Rodney Shimogawa: Uhh, shift lieutenant for WSR and TRU, uhh, for Watch Three, umm, I'm also the visiting lieutenant in charge of visiting for Monroe Correctional Complex, umm, I work, uhh, four ten's. I work WSR on Friday, Saturdays, uhh, TRU on Sundays and Mondays.

Detective Ryan: So based on... you're the shift lieutenant over at Twin Rivers, uhh, on what days?

Rodney Shimogawa: Uhh, Sunday and Monday.

Detective Ryan: And on Saturdays you are the, uhh, visiting lieutenant like the...

Rodney Shimogawa: A shift lieutenant for WSR.

Detective Ryan: Oh, ok

Rodney Shimogawa: Umm, the visiting lieutenant is my, uhh, main, uhh position.

Detective Ryan: At TRU?

Rodney Shimogawa: At Monroe Correctional Complex, the entire facility.

Detective Ryan: Oh, ok, I'm sorry.

Rodney Shimogawa: And I cover days off, uhh, for the regular, umm, five day a week lieutenants.

Detective Ryan: Ok, ok, so on Fridays and Saturdays you're the shift lieutenant for WSR...

Rodney Shimogawa: WSR

Detective Ryan: And that's the facility where, uhh, both inmate Bryon Scherf is incarcerated?

Interview of Rodney Shimogawa

Rodney Shimogawa: That's correct.

Detective Ryan: And where Officer Jayme Biendl, uhh, is posted?

Rodney Shimogawa: Correct

Detective Ryan: Ok, and what are your hours on Fridays and Saturdays?

Rodney Shimogawa: Uhh, 11:30 to 10 at night.

Detective Ryan: So, obviously we're here to talk about, uhh, what happened on Saturday, umm, if you just want to, just give me your account, what...what you believe, uhh, what you know, what you saw, umm, and then I'll just ask some questions from there.

Rodney Shimogawa: Ok, I'll just go from the beginning, umm, at 2100 is our, uhh, formal count on, uhh, January 29th, 2011, conducting our formal count, at 2114 I was notified, uhh, by Main Control that we were down one body on the A Unit, First Tier, umm, Able 112, which is occupied by Offender Scherf...Scharf. Umm, at that time we didn't know his whereabouts, I directed staff to immediately go to his cell, physically check to make sure that he's not in his cell, underneath his bunk or anything. I also sent staff out, I directed my shift sergeant, umm, Sergeant Johnson, Christopher, umm, to send out, uhh, staff to start doing searches of the area and try and locate this offender.

Detective Ryan: When you say, uhh, the area that you wanted them to try to look for, uhh, is that pretty much all social areas...

Rodney Shimogawa: Everywhere

Detective Ryan: ...within...

Rodney Shimogawa: Umm, we start...as a shift lieutenant, umm, I'll, you know I'll direct the shift sergeant, my expectation as far as starting conducting area searches is to do a systematic, uhh, search. You know, we'll start from, umm, like field house, PAB and start working our way out and try and make sure we cover every area. Uhh, during the search, umm, I believe it was, uhh, 2117 hours or 2118 hours, it was shortly after that I, uhh, directed staff to report, umm, to locate this offender, umm, received a radio notification, I believe it was Officer Maynard who called, uhh, said, be advised we have located this offender. This time I wasn't sure as to where he was located at, umm, I directed him to place the offender in cuffs and escort him, uhh, to the shift office for interview. So at

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Executive Assistant/Monroe PD

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this time we have the offender in the, uhh, shift hallway. Umm, at this time, uhh, a formal picture card count was now initiated.

Detective Ryan: I'm sorry, a formal what?

Rodney Shimogawa: Formal picture card count was now initiated.

Detective Ryan: What does that mean?

Rodney Shimogawa: Umm, we have to verify that, umm, we're gonna redo our count even though we now have this offender, this is part of our, uhh, escape protocol.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, we have to verify that the offender in the cell, is verified with a picture, umm, that...so we can verify who the offender is, umm, by picture and so what that does...it it, umm, utilizes extra staff, it...it takes additional time, umm, so now we've located the offender. We believe that the incident is now secure, umm, but now we need to confirm that everybody is accounted for so during the formal picture card count, umm, a lot of the staff are pulled away from what they were doing to go conduct this, uhh, formal picture card count, it takes two officers to verify, umm, that the offender is who it is with the, by the picture so at this time the offender is in the shift office along with, uhh, umm, several other staff, uhh, Watch One is transitioning now, coming in, uhh, they're, umm, Shift Lieutenant Briones, umm, he, uhh, he was present and like I said, this is, umm, he actually came in around 20...or I'm sorry...

Detective Ryan: Lieutenant Briones?

Rodney Shimogawa: Lieutenant Briones...the Shift One Lieutenant. He came in, he always comes in early, umm, as most lieutenants do to get a pass down, see what's going on, umm, so he had an idea of what was going on, he knew, umm, exactly where I was at, umm.

Detective Ryan: So you...I...I just want to backtrack a little bit. You secure at 10 o'clock at night?

Rodney Shimogawa: Correct

Detective Ryan: And the inmate Scherf was located, uhh...

Rodney Shimogawa: At 21, uhh, 18...2117 or 2118.

Transcribed by Mindy Orcutt
Executive Assistant/Monroe PD

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Detective Ryan: Ok, so you're...you're 40 minutes left in your shift.

Rodney Shimogawa: Right

Detective Ryan: Lieutenant Briones is supposed to take over for you...

Rodney Shimogawa: Right

Detective Ryan: ...so you're just doing standard, uhh, pass down to the next shift lieutenant...

Rodney Shimogawa: Standard pass down, yeah.

Detective Ryan: ...about what had happened.

Rodney Shimogawa: Yeah

Detective Ryan: Ok, I...I do want to backtrack a little bit more, umm, how long have you been the shift lieutenant at WSR?

Rodney Shimogawa: At WSR, umm, several months now.

Detective Ryan: Ok, and in the past several months, how many times has formal count occurred and there has been an inmate not accounted for in a cell? Is it routine? Uhh, is it not routine?

Rodney Shimogawa: This is not routine, no.

Detective Ryan: Ok

Rodney Shimogawa: This...it has happened in the past.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, but it's...it's very...it's very uncommon...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...and often times, well every time that I've had this happen to me, umm, it's more been, hey, I just realized the offender's still in the counselor's office, we're getting him to his cell right away...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...it hasn't ever gone to this, umm, part where...where is this offender at, we don't know...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...I mean, this is not a common thing.

Detective Ryan: Mmm hmm, and, at 9 o'clock...I guess, at 8:59, are cell doors open allowing inmates...

Rodney Shimogawa: No

Detective Ryan: Ok

Rodney Shimogawa: Well, umm, at 8:59, there should not be any cell door open, they should all be in their cells at least ten minutes before the count starts. Umm, at that 2100 mark there will be nobody coming in or out of the cells without authorization...

Detective Ryan: Ok

Rodney Shimogawa: ...from a lieutenant. And that's, umm, for 2100 count, that's, umm, since I've been there, I've never done it, let anyone out of the cell at 2100 hours.

Detective Ryan: K, and how long have you been employed with the Department of Corrections?

Rodney Shimogawa: Well, as far as being employed...

Detective Ryan: Yeah

Rodney Shimogawa: ...umm, five years, and if it's...if going by five years, that I'm sure there's been some time that that had happened...

Detective Ryan: Ok

Rodney Shimogawa: ...but as myself being shift lieutenant, no, I've never done that.

Detective Ryan: So how much time do inmates have to go like...I'm guessing that, you know, they can...they can be at industries, they can be at chapel. What time does all that shut down and they need to start making their egress back to their cell prior to formal count at 9?

Rodney Shimogawa: Uhh, 2030.

Detective Ryan: K, so they have...and they need...they need to be by their cells about ten minutes before 9 o'clock at night?

Rodney Shimogawa: Well, they start, umm, getting all the offenders back in, umm, whether or not they go to their cells is another question...they have...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...phones available in the units...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...they have showers...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...so whether or not to say he went straight to the cell, I can't tell you that.

Detective Ryan: Ok

Rodney Shimogawa: I can tell you what time the areas, umm, umm, the PAB, chapel, education buildings, those areas are supposed to be secured.

Detective Ryan: Ok, so back to Lieutenant Briones, umm, Inmate Scherf was in the office with you and Lieutenant Briones?

Rodney Shimogawa: Correct

Detective Ryan: And who else was in the office at that time?

Rodney Shimogawa: Umm, there was...there was several times that we talked to the offender, uhh, one time was in the shift hallway as we're, umm, get the offender in there. We didn't really talk too much, I can't recall if we said anything in the shift hallway, umm, but when we brought him to the office, umm, I think we may have closed the door, umm, and it was Lieutenant Briones and I, uhh, the offender was sitting in a chair, umm.

Detective Ryan: What did you notice? What were your observations?

Rodney Shimogawa: My observations were, umm, I...I guess a physical, like, umm, a physical observ...or observations was, I noticed while he was in the hallway he had blood on the collar of the back of his jacket, what appeared to be blood, umm, a small drop...small drop on the,

umm, back of his jacket in the lower portion. Umm, I...I recall turning him around for staff, I had him move so I could see the front of him, he was wearing a white, uhh, state-issued t-shirt, I could notice, umm, some blood drops on his t-shirt, umm, the blood drops were very, umm, uhh, minimal...there...there wasn't very much, umm, so my, my question was...my original assumption was that this offender may have been in some type of altercation, umm, I remember the camera coming out to take photographs; umm, I can't...

Detective Ryan: Who...who took photographs?

Rodney Shimogawa: I can't recall who took photographs.

Detective Ryan: But it was a...a DOC employee?

Rodney Shimogawa: Yes

Detective Ryan: Ok

Rodney Shimogawa: Umm, directed to take photographs of the...of the blood on the jacket, umm, cause we had a possible altercation, umm, while interviewing I...I personally did not conduct the interview but I was present during the interview. I didn't ask the offender any questions.

Detective Ryan: Who conducted the interview?

Rodney Shimogawa: Uhh, Lieutenant Briones.

Detective Ryan: Ok, and while you were present what did you witness?

Rodney Shimogawa: I was in the office with Lieutenant Briones, Briones, umm, if I can recall correctly, he said what's...what's going on, man? You've...you've been here, you've been here a while. The offender stated, I heard the offender say, umm, well, I was planning...I was planning to escape, umm, I, umm...let's see here...I'm trying to figure out exactly how he said it...umm, I was planning to escape, I...I hid in the chapel, umm, while...while she was doing her checks and I was planning to jump, go over the wall. I can't recall if he said jump over the wall or climb over the wall but I remember him saying something along the lines of go over the wall, umm, at night and I'm tired of this place, I've had enough, umm, I know, initially I told the officer that I'd fallen asleep out here, umm, that's about all that I can recall.

Interview of Rodney Shimogawa

Detective Ryan: So did he mention something about her? Can you just repeat that again?

Rodney Shimogawa: Yes, he said something on the lines, umm, I hid...I can't recall exactly where he said he hid.

Detective Ryan: Mmm hmm

Rodney Shimogawa: He said he hid somewhere, I can't recall where that location was, I hid while, umm, either she or while the officer conducted her checks.

Detective Ryan: Mmm hmm

Rodney Shimogawa: And then I was planning to, umm, to escape. I can't recall where he said he hid though.

Detective Ryan: What...did he have anything in his possession when he was located? Do you know of?

Rodney Shimogawa: When he was brought down to the shift office, umm, I didn't do any type of, umm, search on him myself, uhh, it's a common procedure when the, uhh...when he is brought down, he is searched. I wasn't given any items other than his ID, his ID card. He might have had a, umm, an address book with him, it's common with the offenders, they'll carry a little red address book with them but I don't recall anything, umm, if he does have an address book with him, it would have been, umm...it would have kept on his person and then when he's escorted to segregation it would have been logged in over there.

Detective Ryan: Did you know Inmate Scherf prior to...

Rodney Shimogawa: No

Detective Ryan: ...this interaction on Saturday night?

Rodney Shimogawa: No

Detective Ryan: Never spoke with him before?

Rodney Shimogawa: I've spoken to hundreds of offenders so I may have but...

Detective Ryan: In passing...

Rodney Shimogawa: ...nothing, nothing doesn't stick to me...I...

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Detective Ryan: Ok

Rodney Shimogawa: I've never had this offend, umm, offender in my office to talk with
and there's certain offenders that come in my office that I have,
umm...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...continuously behavior issues that I'm dealing with.

Detective Ryan: Ok

Rodney Shimogawa: This is not one of them.

Detective Ryan: Ok, so, you're in...you're in with...with Lieutenant Briones and,
uhh, Inmate Scherf and...

Rodney Shimogawa: Yes

Detective Ryan: ...uhh...*(inaudible)*

Rodney Shimogawa: The reason why, uhh, Lieutenant Briones is in there is, umm, we're
doing the shift change, umm...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...this is now going to become a, uhh, attempted escape, umm, he
was kinda helping me out. I was, umm, the incident commander at
that time but we're kinda transitioning so that, umm, so that he
could, you know do all the paperwork and stuff so I could get out
of there that night.

Detective Ryan: So you were the incident commander for...

Rodney Shimogawa: For that incident.

Detective Ryan: ...for the formal count that had gone with one missing?

Rodney Shimogawa: Right

Detective Ryan: Ok, and did, uhh, I...I guess at this point it's just like 9...

Rodney Shimogawa: Uhh, for which...what...what...

Detective Ryan: I'm just...I'm just going for time frame here, it's, so 9:18 at night on Saturday, umm, did you hear anything over the radio?

Rodney Shimogawa: In reference in what?

Detective Ryan: Like a, a female or a...a male keying up in like a scuffle or anything out of the ordinary as far as radio traffic?

Rodney Shimogawa: Unfortunately, umm, no, but if it did happen, I...it would be very likely I wouldn't notice it...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...because, umm, I'm talking about keying up a mic...

Detective Ryan: Yeah

Rodney Shimogawa: ...umm, there's all sorts of, umm, occasions where people key their mic...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, to see if the battery's alive or even if...if, if the mic button hits their shoulders...

Detective Ryan: Yeah

Rodney Shimogawa: ...in a certain way so something like that it wouldn't, if I heard any type of scuffle then we have issues and we...

Detective Ryan: Yeah

Rodney Shimogawa: ...go from there.

Detective Ryan: The... Officer Johnson went to look for the inmate and found him at the chapel?

Rodney Shimogawa: No, uhh, Sergeant Christopher Johnson, umm, the reason why I'm using his first name, I have another Johnson on Watch One, umm...

Detective Ryan: Ok

Rodney Shimogawa: ...and he kind of transitions into this incident as well.

Detective Ryan: Yeah

Interview of Rodney Shimogawa

Rodney Shimogawa: Umm, he's the Strike Team leader, he's the one who, uhh, is the one to direct the staff.

Detective Ryan: Ok

Rodney Shimogawa: Umm, he directed staff. I did not, umm, tell the officer go search this area...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...I tell the sergeant I want you to...these areas are gonna be searched. The sergeant now will say, ok, I want you guys to search these areas...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...go find this person...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...so everything I do, I relay through him.

Detective Ryan: And then do you know the names of the officers that located Inmate Scherf?

Rodney Shimogawa: Yes

Detective Ryan: And what were their names?

Rodney Shimogawa: Umm, I know for a fact, Officer Maynard because I talked to him.

Detective Ryan: Ok

Rodney Shimogawa: Umm, I was told but I would have to review the reports, umm, Officer Fred, umm, Officer Fred and, umm, I don't recall the other officer but I know for a fact Officer Maynard, I can say that he is the one who located.

Detective Ryan: What's his or her first name?

Rodney Shimogawa: Umm, Maynard, it's umm, a gentleman, and I can't remember his first name for some reason.

Detective Ryan: It's starts with a J?

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Interview of Rodney Shimogawa

Rodney Shimogawa: No...

Detective Ryan: No?

Rodney Shimogawa: No, I don't know.

Detective Ryan: Ok, and is the last name Fred? Officer Fred?

Rodney Shimogawa: Yes

Detective Ryan: Ok, umm, so you requested that they handcuff him?

Rodney Shimogawa: Yeah, because I don't know exactly what is going on, this guy just tried to escape...

Detective Ryan: Yeah, yeah.

Rodney Shimogawa: ...what's...

Detective Ryan: Did, uhh, my understanding is the inmate was located in the foyer of the chapel?

Rodney Shimogawa: Yes

Detective Ryan: Seated in a chair?

Rodney Shimogawa: No, umm, ok, talking with Officer Maynard, I got a verbal report from him initially, trying to figure out, trying to sort this mess together, umm, so I asked him what happened. From what I can understand, from what I got from his description was, umm, well, I was going out to the building areas to go do checks, I noticed that the door was propped open, noticed the light was on and this is not usual at all, lights should be off, all the doors should be secured...

Detective Ryan: Yeah

Rodney Shimogawa: ...so he immediately went to that area. Prior to entering that area, he had called, umm, other officers that were also on the breezeway walking down with him to start spreading out, look, doing start doing their checks, so as he, umm, prior to entering that area, he called the other officer down, and said, hey, come here...

Detective Ryan: Mmm hmmm

Rodney Shimogawa: From my understanding, that was Fred...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...and, umm, I don't know who the other officer is. They entered the area, umm, the, uhh, the front entry...this is my, umm, understanding, the entry, the offender was found sitting in a chair...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, and the front entry is, uhh, very well lit.

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, right beyond that entry, umm, is the, uhh, chapel area and then you take a left and then it goes down the aisle of the chapel area and it's very dark, real, real dark.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, so for an officer to walk in there, immediately see this offender in this bright light, that's their number one focus...

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, so, so that's when they made the radio call, we located the offender, uhh, from my understanding, the offender was sitting in a chair in the entryway.

Detective Ryan: K, so then they escorted the offender to the shift office?

Rodney Shimogawa: Correct

Detective Ryan: Was...was there anything or was the chapel secured or was it just kind of left as they found it at that time?

Rodney Shimogawa: Well, umm, the, uhh, I can only make assumptions.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I didn't personally ask them, did you secure this chapel?

Detective Ryan: Mmm hmm

Rodney Shimogawa: That is, that's what, umm, I think anyone would have done.

Detective Ryan: Mmm hmm

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Rodney Shimogawa: And, umm, I...I can't confirm that they did or not but that's...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...that's what should have been done and, umm, that's what I do believe was done because later when we entered the chapel area, it was secured.

Detective Ryan: So based on your best recollection of time, uhh, at 2114, you'd indicated that Main Control told you, that, uhh, Able 112...

Rodney Shimogawa: Correct

Detective Ryan: ...was unoccupied. How soon after was Inmate Scherf located by the chapel? Uhh, what sort of time-frame are we looking there?

Rodney Shimogawa: I'm having a hard time, this is driving me nuts cause I can't remember if it's 2117 or 2118. I know it was like a 3 or 4 minute...

Detective Ryan: Fairly soon after

Rodney Shimogawa: Very soon

Detective Ryan: Ok

Rodney Shimogawa: And in that, uhh, from 2100 to 2114, I can guarantee that there was nobody out of their cell other than Offender Scherf...Scharf.

Detective Ryan: K, so at what point was the chapel checked and...and why was it checked?

Rodney Shimogawa: Umm, so at 22...I believe, uhh, I'm starting to get these times messed up in my head.

Detective Ryan: That's ok.

Rodney Shimogawa: But, umm, I believe it's 2214, umm, was notified that chapel gear was missing. By this time the offender, umm, was in segregation now, umm, and we just found this offender out in the chapel area. By this time I'm usually gone but I'm still waiting around shift trying to get all my paperwork...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, from staff members, umm, so 2214, I overheard a phone call to Sergeant Roland Johnson, the other shift sergeant, Watch One shift sergeant, overheard him get a phone call from [REDACTED] [REDACTED] saying, hey, we're missing, umm, gear, chapel gear.

Detective Ryan: What does that mean? What sort of gear was missing?

Rodney Shimogawa: Radios and keys. There...

Detective Ryan: So when an officer comes onto duty they check out a radio and keys?

Rodney Shimogawa: Uhh, depending on their post, yes.

Detective Ryan: Ok, and when they are ready to secure for the night or at the end of their shift.

Rodney Shimogawa: The end of their shift.

Detective Ryan: They return the radio and the keys?

Rodney Shimogawa: Correct

Detective Ryan: Ok

Rodney Shimogawa: So...

Detective Ryan: And when does the...does the chapel post, the person at the chapel post, does their shift end at 10 o'clock?

Rodney Shimogawa: No, she has a (*inaudible*) post.

Detective Ryan: Ok

Rodney Shimogawa: Umm, she should be out there, on her way home at 9 o'clock. She should be out the door at 9, she should already have had her gear turned in.

Detective Ryan: K

Rodney Shimogawa: At 2100...I...

Detective Ryan: Yeah

Rodney Shimogawa: ...I'm sorry, I'm using, I'll try to use the same time.

Detective Ryan: That's fine, yeah. So Sergeant Roland Johnson got a call.

Rodney Shimogawa: Yes, at twenty...2214, I believe.

Detective Ryan: ~~Ok, and what happened?~~

Rodney Shimogawa: As soon as, umm, Sergeant Johnson was, umm, with me in the shift office because he's also waiting for this paperwork, umm, just sent up red flags, everybody's like, oh my, oh my god, we have, uhh, umm, chapel gear not accounted for, you immediately think, ok, I can't recall, umm, someone was directed to call Officer Biendl to find out exactly where this gear's at. That's just kind of, umm, if some gear is missing we make a phone call because it's...it's common, I hate to say it, it is common but officers take gear home, umm, pretty frequently.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, and we have to make a phone call and umm, that's the process we were going through but umm, due to the incident of finding Scherf, uhh, Scherf, out there in the chapel, umm, QSRT [REDACTED] uhh, Strike Team [REDACTED] was called, uhh, to search the area, uhh, to locate this officer to see if she, if she indeed was still in the chapel.

Detective Ryan: So...

Rodney Shimogawa: I was not part of Strike, uhh, the, umm...

Detective Ryan: Who...so a lieutenant authorized Strike Team [REDACTED] to go locate...

Rodney Shimogawa: Yes

Detective Ryan: Officer or gear?

Rodney Shimogawa: The officer

Detective Ryan: Cause once we realized that gear was missing?

Rodney Shimogawa: We had several people doing different things at one time, we have someone...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...in Control trying to contact her at home.

Detective Ryan: Ok

Rodney Shimogawa: That's the common procedure. We also have someone going out, umm, umm, a Strike Team, going out to the chapel area to do searches of the area.

Detective Ryan: And who are members of Strike Team?

Rodney Shimogawa: Umm, from what I can, uhh, remember, umm, Sergeant Boe, umm, he was on the strike team, umm, Officer Lima, Officer McPherson, Officer Bennett...

Detective Ryan: K

Rodney Shimogawa: And although I was not a part of the team, umm, I responded, umm, just to be as a on...on-site supervisor, uhh, Sergeant Roland Johnson is the strike team leader, umm...

Detective Ryan: Did he remain in the shift office with Inmate Scherf?

Rodney Shimogawa: I believe he remained in the shift office but Scherf is not in the shift office at this time, he's in segregation.

Detective Ryan: Ok

Rodney Shimogawa: Umm, Lieutenant Briones, uhh, responded, he's...he's the incident commander now. Yeah, I don't recall, uhh, Johnson going at all. Umm...

Detective Ryan: So...

Rodney Shimogawa: ...so keep in mind that during this time umm between, between the time that we had located the offender...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...there's all sorts of phone calls going out because now we just had an offender attempted to escape, umm, we have umm quite a bit of stuff going on and then also the formal picture card count is still taking place, uhh, formal picture card count didn't clear till between 2201.

Detective Ryan: I just want to clarify on the formal picture card count, is every inmate getting verified via photo?

Rodney Shimogawa: Mmm hmm

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Detective Ryan: Ok, so every inmate, not just in Able block?

Rodney Shimogawa: Correct, everyone in...

Detective Ryan: A, B, C, D?

Rodney Shimogawa: Washington State Reformatory

Detective Ryan: Is getting verified by two corrections officers that they are who they are...

Rodney Shimogawa: Correct...

Detective Ryan: ...and that they're in the correct cell?

Rodney Shimogawa: Yes

Detective Ryan: Ok, alright.

Rodney Shimogawa: To include, umm, as soon as they verify this picture, this...you are who you are, umm, they verify that with their unit booth, unit booth verifies that with Main Control.

Detective Ryan: Ok

Rodney Shimogawa: So it's, it is a lengthy process, that's to make sure that we have accountable...

Detective Ryan: Ok

Rodney Shimogawa: ...uhh, accountability for everybody.

Detective Ryan: And were you with Strike Team [REDACTED] as they made entry into the chapel? Or...

Rodney Shimogawa: I was

Detective Ryan: Ok, so describe that to me.

Rodney Shimogawa: So as soon as we find out that we have a, umm, possible missing staff member, Strike Team [REDACTED] starts going out there, umm, it's not common for a lieutenant to go with the Strike Team but...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...the severity of accounting for staff, is...is a huge...

Detective Ryan: Critical

Rodney Shimogawa: Yes, umm, so I went out there, umm, uhh, behind the Strike Team as...as they were running out there. Lieutenant Briones came out there too so we all kind of ran out there to the chapel area. I can't remember, umm, who entered the building, uhh, first, who opened the doors for us. But I remember, as soon as I entered the building, I took a left, umm, so I was in the entry way, the well lit entry and took a left and, umm, you could start walking down the hallway which, umm, at that time, umm, it's a little bit darker than the entry way but, umm, I had to use my flashlight, started shining it in all the offices, (coughing). Excuse me, umm, I wasn't able to see anything, I...I made it about halfway down the offices so by that time I was able to check, umm, a couple of the doors to make sure they are secured. They were secured, I didn't see anything out of the ordinary. Umm...

Detective Ryan: Was Officer Biendl's office secured?

Rodney Shimogawa: From what I can recall, yes.

Detective Ryan: Ok

Rodney Shimogawa: Umm, I can't guarantee that though, I...I don't want to...

Detective Ryan: Yeah

Rodney Shimogawa: Umm, I don't want to say it was cause I can't be sure.

Detective Ryan: Yeah

Rodney Shimogawa: I know for a fact that when I went in, uhh, took a left I immediately started checking on the offices on the right side of the hallway.

Detective Ryan: Ok

Rodney Shimogawa: Her office is on the left side.

Detective Ryan: Mmm hmmm

Rodney Shimogawa: Umm, but I...I'm sure that I shined my flashlight into the window on the left side, umm, but I was mostly focused all on the right side of.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, I believe there was another officer there that was checking all the, uh, left sides physically, checking those... I was more focused on the right side of the hallway.

Detective Ryan: Yeah

Rodney Shimogawa: So we made... I made it about halfway down the hallway, umm, Officer McPherson, umm, he must have, umm, gone to the stage area, the cathedral portion of the chapel, umm, he made the, umm, he made a radio notification, I heard on the radio, I have an officer down. I knew exactly where he was at so he didn't have to say, umm, I don't even know if he did say where he was at. I turned around the corner, I see Officer McPherson, umm, Sergeant Boe, I can't recall if he was going down there with me or if he made it there before I did, umm, but I was, actually I'm thinking, umm, he was just right in front of me as we were both walking down and, uh, to the stage area. Umm, I... first thing I saw was, umm, umm, as soon as I made it halfway down the stage, I could see that Officer Biendl was on the stage area laying down on the ground, umm, it is pretty dark in that area so that when I was at the beginning of the, umm, chapel I... I couldn't see her. I could see the officer standing on the stage but I couldn't see the one, uh, that was laying down. So as we, uh, umm, start taking visual notes, as I'm walking down here, trying to figure out what's going on, umm, I notice, umm, you know, I notice a wadded up sweatshirt, umm, on, umm, the right side of the aisle on, uh, I believe it was like the second or third row of chairs, I didn't touch it. Umm, this is a crime scene so I don't... I don't touch anything that I don't have to. Umm, also noticed, umm, Officer Biendl's radio was on the ground, umm, and it was, umm, still had the mic, uh, cord on it and it was on the ground on the right side of the aisle. Umm, and the cord was partially wrapped around the chair as someone had thrown it or it fell, umm, and the actual microphone portion of the radio was, from what I can recall, was ripped off. Umm, so as... as I was going down to the stage area, uh, what I can recall is, uh, Sergeant Boe said oh my god, the... she had wire around her neck.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Uhh, my first thought was you know she was choked out with a guitar wire, one of those thin wires, umm, so I looked over and it

happened to be, umm, uhh, like a microphone, like a... a service microphone, chapel, uhh, wire, uhh, where they use a microphone so everyone can... everyone hear you. Umm, so it's one of those thick gauge wires, umm, and I can recall, it was wrapped around, you know, about three times, umm, the reason why it's... I remember this so... so well is the wires because I was trying to figure out what I was going to do to cut it off if I had to, umm, we had to get that wire off her neck so that we can start CPR. I know that she has been there a while but we have to do everything that we can to start, uhh, preserving her... her life. Umm, Sergeant Boe said should I take this off her neck? Umm, I shook my head yes, I don't ever think I said... umm, I don't think I ever said anything but Lieutenant Briones was also behind me, umm, in the background. He said, yeah, get that off her neck and, uhh, as I pulled out my kit, uhh, to get my CPR mask, umm, I think Sergeant Boe... everyone with their training knew exactly what we had to do as far as to start doing CPR, umm, I gave the mask, uhh, to Officer McPherson. I remember, umm, this was really dark, and I'm trying to shuffle through my PPE kit with my flashlight in hand, umm, trying to find stuff. I remember a lot of stuff fell out of my little kit and there, umm, like sanitation wipes and gloves and different kinds of masks I believe but, umm, I had a hard time finding it because it was so dark, I had a hard time seeing it, umm, finally I found it, gave it to Officer McPherson. Sergeant Boe began to do, uhh, chest compressions on the officer, I, umm, I was on the left side of the officer, uhh, Officer Biendl at this time, umm, using my flashlight to light up the area so that people could see. I also, umm, attempted to take a pulse to see if I could get a pulse from the officer, couldn't... couldn't feel a pulse, umm, all I remember that, uhh, the, uhh, officer was really cold. I knew that she'd been there a while so, umm, one other observation, visual observation I did was, umm, started looking at her clothes to see if it looked like it'd been tampered with or, umm, it appeared to me that her shirt was still, uhh, tucked in on the, the front portion I couldn't really see, looked like her belt was still on, her pants were still on, she was still, uhh, clothed. I was concerned, uhh, but I didn't turn her around so I can't say whether or not she was, uhh, fully dressed but what appeared from the front she was.

Detective Ryan: Do you remember if her pants were buttoned or unbuttoned?

Rodney Shimogawa: Umm, I believe they were... they were buttoned.

Detective Ryan: Ok

Rodney Shimogawa: Umm, so at this time we have QSRT on scene. I'm umm assisting with flashlight, providing light, umm, I have Sergeant Boe doing chest compressions, Officer McPherson is doing, uhh, mouth to mouth, uhh, with that little mask and, umm, we also have as a officer down, we have medical staff respond which is our medical staff at WSR. Umm, another, uhh, immediate action is to have Monroe, umm, PD called, EMS... 911 was called.

Detective Ryan: Mmm hmmm

Rodney Shimogawa: Umm, and to get them enroute. Umm, so at this time, uhh, I recall the two medical staff, umm, responding from WSR. Joke... Joke, I don't recall her first name. Another medical staff I don't recall, I can't remember her name, should be in the reports they responded. Joke is the, umm, the senior nurse, umm, I don't... I can't, I don't know the rankings of a nurse but she's... she's the one, umm, umm, in charge so what she does... umm, I can recall her telling Sergeant Boe saying go up higher for the chest compressions, umm, he was doing them low, umm, and I can't recall, umm, exactly how it happened but something along the lines of that's in the way, her clothing was in the way, umm, so they started to undo some of her clothing. I remember at that time they unbuttoned her shirt, umm, her shirt just right up to like, uhh, umm, just right up to her bra and uhh...

Detective Ryan: Unbuttoned it from the bottom to the top?

Rodney Shimogawa: I believe... I believe so.

Detective Ryan: Ok

Rodney Shimogawa: Yes, so they, umm, they... they pulled out her shirt and I... I... I'm pretty sure... I believe they unbuttoned her pants.

Detective Ryan: Mmm hmmm

Rodney Shimogawa: Umm, umm, I just can't recall or maybe undone... undid her belt, umm.

Detective Ryan: Mmm hmmm

Rodney Shimogawa: That might have been the case but I... I can't recall, I apologize, all I do remember is they lifted up her shirt, unbuttoned it, umm, and, uhh, I... I'm not sure. I also remember, uhh, Officer Biendl had her, I believe she had her jacket on, her light, her light, umm, jacket. Umm, Officer Boe pulled her arm, her left arm out of her

jacket, umm, that way the medical staff could get an IV drip in her. I assisted, you know, continue assisting by holding a flashlight lighting up the area, umm, medical staff had a hard time seeing all their medical equipment...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, so they, umm, they got the IV, umm, one of the medical staff got the IV needle inside the officer's arm, umm, I was, umm, tasked with holding the IV bag along with the light. Umm, I believe it was, uhh, 2219, umm, 2219 is when, uhh, Monroe PD and EMS showed up. EMS immediately uhh, said get out... get out of the way. Umm, so I removed myself, uhh, gave the IV bag, uhh, to one of the medical staff, umm, moved aside and I know that this is a crime scene so all the stuff that had fallen out of my PPE kit I just left it there, I wasn't gonna go through and try and figure out what's my stuff, I just left it there.

Detective Ryan: Do you remember if you had packets of Neosporin or uhh, other just kind of over the counter medicine or rubs in your PPE kit?

Rodney Shimogawa: I'm sure I had, umm, uhh, those sanitary wipes.

Detective Ryan: Uhh, no, that, like... like little packets, umm, like two inches long, one inch wide.

Rodney Shimogawa: No, mmm mm, I don't carry that.

Detective Ryan: Ok

Rodney Shimogawa: Umm, I have a standard...

Detective Ryan: (Inaudible)

Rodney Shimogawa: No

Detective Ryan: Ok

Rodney Shimogawa: I have a standard, umm, state issue, uhh, stuff that we get in our PPE kit. I would have to look it up to find out exactly what's in it...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...but it would be pretty easy to do.

Detective Ryan: Ok

Rodney Shimogawa: Umm, there's some gloves. The only thing I had in my PPE kit that doesn't come with it...

Detective Ryan: Yeah

Rodney Shimogawa: ...is a, uhh, spit hood, uhh, for offenders spitting, umm, and maybe some, uhh, gloves that don't come with the PPE kit, some latex gloves.

Detective Ryan: What color gloves are issued up there?

Rodney Shimogawa: We have, uhh, numerous different types of gloves that are issued, we...

Detective Ryan: Ok

Rodney Shimogawa: But I can tell you that the type that I try to get umm are like the clear latex or the green, umm, green gloves.

Detective Ryan: Ok

Rodney Shimogawa: But we have rubber gloves, I mean there's all sorts of gloves and we also have high-risk transport gloves and so it's really hard to say what...what, what type of glove. I can tell you what the most common type is, it's just a clear latex gloves, that's the most common.

Detective Ryan: Ok, did you notice any other staff, umm, moving items? Umm, moving her? I mean did, did, was she...

Rodney Shimogawa: Umm, no

Detective Ryan: ...do you know where she was found specifically? If she was moved to allow for easier chance to render aid?

Rodney Shimogawa: She wasn't moved.

Detective Ryan: Ok

Rodney Shimogawa: Umm, we have a crime scene so I mean this...we have to move her to some degree...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...in the, I mean to get the mic cord off her throat, had to move her head. I remember on the left side of her head I could see some blood but I...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...wasn't a huge puddle.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, I remember going up there and, umm, uhh, you could smell that she uhh, urinated and something like that so, umm...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...but she wasn't moved as...other than...other than, uhh, let's see here, I'm...I'm trying to think if...if she, if her arm was moved at all or anything other than pulling it out of the jacket to get the IV drip in but she wasn't physically moved so, from one place to point A to point B.

Detective Ryan: Do you recall seeing any...any officers or staff move around the chapel and touch any other...any stuff? Or was the standing order to just....

Rodney Shimogawa: Ok, in our training, as far as a crime scene we don't touch anything...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...as, as correctional officers our training is to look at everything so, I'm...I'm sure that people were looking around just as they're standing.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, I do the same thing as I'm holding the flashlight I'm starting to look around, what do I notice, who do I observe?

Detective Ryan: Mmm hmm

Rodney Shimogawa: But I'm not touching anything.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, like I said, when I saw... saw the radio, someone asked, should I get the radio? No, that's evidence, you know...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ... umm, another thing, the sweatshirt, someone might want to go check ID on it, no, that's evidence, you leave it there.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, so...

Detective Ryan: So to the best of your knowledge, none of that stuff was tampered with?

Rodney Shimogawa: Oh yeah, umm, to the best of my knowledge, no.

Detective Ryan: Ok

Rodney Shimogawa: Whatever's there is there.

Detective Ryan: Did you...

Rodney Shimogawa: There was some... there was, uhh, Officer Biendl's state issue ID card, umm, was not on her. That was a concern, that's a huge concern.

Detective Ryan: Yeah

Rodney Shimogawa: Umm, and from my understanding it was located. I cannot recall who located it...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ... umm, but I remember, uhh, seeing that Sergeant Boe had it at one point and yes, that was removed, umm, that was removed from the scene because I remember seeing Sergeant Boe with it.

Detective Ryan: Mmm hmm

Rodney Shimogawa: That state ID card was not on her person but from my understanding it was found, umm...

Detective Ryan: Where he...

Rodney Shimogawa: ... on the stage and I don't know where it was located.

Detective Ryan: Were her keys accounted for?

Rodney Shimogawa: Yes, they were.

Detective Ryan: K

Rodney Shimogawa: Umm, I think initially Officer Bennet, I believe, found them...may have found them. Umm, and how it happened was not how, umm, Officer Bennet thought that Sergeant Boe dropped his keys. Sergeant Boe was on the, umm, umm, on the right side of Officer Biendl, umm...

Detective Ryan: I'm sorry, did you...did you say Officer Bennet found Sergeant Boe's keys?

Rodney Shimogawa: This is what he thought, he said...

Detective Ryan: Oh

Rodney Shimogawa: Officer Bennet said, hey, this...what I can recall, from the best that I can remember is that you dropped your keys, handed them over to...to Sergeant Boe...

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, and I remember a little bit like later, these are the...these are the chapel keys...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...these aren't my keys. So that's how those, uhh, that's how those keys were...were located.

Detective Ryan: Ok, did you remain in the chapel until, umm, Monroe Fire Department, uhh, announced that she had...she was deceased?

Rodney Shimogawa: I was, umm, I don't...I was, I was in there when they...when they started to leave.

Detective Ryan: Uh huh

Rodney Shimogawa: Umm, I wasn't in the direct area where I could hear them say she's deceased.

Detective Ryan: Mmm hmm

Transcribed by Mindy Orcutt
Executive Assistant/Monroe PD

Interview of Rodney Shimogawa

Rodney Shimogawa: I saw them grabbing the gurneys and, umm, start heading out.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I look on the gurney, I'm like man, just in some...some type of miracle I was hoping that she on the gurney.

Detective Ryan: Mmm-hmm

Rodney Shimogawa: Umm, I noticed that she wasn't on the gurney so they both left, looked over at the stage area, umm...

Detective Ryan: Who's they both left?

Rodney Shimogawa: Cause there was like two EMS I believe.

Detective Ryan: Two Monroe Fire Department personnel?

Rodney Shimogawa: From what I can recall, yes.

Detective Ryan: So not the nurses?

Rodney Shimogawa: No

Detective Ryan: Ok

Rodney Shimogawa: No, no, the E...after...after they responded, we all just kind of backed off and...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...they do their thing and...

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, I noticed that, uhh, there was, there was no body on the gurney so looked over, I saw Officer Biendl. I'm in the, umm, uhh, in front of the stage but in the...in-between the rows.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I'm trying to stay away.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, I notice that there's a blanket covering her.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I don't recall the type of blanket, umm, my...my staff should not have...if they did...should not have put any type of item over her.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, at that time what I'm doing is, umm, as a supervisor, starting to direct staff away from the area. As soon as, umm, as soon as they left, uhh, the Monroe Fire Department left, umm, that was it, as far as that was my last time I saw Officer Biendl.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Was being covered with the blanket.

Detective Ryan: Mmm hmm

Rodney Shimogawa: After that I reported to the entry way where the offender was found and, uhh, started assisting my staff as far as kind of explaining to them, you know, no one is going to be going in here, this is a crime scene...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...I don't want anyone going down this hallway, I don't want anyone going down here, umm, I wouldn't, I would really not like to have been in the entry way, umm, because the whole entire chapel should be a crime scene but, umm....

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...it was raining that night, umm, and we're gonna have a staff member in here all night so...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...and it's disturbing that, uhh, one of the officers, what I can recall, sat down in the chair in the entry way, uhh, with his log book, uhh, doing his routine business or writing down who comes in, who...who leaves, umm, and I'm thinking man, is that...is that the chair that the offender was located in? I don't know, I don't know if this chair was brought out for staff to sit in, I don't know if

this is a chair from what I can recall from earlier reports saying the offender was, uhh, observed sitting in a chair in the entry way.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I don't know.

Detective Ryan: Mmm hmm

Rodney Shimogawa: So, umm, at that time, let's see here, my, uhh, the staff did not enter the, uhh, umm, go past the entry from that point on.

Detective Ryan: Mmm hmm, let's talk a little bit about Officer Biendl. Umm, as a, as a shift lieutenant, how much interaction do you generally have with her?

Rodney Shimogawa: Well, uhh, I have very little interaction with her...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...other than going, checking up on posts or, umm, seeing how things are going. Uhh, I...I was, umm, shift sergeant at WSR for some time.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I had more interaction at that time because now I'm under, you know, direct supervisor.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, and, umm, the shift sergeant has a much better feel of what's going on in reference, umm, they know every little thing that's going on. The shift sergeant tends to filter everything out, take care of everything that they can absolutely take care of, any type of issue that might be a problem that will be addressed to the lieutenant.

Detective Ryan: Who...who is her shift sergeant?

Rodney Shimogawa: Sergeant Johnson

Detective Ryan: (Inaudible)

Rodney Shimogawa: Christopher Johnson

Detective Ryan: And short of Sergeant Johnson being on vacation or sick or training, he...he's there with her...

Rodney Shimogawa: Mmm hmm

Detective Ryan: ...not...not with her but he's...he's the supervisor, her supervisor at all times?

Rodney Shimogawa: Yes

Detective Ryan: Ok, umm, did she ever report to you when you were a staff sergeant?

Rodney Shimogawa: Yes

Detective Ryan: She did, and how...about how long was that?

Rodney Shimogawa: Umm, I'm having a hard time with time frames but I believe it was about six months or so.

Detective Ryan: So, about six months she...she was a direct subordinate?

Rodney Shimogawa: Yes

Detective Ryan: When was that about?

Rodney Shimogawa: Umm, 2008, umm.

Detective Ryan: And what'd you think of her?

Rodney Shimogawa: She was a great officer, she did her job, she was outstanding, umm...

Detective Ryan: In fact, in '08, didn't she win "Officer of the Year"?

Rodney Shimogawa: She did.

Detective Ryan: Did, uh, did you recommend her for that or?

Rodney Shimogawa: No, I think it, umm, had to have been, uh, late '08 that I worked with her, might have even been, uh, 2009, to come to think of it.

Detective Ryan: Ok

Rodney Shimogawa: I can't recall, umm, because I remember doing her, uh, performance, umm, evaluation...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...and I commented on how she was officer of the year...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, so that had already happened.

Detective Ryan: What made her a great officer?

Rodney Shimogawa: Umm, I think, I think being a female officer in the Department of Corrections, umh, comes to bring more challenges in... in general, umm, the offender population, they... they tend to look for... for weaker people. Umm, I'm not saying that female staff are, umm, but they'll look for anything that they can to... to get under people's skin...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...and being a female officer, in general, I think that offenders try to use... use that as an advantage to try to...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...get, umm, get... get under their skin.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Officer Biendl did an outstanding job, she was a smaller officer, umm, even as a male, umm, being small in stature, they'll use that...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...to, umm, get under their skin or, umm, see what they can... what buttons they can push. So she had a lot of things that, I mean, I wouldn't say against her, she had a lot of challenges. She was a female officer, she was smaller, umm, and she stood her ground, she was, umm, per policy, umm, she had no problem addressing, umh, offenders' behavior, umm, that's another great quality. I mean, again we have, umm, senior staff who... who sometimes have a hard time addressing, umm, you know, an offender who's out in the yard out on the weight deck all day, you know, a huge offender to...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...to...to me, umm, that didn't affect her job performance, she was always, always fair. She was never out looking to get anybody, umm, and...and in-reference, like she's, she's not one to hold a grudge if an offender calls her a bitch or...or something. She's not, umm, the type of staff member to make that, umm, offender's life hell...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...or pick on the offender, so she's very professional.

Detective Ryan: I...I know it's, it's difficult to, uh, to talk about people's transgressions, especially when, uh, when they've died in the line of duty but...

Rodney Shimogawa: That's fine.

Detective Ryan: ...is, what were some of her weaknesses that you noticed?

Rodney Shimogawa: I think, umm, I think it's because she has such a strong character, I think if she had a, had a problem with somebody I think she would have a hard time asking for help.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I think that's a huge weakness.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I remember, umm, I remember quite some time ago, I don't remember the specifics of it but she was, she called me one time cause, umm, dealing with an offender, another offender she was having problems with out there. I don't recall the result of it, I can't...umm...I... but I remember, you know, we were on top of it, if...if the officer has a problem with the offender especially with, umm, officers who, who stay alone at the post, can't have any, any problems or issues.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, as...as far as I'm talking about how offenders treat custody staff.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, but with her for a weakness, I think her weakness was she would have a hard time asking for help.

Detective Ryan: Do you...

Rodney Shimogawa: She was a little bit more quiet even though she was, umm, she was outspoken at points but she was, she...she would not ask for help if she really needed it.

Detective Ryan: Do you recall any moments where her guard was dropped? Or if she maybe appeared too friendly with the inmates or, umm? Do you recall anything...having observed that or?

Rodney Shimogawa: No

Detective Ryan: K

Rodney Shimogawa: I can, umm, after...after this incident happened, umm, trying to put everything together, how did this happen?

Detective Ryan: Mmm hmm

Rodney Shimogawa: I found out the offender works out in the Building Four area.

Detective Ryan: Mmm hmm

Rodney Shimogawa: K, uhh, he works in industries, well, they also tell me he works in the chapel. Well, how does he work in the chapel? They're not supposed to be having more than one job. I found out that he's been working out there as a porter. I'm like, well, that's not poss...how does this? That doesn't make sense. And so, to find out that he's been working out there for the past year, I think, umm, doing volunteer work, umm, that's very concerning, umm, that something like that was going on and I'm not aware of it, umm, I need to know exactly where offenders are to count for them and, umm...

Detective Ryan: Would Officer Biendl have been aware he is employed in industries?

Rodney Shimogawa: Yes, umm, well, I would imagine so.

Detective Ryan: Mmm hmm

Rodney Shimogawa: You know, she's, umh, she's an officer, she's in charge of the chapel area, umm, I like to...to give staff the idea that they, umm, not the idea but I like for them to run it...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, it's her area and I like, I like to be a part of some of the decision making but I was just a little surprised, umm, with how strict she is with policy and how...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, I was just surprised that she would allow him to work out there.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, just because of her character.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Now, umm, if offenders, I mean, offender's crimes are...or things that don't have much to do with like, whether or not they're going to be a porter and be allowed to work out there, it's more so just so I know exactly who's out there.

Detective Ryan: Mmm hmm

Rodney Shimogawa: If, umm, just makes me think if...if this offender wasn't a porter or allowed to work out there, would he have been allowed out...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...past that area.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, at that time. It's just, umm, I just don't get it.

Detective Ryan: Mmm hmm, did...have you ever worked in the chapel when you were an officer?

Rodney Shimogawa: No, umm, well, umm, I've worked at programs, I've never done umm the chapel officer, I've never done her position, umm, sometimes we'll have special programs going on and we'll have

additional staff out there. I have been out there, umm, to assist when we have special programs.

Detective Ryan: When you were her sergeant was she in the chapel?

Rodney Shimogawa: Yes

Detective Ryan: Ok, did she...did she mention any concerns to you about any inmates at that time that you recall?

Rodney Shimogawa: Umm, yes, I remember her saying something, umm, about Offender Snow but, umm, I can't recall exactly what happened.

Detective Ryan: What's Offender Snow's first name?

Rodney Shimogawa: I don't know.

Detective Ryan: Do you know where he's housed right now?

Rodney Shimogawa: I don't think he's at Monroe.

Detective Ryan: K

Rodney Shimogawa: I don't believe he's at Monroe, I can't...we have so many offenders, I don't know.

Detective Ryan: Yeah, I know.

Rodney Shimogawa: I don't believe he's there though.

Detective Ryan: Ok, do you recall her specific complaint?

Rodney Shimogawa: No, you know, umm, you know, I get so many different umm complaints from officers and this...this specific one, umm, I think it might have been attitude, umm, towards her, uhh, being disrespectful. Umm, a lot of times when I come in to where I have to talk to the offenders because of staff, umm, have requested me to or staff will say, hey, this guy is not doing as I'm asking to so I'll pull the offender aside, what, what is going on? This is your, uhh... Officer Biendl's your supervisor, you will do as she tells you to.

Detective Ryan: Mmm hmmm

Rodney Shimogawa: ...if not, I will have you not allowed in the area or...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, we'll find you a different job.

Detective Ryan: Mmm hmm

Rodney Shimogawa: But those are the kind of talks that I have with these guys.

Detective Ryan: Ok

Rodney Shimogawa: Umm, if there was any type of concern like, umm, I'm afraid this person's gonna beat me up or I'm afraid I'm gonna...those...those type of concerns, I would really remember that because...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...that's the type where, umm, they would be placed in segregation and reviewed whether or not this is an appropriate housing assignment for them or if we need to get them out of the facility.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I mean it's a whole different ball game, umm...

Detective Ryan: This...this might be a silly question but it really comes from my lack of knowledge of how, umm, the institution works. Is the officer assigned to the chapel, are...are they participating in any sort of the religious part of that or is their job strictly to be, uhh, custodial, umm, presence?

Rodney Shimogawa: Well, umm, their job is...is to supervise the chapel there. Their job is not to participate in any programs whatsoever, umm, and I recall an incident, umm, a couple of years ago, maybe even three years ago, it was a while back, umm, where I had another officer, umm, request to show up to one of the services that was happening in the chapel. He...he had gotten approval, umm, and my...my thought was man, this is really weird, umm, it just didn't feel right, uhh, to have staff participate with offender programming.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, and I remember specifically because Officer Biendl called me up, she was working the chapel. She said what's up with this guy? He's your partner, why is he coming, uhh, to the service? And I'm like, you know, I feel the same way, I'm not comfortable with it but...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, and I just remember this, umm, her...her reaction...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, to what she thought of someone else participating in a program.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, a religious program.

Detective Ryan: Yeah

Rodney Shimogawa: And so, I...I just with that, uh, umm, dealing with her with that incident, I can imagine that she would not participate in any program.

Detective Ryan: Yeah, what was that officer's name?

Rodney Shimogawa: That participated in the program?

Detective Ryan: Yeah

Rodney Shimogawa: Officer Petrie

Detective Ryan: P...

Rodney Shimogawa: Petrie...P-E-T-R-I-E

Detective Ryan: And when was that about?

Rodney Shimogawa: Uhh, it was about three years ago, umm, maybe in 2007.

Detective Ryan: Is he still there?

Rodney Shimogawa: He is, yes.

Detective Ryan: Alright

Rodney Shimogawa: Umm

Detective Ryan: He may have an idea of how she...her demeanor at the chapel just based on his participation there.

Rodney Shimogawa: His participation was, I can remember this, he's, umm, you know I can't remember what religion, I apologize...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, but he's...he's, uhh, pretty heavy into religion.

Detective Ryan: Mmm hmm

Rodney Shimogawa: They were doing some type of, umm, baptism.

Detective Ryan: Mmm hmm

Rodney Shimogawa: And, umm, he wanted to go to it. He thought that...I remember him talking to me and I...I started to get a feel cause I was trying to figure out what is this guy's, umm, it's very concerning when staff want to participate with inmates.

Detective Ryan: Mmm hmm

Rodney Shimogawa: And so I started talking to him trying to figure out, dude, what's going on? Is this guy being manipulated or is he really?

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, but to me, I thought that he was, you know, faithful to his religion.

Detective Ryan: Mmm hmm

Rodney Shimogawa: And they were doing a baptism, uhh, some other inmates were gonna be present that were on our unit at the time...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...and this officer felt really proud that they're going through this and it, I could never be there, I couldn't be there, umm, that same mindset.

Detective Ryan: Mmm hmm

Rodney Shimogawa: But I can, umm, understand maybe where he's coming from...

Detective Ryan: Mmm hmm, as, uhh, did...did you ever stop...stop in the chapel and see her at work when you were her sergeant?

Rodney Shimogawa: Yes

Detective Ryan: What...did she stay in her office? Did she stay in the chapel?
What was kind of normal for her?

Rodney Shimogawa: Umm, I don't think that...I mean, there's no normal routine, her job, she would, umm, go check up on all the inmates, she has a big area.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, walk...do walk throughs, sometimes she was in her office, sometimes she was doing a walk through, sometimes she was in the middle of coming from out of her office to do a walk through.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, I mean there's...during every single movement...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, she's to stand at the front of the chapel and count all the inmates coming in and leaving.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, so I can...I know where exactly she's at during movements.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, but when movements are closed and the chapel's....

Detective Ryan: When...when you say front of chapel do you mean outside right by that front door?

Rodney Shimogawa: Yes

Detective Ryan: Ok

Rodney Shimogawa: Umm, so I can, I...I know where she's at during those times.

Detective Ryan: Mmm hmm

Rodney Shimogawa: If she's not out there, we've got...we have problems.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, Tower Nine will call me and say Officer Biendl's, they won't say it in those words but they'll say chapel officer's not at their location or...

Detective Ryan: So at 8:30 at night, is...it, that's when offenders need to start making their way...

Rodney Shimogawa: Yeah

Detective Ryan: ...to...

Rodney Shimogawa: In all the areas (*inaudible*) this is, after reviewing this incident and seeing what...how it...how it happened...

Detective Ryan: Mmm hmm

Rodney Shimogawa: I started asking some more, you know, unfortunately, started asking some more questions.

Detective Ryan: Yeah

Rodney Shimogawa: ...and, umm, the, the procedure that I know of, all the building areas fall into Tower Nine's (*inaudible*) area's security.

Detective Ryan: Mmm hmm

Rodney Shimogawa: I talked to, uhh, Tower Nine just the other night.

Detective Ryan: Mmm hmm

Rodney Shimogawa: And, uhh, if an area is not secured, umm, Tower Nine should be calling and saying, is your area secure? What's going on? So I talked to him and said, hey...

Detective Ryan: Who's him?

Rodney Shimogawa: I'm...I'm sorry, Officer Lyons.

Detective Ryan: Lyons?

Rodney Shimogawa: Yes

Detective Ryan: K

Rodney Shimogawa: I talked to Officer Lyons and I said do you...do you recall, umm, the Officer Biendl calling in secure or all clear? And I...I asked him...I asked him I said what...cause this has always been the common practice that they always call in that their area's secure.

Detective Ryan: Mmm hmm

Rodney Shimogawa: That way we can know that we have the facility locked down. And he said, umm, to the best of his knowledge...I don't like saying what, umm, I'm not sure, but I believe he said to the best of his knowledge that she did call and secure it, umm, and that she was all cleared. And he was telling me that a normal routine for her, umm, is when she calls in clear, umm, she's...she's at the entry of the chapel, she'll go inside, umm, after she calls secure, clear and secure, she'll go inside the chapel, grab her lunchbox and wrap up the day and...and then leave. From his recollection he said all...all areas called in clear and secure.

Detective Ryan: Does the officer in Tower Nine do any sort of written log?

Rodney Shimogawa: He should be doing a log and, umm, I asked him to see the logbook and, uhh, the logbook had already been closed out so that log entry, umm, that I could view would not be in there, I'm not sure.

Detective Ryan: Was it an electronic or handwritten log?

Rodney Shimogawa: Handwritten log book

Detective Ryan: And who does he turn that into at the end of his shift?

Rodney Shimogawa: I imagine during this investigation, umm, oh, I'm sorry...your question, uhh, to answer your question the logbook remains in the tower, umm, any time this logbook, I forget how many pages it has, as soon as, umm, the logbook is completed and filled out then it's brought down to the shift lieutenant's office. The shift lieutenant will then forward it to the captain, umm, the captain's secretary actually gets and logs it into, I believe into archive, umm, but then, you know, we...we retain the logbook.

Detective Ryan: Ok

Rodney Shimogawa: But this logbook, umm, I don't know if it was full. My assumption is it was secured as part of, uhh, investigation.

Detective Ryan: Mmm hmm, does...does the officer assigned to the chapel, umm, have coffee with the people in there? Umm...

Rodney Shimogawa: Have coffee with inmates, volunteers? What...

Detective Ryan: Yeah

Rodney Shimogawa: I don't know, umm, I don't know. Offenders, umm, I...I can't imagine, I mean I...I wouldn't have coffee with offenders but umm...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...I can't say that other staff haven't.

Detective Ryan: Ok

Rodney Shimogawa: Now, yeah, I just don't know.

Detective Ryan: Ok, so, back to our time frame here, umm, so 8:30 offenders are...need to go back to their cells out of all social areas?

Rodney Shimogawa: Yes

Detective Ryan: Ok, umm, at 9 o'clock, formal count begins but the preference is to have all inmates in cells ten minutes to 9, so...

Rodney Shimogawa: Yeah, they...they, they should all be in there.

Detective Ryan: K

Rodney Shimogawa: Umm, there shouldn't be any issues, umm, we have the recall then we have the yard in...

Detective Ryan: Ok

Rodney Shimogawa: Umm, and at yard in, everyone's...everyone's to be in their house...cells.

Detective Ryan: And then, so they have twenty minutes to make it to, umm, their cells, their units.

Rodney Shimogawa: Umm

Detective Ryan: What time would be normal for, uhh, Officer Biendl to secure the chapel? A little after 9?

Rodney Shimogawa: As soon as, umm...I don't know what's normal, I can't tell you...

Detective Ryan: Yeah

Rodney Shimogawa: ...but, umm, from...from what I can understand, uhh, from Tower Nine, umm, after she clears the chapel, she'd...should only take five or ten minutes...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...might have some people kind of slow walking it but after five or ten minutes, umm, she would secure the chapel, lock her doors or excuse me, go back inside, grab her stuff and lock the doors and get out of there. Umm, she, umm, I'm trying to think, I mean I've...I've seen her pass the shift office, you know, quarter to nine, so I believe she's usually out of there at a quarter to nine.

Detective Ryan: In...in your experience what's the latest that you've seen offenders exiting the chapel? Do they push it?

Rodney Shimogawa: Push...the offenders push it?

Detective Ryan: Yeah

Rodney Shimogawa: Apparently from my understanding, this, I mean, was...sounds like it might have happened...

Detective Ryan: Yeah

Rodney Shimogawa: ...but, umm, if I mean, count is crucial. 2100 count is, umm, is...is very important so...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...if I ever saw an offender walking out a certain time at night I'm going to ask them what are you doing out of your cell?

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, especially outside, umm, from...from the living units to the chapel and in between there, you know, the outside area, I'm going to have big problems with offenders outside. We have staff, umm, that report outside specifically during movement times to...to observe and watch their movement.

Detective Ryan: Mmm hmm

Rodney Shimogawa: So, umm, there's a tight window from when those areas are secured. Now my, umm, R and M's, my movement officers are now in different locations because they don't really focus on this...on this area.

Detective Ryan: Mmm hmm

Rodney Shimogawa: So I have a big problem when people are pushing the time. And so I guess, uhh, to answer your question, umm, I...I think that, umm, I...I can't imagine too many people allowing offenders to push the time cause they're going to have to answer for it if I find the offender.

Detective Ryan: Have you received any...any reports, umm, prior to this incident of, uhh, Offender Scherf's behavior?

Rodney Shimogawa: No

Detective Ryan: Do you know what sort of reputation he has?

Rodney Shimogawa: Umm, now I do.

Detective Ryan: But...

Rodney Shimogawa: Prior to this...

Detective Ryan: ...prior to the incident he was off the radar?

Rodney Shimogawa: Correct

Detective Ryan: Ok, umm, and you said now you notice reputation as what...what have you heard? What is his reputation?

Rodney Shimogawa: Well, I've talked to other, umm, I talked to the chapel officer yesterday, umm, uhh, who covers Officer Biendl's days off.

Detective Ryan: Mmm hmm

Rodney Shimogawa: He's chapel officer two days, Officer Yates, and, uhh, I talked to him, uhh, let him know what was going on, he didn't know he was reporting to post to work and I said...

Detective Ryan: What's his name?

Rodney Shimogawa: Officer Randall Yates

Detective Ryan: So Officer Biendl is Sundays...

Rodney Shimogawa: Uhh, five days a week

Detective Ryan: And Officer Yates is the others...

Rodney Shimogawa: Yeah

Detective Ryan: They...they split it.

Rodney Shimogawa: Officer Biendl's five days a week, Officer Yates covers days off so he might be there two days a week.

Detective Ryan: K

Rodney Shimogawa: So I pulled him aside because, umm, I called Main Control and said, hey, when this officer comes in have him report to shift immediately, called...pulled into shift he had no idea what was going on, he was planning to go out there and work, do his normal thing.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, I explained to him, umm, umm, roughly what happened, I wasn't specific, umm, and I...I told him, umm, well basically what everyone's heard on the news, just doing, umm, some non-specific but, umm, and he...he just couldn't believe it. He, uhh, umm, he was pretty disturbed.

Detective Ryan: Mmm hmm

Rodney Shimogawa: So later on I went and talked to him...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...and, umm, and he said, man, I just can't believe it...

Detective Ryan: Yeah

Rodney Shimogawa: ...I've never had problems with, uhh, this inmate. He's always...he's always just done his own thing, umm, I would have...I never believed, never had an issue with him, umm, he's been working with me out there for, umm, you know, for quite a while. If...if I can recall, he said last year, for the past year, umm.

Detective Ryan: K

Rodney Shimogawa: But there's no, umm, no signs that he's...

Detective Ryan: No red flags by Officer Yates?

Rodney Shimogawa: Absolutely none

Detective Ryan: K

Rodney Shimogawa: He said, umm, I remember him saying you know if this offender had a base line, he was not, I mean, he was not off his base line.

Detective Ryan: Yeah

Rodney Shimogawa: He was normal as could be.

Detective Ryan: But it sounds to me like the offender, Offender Scherf, participated in chapel when Officer Yates was there as well...as well?

Rodney Shimogawa: Correct

Detective Ryan: Ok, can you think of anything else?

Rodney Shimogawa: Umm, no, I know that, umm, we had taken some pictures of the blood on the clothing.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Uhh, we also took pictures of his hands.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, it's something that we commonly do if we're concerned that the offender's been involved in an altercation...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...and one of the, uhh, umm, officers watching him told me that, you know, he had chewed off all his fingernails and...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, thought that he was trying to get rid of evidence, I wasn't sure, umm, but we, you know, had photos...I...I don't...the photos, I haven't reviewed them or anything so...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, I'm sure that you guys have those, umm.

Detective Ryan: Who was the officer that told you they observed him chewing his nails?

Rodney Shimogawa: Officer Dormer, uhh, he's, uhh, one of the officers assigned to watch the offender while he's on suicide watch. Now with the, umm, the officer watching him, we always have [REDACTED] officer or...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...we don't always, uhh, in this specific incident we have two staff at the cell from, umm, straight directions not to talk to the offender, not to do anything...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, they're just to sit there and observe...

Detective Ryan: Yeah

Rodney Shimogawa: ...they don't interact.

Detective Ryan: Yeah

Rodney Shimogawa: Umm, that's one reason why we have two so they can verify...

Detective Ryan: what...

Rodney Shimogawa: Yeah, and so this officer, he, umm, was assigned last night, he told me, he said he felt that the offender was trying to wash away, umm, possible evidence, umm, he was picking, umm, he said he was picking at his fingers, uhh, chewing his fingernails, umm, he's also, umm, kept messing with his leg which I don't really understand but he said he kept messing with his right leg like as if he had an injury and, uhh, and that...that he wasn't able to see if there was any injury on his right leg but, umm, I mean those were just some of the things that, you know...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...that come up and...

Detective Ryan: Yeah

Rodney Shimogawa: ...umm, let's see here, the only other thing is all the clothing for the offender when he was, uhh, escorted to the IMU...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, I didn't confirm it but I directed staff to, uhh, have them all secured in brown bags for evidence and, umm, which is another common procedure. This guy had blood drops on him so I don't know, it could have even been a, umm, I'd have to treat it as a assault, I have to treat it as a possible rape...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...I have to treat it so...

Detective Ryan: Do you know if his clothes were packaged separately?

Rodney Shimogawa: Yes they were.

Detective Ryan: Ok

Rodney Shimogawa: That's the common procedure that we do so, uhh, to be honest with you I can't guarantee that's what happened...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...cause I didn't physically see them...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...but that is the procedure that we do.

Detective Ryan: Ok

Rodney Shimogawa: Each individual clothing should be placed in a brown bag. I don't know who, umm, secured the clothing...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...umm, but I was told it had. Also know that medical staff were directed to do a, uhh, medical assessment on the offender, umm,

this medical assessment is to check all the vitals and also check the offender for any marks or bruises on his body, umm, that they might have seen or any blood cause I was concerned that he might have been in an altercation.

Detective Ryan: And did you witness first hand any statements that the offender made? I know you touched on it briefly but just if you can rack your brain.

Rodney Shimogawa: The only, uhh, statement, umm, that I can guarantee that he made, uhh, that I was planning, I told the officer I fell asleep, umm, I was, umm, hiding and I can't remember if he said I... I hid under something, I hid... I can't recall that portion but I remember him saying he was hiding and I can, uhh, guarantee and say that he, uhh, told me that, umm, he was planning to escape...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...by waiting after the officer was gone...

Detective Ryan: Mmm hmm

Rodney Shimogawa: ...and jump over the wall at night or...

Detective Ryan: Yeah

Rodney Shimogawa: At this point, umm, the...the incident, umm, it was secured prematurely, umm, we thought that we had our escaped offender, our escaped attempt offender so at this time we're wrapping up the incident so we start reviewing video tape. I reviewed the A Unit video tape where he's...he also said he was jumped and that's to escorting staff not to me.

Detective Ryan: Mmm hmm

Rodney Shimogawa: And I think maybe he was trying to cover up where the blood came from.

Detective Ryan: Mmm hmm

Rodney Shimogawa: Umm, but there's all sorts of assumptions of what...what could have happened or...

Detective Ryan: Mmm hmm

Interview of Rodney Shimogawa

Rodney Shimogawa: ...or, umm, trying to figure out exactly what happened. I was bothered that the offender was just sitting in a chair in the entry way of the chapel. That doesn't seem like someone who is ready to escape, to me that seemed like someone was wanting to get caught or...

Detective Ryan: So...

Rodney Shimogawa: ...protective custody move or...I don't know.

Detective Ryan: So when he was located in...in your best opinion did he have the necessary means to escape the prison that night?

Rodney Shimogawa: No

Detective Ryan: And what would someone need to escape the prison that he did not have? Keys?

Rodney Shimogawa: Umm

Detective Ryan: ID card maybe?

Rodney Shimogawa: It would have been very difficult, umm, I think I...I guess if someone really had determination, especially someone like without possibility of parole might have that determination but it would be very difficult, uhh, to escape from that area. Umm, physical layout of the building, the chapel is right in the middle of the facility of WSR, umm, there's numerous gates, uhh, razor wire covering those gates. If he makes it over, umm, even let's say three or four of those gates, he now has a wall that he has to climb over, uhh, which is a concrete brick wall with armed officers on the top of that wall. I don't think that this, umm, if it was an escape attempt, this was a very, umm, umm, very tactically, uhh, poor escape attempt.

Detective Ryan: Ok, anything else?

Rodney Shimogawa: Nope

Detective Ryan: Alright, thanks for your time.

Rodney Shimogawa: You're welcome.

Detective Ryan: The, uhh, at the bottom of this form...

Rodney Shimogawa: Yes

Transcribed by Mindy Orcutt
Executive Assistant/Monroe PD

Detective Ryan: I want you to read this statement aloud.

Rodney Shimogawa: I, Rodney Shimogawa, declare that the facts stated on this tape are true and correct to the best of my knowledge.

Detective Ryan: And is that the truth?

Rodney Shimogawa: Yes

Detective Ryan: Ok, and then you can sign where it says witness signature, and then the date right below it. And the current time is 12:52 pm and that concludes the tape recorded witness statement.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

☐ Confidential

Date/Time of Incident	Offenders Involved	DOC Number	Living Unit
1/29/2011	Scherf, Bryon E.	287281	A-112
Location WSRU Tower 9/ Chapel	Witnesses		
Use of Force Incident? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
DETAILS: Who was involved, what took place, how did it happen, description of any injuries, damage, use of force, etc. Attach additional sheet, if necessary. On 1/29/2011, I C/O (Corrections Officer) George Lyons was working in tower 9 at the Washington State Reformatory Unit (WSRU). At 2030 hours Main control called recall. I opened the exit gates from the Yard, Field House, and P.A.B./Chapel walkway. At approximately 2031 I observed C/O Blendl finished letting the offenders out of the Chapel closed the gate and returned to the Chapel building. At approximately 2035 a C/O made radio notification to King 409 (Tower 9) that Zone Three was clear. I then logged the P.A.B. and Chapel as clear. I monitored the base of tower 9 and verified that all offenders were clear and back on their units. At approximately 2113 several officers went out from the base of Tower 9 and at approximately 2115 an officer made radio notification that an offender had been located in the Chapel. I opened the gate to allow the staff to take the offender back to the Shift Office, and then over to the Intensive Management Unit. I remained at my post until approximately 2203 and then left the facility once released by the Shift Lieutenant. A written report was not requested of me until 5/13/2011 all of the times listed are as accurate as I can recall.			

Immediate Action Taken:

5/13/2011 C/O 2
Staff Signature Date Title Staff Name (Please Print)

TO BE COMPLETED BY CHIEF INVESTIGATOR

Date/Time Received	Incident Number	
Investigation Assigned To	By	Date

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Distribution: WHITE - Chief Investigator CANARY - Executive Team Member PINK - Originalor GOLDENROD - Immediate Supervisor
DOC 21-917 (Rev. 04/22/08) DOC 390.350, DOC 420.250, DOC 420.360, DOC 490.800

Exhibit 3

Detective Hatch: And the date is May 19th, 2011. The time is now 14:04 hours. This is Detective Barry Hatch with Monroe Police. Statement is being recorded at Monroe Police Department. There are two persons present in the room and this is the statement of George Lyons. Uh, George do you understand this conversation is being recorded?

George Lyons: Yes.

Detective Hatch: Are you okay with that?

George Lyons: Yes.

Detective Hatch: Okay. Can you give your full name and spell it please?

George Lyons: George William Lyons. G-E-O-R-G-E, L-Y-O-N-S.

Detective Hatch: Okay. And your date of birth?

George Lyons: 2/17/1986

Detective Hatch: And how about your home address? What city?

George Lyons: [REDACTED] Washington.

Detective Hatch: Okay.

George Lyons: [REDACTED] Washington.

Detective Hatch: Got it. And how about a day phone number to contact you?

George Lyons: [REDACTED]

Detective Hatch: Okay. All right. Uh, George how are you employed right now?

George Lyons: I'm a corrections officer with the Washington State Department of Corrections.

Detective Hatch: And how long have you worked for the Department of Corrections?

George Lyons: Three years and four months.

Detective Hatch: And has all of that time been in Monroe?

George Lyons: Yes.

Detective Hatch: Okay. And uh, where were you working on January 29th?

George Lyons: The Washington State Reformatory Unit uh, Tower 9.

Detective Hatch: Okay. And how long had you been assigned to Tower 9?

George Lyons: Since March of 2008.

Detective Hatch: And Tower 9 is that a post that you work alone or with some one?

George Lyons: I'm alone in Tower 9.

Detective Hatch: Okay. And what are your normal days off?

George Lyons: Uh, Monday and Tuesday.

Detective Hatch: And you... what shift do you normally work? What hours?

George Lyons: Watch 3, which runs from 13:30 to 22:00.

Detective Hatch: Uh, Tower 9 is that manned all day long?

George Lyons: Uh, it's manned on Watch 2 and Watch 3.

Detective Hatch: Okay.

George Lyons: 16 hours a day approximately.

Detective Hatch: Okay. So while you're... when you go home at night uh, at close to uh, 10:00 o'clock at night, the tower is shut down after that?

George Lyons: Correct.

Detective Hatch: And... and no one is in there?

George Lyons: Correct.

Detective Hatch: Okay. And Tower 9 if you were to enter the prison from the main gate at main control there uh, and if you were to want to go anywhere, out into the yard or Industries or anything, would you have to go by Tower 9?

George Lyons: Yes.

Detective Hatch: Okay. And does Tower 9 control any of the gates to get there?

George Lyons: Yes.

Detective Hatch: Okay. And approximately how many gates does it control?

George Lyons: Approximately [REDACTED] gates.

Detective Hatch: Okay. So um, as part of your assignment in Tower 9 of, can you maybe just give me a thumbnail of your responsibilities of... of what you do up there?

George Lyons: Um, I monitor and control offender movement, allow staff access to the different portions of the facility and in general keep the facility contained in the different sections.

Detective Hatch: Okay. And do you keep track of uh, what's coming and going in any sort of logbook?

George Lyons: Yes.

Detective Hatch: Okay. And uh, on your shift on uh, any given day you... you take notes and whatnot?

George Lyons: Uh, just the logbook.

Detective Hatch: Okay. Prior to uh, 8:00 o'clock at night, do you remember anything unusual about January 29th?

George Lyons: No.

Detective Hatch: It was pretty much business as usual?

George Lyons: Correct.

Detective Hatch: Tell me are Saturdays different than uh, Monday thru Friday in, as far as Tower 9 goes?

George Lyons: Yes.

Detective Hatch: How so?

George Lyons: It's a little bit slower. Uh, there's fewer uh, staff around. Uh, we don't have maintenance. Less in the facility is open. Uh, you don't have Industries out in Gate 7. Uh, just not as much work going on.

Detective Hatch: So the...the inmates not going to Industries at all?

George Lyons: On Saturdays, no.

Detective Hatch: Okay. So everything is shut down out there?

George Lyons: Yes.

Detective Hatch: And is the PAB Building opened on weekends?

George Lyons: Yes.

Detective Hatch: Is the chapel open on weekends?

George Lyons: Yes.

Detective Hatch: Okay. Is the uh, weigh room, the yard is that open on...

George Lyons: Yes.

Detective Hatch: ...Saturdays? Okay. So I got your written report here and it makes mentioned uh, that uh, in fact I'll read this. That prior to 21:13 all the events that occurred on the 29th were similar to any other Saturday. Uh, what happened at 21:13?

George Lyons: Uh, several staff that normally wouldn't have come off the units carrying count came out to the base of my tower and started gaining access to different areas of the facility. Um, in what I found out later was looking for a missing inmate.

Detective Hatch: Did you have any advanced warning that there was an inmate missing...?

George Lyons: No.

Detective Hatch: ...in any way? Uh, while you're in Tower 9 do you monitor any radio frequencies?

George Lyons: Yes, the [REDACTED] frequency for the reformatory.

Detective Hatch: Okay. Uh, so that covers what? Would that cover like PAB and the rovers and movers?

George Lyons: Yes.

Detective Hatch: Uh, would it also cover the chapel?

George Lyons: Yes.

Interview of George Lyons

Detective Hatch: Would it also cover the... the guys that are working in the yard?

George Lyons: Yes.

Detective Hatch: Would it cover the... the guys that are working [REDACTED]?

George Lyons: No.

Detective Hatch: Okay. So they're [REDACTED] frequency?

George Lyons: Correct.

Detective Hatch: So uh, when... when there's an inmate that is found missing from his cell you wouldn't have any notice of that, right?

George Lyons: Not unless someone on my frequency made notification.

Detective Hatch: Okay. How did you know it was 21:13 hours when these officers came running towards the tower?

George Lyons: Um, something unusual was happening and whenever that happens I tend to check my gates and the time and make sure I have everything squared away.

Detective Hatch: Okay. And did you open the gate for them or did they use keys to get through?

George Lyons: I opened the gate for them.

Detective Hatch: Okay. Did you know where they were headed?

George Lyons: Um, had a general idea of the direction. Assumed that everyone in the chapel and PAB, because those are the only buildings opened in that area.

Detective Hatch: Okay. And then so what happens after they head out towards the chapel and PAB?

George Lyons: Um, two of the officers went into the chapel and made radio notification that they had located an offender.

Detective Hatch: Did they say on the radio that uh, offender's name?

George Lyons: No.

Detective Hatch: Okay. What happens next?

Transcribed by Monica Sandoval
Investigative Support/Monroe PD

George Lyons: Uh, they were directed to restrain the offender and escort him to shift.

Detective Hatch: Would that be the Shift Office?

George Lyons: Yes, the Shift Office.

Detective Hatch: Okay. And that's in the main building there, correct?

George Lyons: Correct.

Detective Hatch: Okay. And at some point did you see them come back through?

George Lyons: Yes. I allow... I opened the gate for them to come back through and then opened the door for them to go down to the Shift Office.

Detective Hatch: Okay. And what happens next?

George Lyons: Uh, they took him down to the Shift Office and then several minutes later they uh, brought it up to the base of my Tower, placed leg restraints on him at the base of my Tower and then I opened up the gate for several officers to escort him to the intensive management unit.

Detective Hatch: Okay. And did you make note of any of that in your logbook?

George Lyons: I did not.

Detective Hatch: Okay. Did you ever see the offender after that?

George Lyons: After what time?

Detective Hatch: After he was uh, put in leg restraints and taken to I&U?

George Lyons: No.

Detective Hatch: Okay, what happens next if you remember?

George Lyons: Um, I waited in Tower 9 and at about 10:00 o'clock, 22:00 I was given permission to close down Tower 9.

Detective Hatch: Okay.

George Lyons: And at that...

Detective Hatch: And do you remember who gave you that permission?

George Lyons: Uh, it would've been oh...Lieutenant Briones.

Detective Hatch: Okay. Is that kinda a...a normal protocol?

George Lyons: Uh, no. Normally I would close the Tower at about 21:45, 21:50.
Um, but because there was an emergency and a picture-card count
um, it's required I remain on post until that's resolved.

Detective Hatch: Okay. So you stayed open until you heard just because you know that's the policy?

George Lyons: Yes.

Detective Hatch: Okay. And then when Lieutenant Briones cleared you, did he do that over the radio or by telephone?

George Lyons: By telephone?

Detective Hatch: By telephone?

George Lyons: Yes.

Detective Hatch: Okay. So Lieutenant Briones calls you and says what?

George Lyons: I believe I called him. I'm not in part...entirely sure, but I asked if it...if I was cleared to leave yet and I left. He said yes.

Detective Hatch: Okay. So you shut down the Tower um, you make a note of that in the logbook I assume.

George Lyons: Yes.

Detective Hatch: And then uh, you go thorough the process of turning in equipment and keys and whatnot?

George Lyons: Yes.

Detective Hatch: Okay. Uh, and then do you secure for the night and go home then?

George Lyons: Yes.

Detective Hatch: Okay. And uh, at some point were you notified uh, about Jayme Biendl's murder?

George Lyons: Yes.

Detective Hatch: Okay. Uh, and if you remember, how long after you left did that happen or what time...?

George Lyons: It was a little after 11:00 uh, sometime from 11:00 to 11:30 I believe.

Detective Hatch: At 11:30 that night or the next day?

George Lyons: That night.

Detective Hatch: Okay. And how were you notified?

George Lyons: Uh, by a phone call from the...another officer.

Detective Hatch: Okay. And what did they tell you?

George Lyons: Um, that something had happened down in the chapel and they found Biendl out there.

Detective Hatch: Okay. And did they tell you that uh, she had been murdered?

George Lyons: Um...

Detective Hatch: Or that she was dead?

George Lyons: Yes. I don't remember the exact wording, but yes.

Detective Hatch: Okay. Uh, did you contact anyone else or have any contact with anyone...

George Lyons: No.

Detective Hatch: ...prior to the start of your next shift?

George Lyons: No.

Detective Hatch: Okay. And so uh, what was the next shift that you worked?

George Lyons: I worked the next day starting at 1:30.

Detective Hatch: Okay.

George Lyons: 13:30.

Detective Hatch: So uh, the 30th of January?

Interview of George Lyons

George Lyons: Yes, 30th of January at 13:30.

Detective Hatch: Okay. And did you go to uh, muster that day?

George Lyons: Yes.

Detective Hatch: Um, did you learn anything else that happened during muster?

George Lyons: Um, we were told that uh, inmate Byron Scherf had killed Biendl or that had been taken to segregation after been found out of count and Biendl had been found murdered in the chapel.

Detective Hatch: Okay. And did you resume your duties back at Tower 9 then?

George Lyons: Yes.

Detective Hatch: Okay. And so having that in mind that...that Biendl uh, was found murdered in the chapel um, backing up uh, do you remember clearing the...the uh, chapel on the night of the 29th?

George Lyons: Uh...

Detective Hatch: Or making a notation that it was cleared?

George Lyons: Yes.

Detective Hatch: Okay. And maybe if you can just walk me through that last movement of the night prior to that, I guess it would've been 20:30 recall.

George Lyons: At 2030 main control announced recall over the radio. I opened the return gates from uh, the out areas, yard, PAB, chapel, field house. Um, I watched the returning inmates at about 21...or excuse me, 21:31. Um, Biendl had let out to what I believe to be the last inmate and closed her gate and went back into the building. Um, at that point I wrote down her building was cleared.

Detective Hatch: Was that pretty normal?

George Lyons: Yes.

Detective Hatch: Uh, to not hear her on the radio, but just to see her come out and close the gate...

George Lyons: Yes.

Detective Hatch: ...and go back in? Okay. And did you make any notations of any of the other areas being cleared?

George Lyons: Yes.

Detective Hatch: Uh, what other areas?

George Lyons: The yard, the field house, the PAB uh, the visiting room and Tower 9...

Detective Hatch: Do you...

George Lyons: ...base area.

Detective Hatch: ...do you get radio notification that all those are cleared or do you get a...a... just some other notification? Like with Biendl you said you see her let the inmates out and then close the gate.

George Lyons: Uh, with the PA uh, with the PAB-I get radio notification. Uh, with the field house I get radio notification on most nights. Um, that's about it.

Detective Hatch: How about the field house?

George Lyons: Yes, usually.

Detective Hatch: But not always?

George Lyons: But not always.

Detective Hatch: Uh...

George Lyons: Sometimes I just be verbally, 'cause it's right there at the base of the tower and they let me know.

Detective Hatch: You have what days off?

George Lyons: Monday, Tuesday.

Detective Hatch: Um, were there days that you were working that Biendl was not working and there was someone else working that...

George Lyons: Yes.

Detective Hatch: ... (inaudible)? Okay. Did they do business kind of the same way?

George Lyons: Yes.

Detective Hatch: Uh, so was it normal not to get any sort of notification that they were clear?

George Lyons: Yes.

Detective Hatch: Does anybody turn in any equipment to Tower 9 or is it only your equipment that is out there?

George Lyons: Only my equipment.

Detective Hatch: Okay. So there's no reason for anyone else to come up into there or...?

George Lyons: No.

Detective Hatch: And do you keep track of uh, how many inmates pass through both directions?

George Lyons: Um, I keep track of how many inmates are in each location. Um, but I don't actually keep track who goes out and in. The officers in those locations tell me how many people are those uh, areas.

Detective Hatch: When the uh, inmates come and go are there other officers that are out and about on the ground?

George Lyons: Yes.

Detective Hatch: Uh, and the... would those be the R&M officers?

George Lyons: Yes. Usually there's R&M officers on the ground and then also the yard officers usually come out and stand at the base of the tower during movement.

Detective Hatch: And why do they do that?

George Lyons: Um, they're more useful at the base of the Tower then out in the yard during movement.

Detective Hatch: Is that sort of self-initiated? Do they do that on their own or are they assigned to do that?

George Lyons: I don't know.

Detective Hatch: Okay. So do you remember which officers were down on the ground uh, during the last movement of that... that day?

George Lyons: Uh, the only officer I can name by name that was on the base of the tower was Officer Maynard. Um, and I can't remember the rest of the officers that were down there.

Detective Hatch: Okay. Do you remember the officers if... if you remember, can you name the officers that uh, came out at uh, 21:13 hours.

George Lyons: Um, I know Officer Piffath went down to the visiting room um, with three other officers that I don't know who they were. Uh, and then Officer Fredricks and one other officer went out toward the PAB and then met up with Officer Maynard and Officer Wally in front of the chapel.

Detective Hatch: Okay. And were those the officers that eventually came back with uh, inmate Scherf?

George Lyons: Yes. With Officer Young and MacAfee.

Detective Hatch: So Young and MacAfee were with...

George Lyons: They've been out doing night patrol which is, or fire watch, excuse me, out in the back of the facility making sure everything was locked up and turned off. Um, and when they were coming back when Scherf had been found.

Detective Hatch: I see. Uh, now Tower 9 on the, the gate that goes out towards the chapel and PAB uh, there are both turn-styles and a gate?

George Lyons: Yes.

Detective Hatch: Uh, you control all of those?

George Lyons: Yes.

Detective Hatch: And how do you decide which one to have people go through the gate or the turn-style?

George Lyons: The only time I open the gate is when the turn-style will not work. Um, so if you have a cart or if you have a restraint inmate um, or a large box that won't fit, that sort of thing. Otherwise the gate remains lock.

Detective Hatch: Okay. And people use the turn-styles?

George Lyons: Yes.

Detective Hatch: And only one of those go west and one of those goes east?

George Lyons: Correct.

Detective Hatch: Do you remember the officer that was at the PAB building?

George Lyons: During the shift?

Detective Hatch: Yeah.

George Lyons: It was Officer Fredricks.

Detective Hatch: Okay. And do you remember her coming back?

George Lyons: No.

Detective Hatch: Uh, was it normal for Jayme Biendl to be or...or uh, Officer Fredricks to still be in their respective posts uh, when you cleared the uh, Tower 9 for the night?

George Lyons: No, that wouldn't be normal.

Detective Hatch: What do you mean? Would it...would it be...what would be normal?

George Lyons: Normally they pretty much follow the inmates right out. Um, go in, turn out the last nights, do a last sweep of the building to make sure it was empty. Uh, um, make sure all the staff got out, that sort of thing, get their lunch box and then they followed the last of inmates.

Detective Hatch: So after the inmates have all left then you eventually see a couple officers coming out?

George Lyons: Usually yeah.

Detective Hatch: Okay. And um, just so I'm clear. You...you didn't see Officer Fredricks coming back out that night?

George Lyons: Not that I remember, no.

Detective Hatch: Okay. But uh, did both Fredricks and Biendl, the PAB officer and the chapel officer, did they have all the appropriate keys to bypass

all of the gates so that they could get back if Tower 9 was shut down?

George Lyons: No, if Tower 9 was shut down, no they couldn't have gotten back.

Detective Hatch: So they couldn't get back?

George Lyons: No, 'cause they couldn't get past the turn-styles.

Detective Hatch: Okay. So they don't have keys for those?

George Lyons: No.

Detective Hatch: Do you know how Officer Fredricks got back then?

George Lyons: Um, the gate would've it been opened from recall most likely.

Detective Hatch: The gate?

George Lyons: The turn-style...

Detective Hatch: Ahem.

George Lyons: I would've just open that... that turn-style to come back and then um, she would've just come back following the inmates and the gate would've still been opened.

Detective Hatch: Okay. Uh, so I guess I'm confused. Uh, the turn-style stay open so they just spin freely? Correct?

George Lyons: When they're unlock yes.

Detective Hatch: Okay. So when you go home for the night are they...

George Lyons: They're locked.

Detective Hatch: They're locked?

George Lyons: Yes.

Detective Hatch: Okay. Uh, but Officer Fredricks and Officer Biendl they don't have keys to get through there?

George Lyons: No.

Detective Hatch: Um, and neither one of them came out that night?

Interview of George Lyons

George Lyons: Well, they came...uh, I didn't see Fredricks, but during recall staff come through with the inmates all the time. Um, and so if I still had people coming back I would've left that turn-style, because it's a one-way gate...

Detective Hatch: Ahem.

George Lyons: I would've just left it open so they could come through without having to wait.

Detective Hatch: Okay. Was it normal for Officer Biendl to come back with the inmates as well?

George Lyons: Uh, right. Yeah, behind them as soon as they've gotten out and um, I don't think she had any sponsors that night that I know of and so she would've been leaving right behind them.

Detective Hatch: Uh, is the officer always the last one out or sometimes the chaplains or sponsors....

George Lyons: Um...

Detective Hatch: ...the last one out?

George Lyons: Uh, the sponsors would never be the last one out, but sometimes the chaplain um, would stay a little bit later.

Detective Hatch: And how about at PAB? Are there other people that stay beyond the last officer?

George Lyons: No. Not that I recall, no.

Detective Hatch: Okay. So on that night um, you didn't see Fredricks or Biendl come out? Uh, when you shut down the, and shut down the Tower at 22:02 or 22:03 hours.

George Lyons: Yes.

Detective Hatch: Okay. All right. Anything else you want to add?

George Lyons: Not that I can think of.

Detective Hatch: Okay. All right. George if you can just read that sentence out loud for the tape right there and then sign right there on the bottom?

Interview of George Lyons

Case #2011-0186

George Lyons: I, George Lyons, declare the facts stated on this tape are true and correct to the best of my knowledge.

Detective Hatch: Okay. That's all true we will stop the tape are 14:27 hours.

~~End of Recording~~

Transcribed by Monica Sandoval
Investigative Support/Monroe PD



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
DIVISION OF PRISONS
MONROE CORRECTIONAL COMPLEX

P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600
FAX (360) 794-2680

August 15, 2011

PERSONAL DELIVERY

Brenda Fredricks
[REDACTED]

Ms. Fredricks:

Notification of Potential Disciplinary Action This is to advise you that the Department of Corrections (DOC) at Monroe Correctional Complex (MCC), is considering taking disciplinary action against you, up to and including discharge. This contemplated action is in accordance with Article 8 of the Collective Bargaining Agreement (CBA) between the State of Washington and Teamsters Local Union 117.

The purpose of this letter is to extend to you an opportunity to respond to the allegation and to present any information you believe should be considered.

Allegation The following allegation has been investigated and, if true, may be the basis for taking disciplinary action against you:

- On January 29, 2011, you failed to do a complete search of the Program and Activities Building (PAB) before declaring it clear.

Evidence Jennifer Piukkula, Workplace Investigator completed a fair and thorough investigation into this matter. A copy of the report is included as Attachment 1.

Pre-disciplinary Meeting A pre-disciplinary meeting has been scheduled for Tuesday, August 23, 2011, at 1:30 p.m., in my office. MCC Human Resource Manager Linda Gilstrap, and Human Resource Consultant James Bennett will also be in attendance.

Representation Rights In accordance with the CBA, you have the right to representation at this meeting.

"Working Together for SAFE Communities"

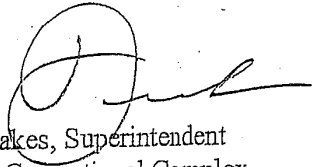
August 15, 2011
Page 2 of 2

**Responding in
Writing**

You may respond to the allegation and evidence in writing if you prefer. If you choose to respond in writing, please address your response to myself. I must receive your response by 5:30 p.m. on Monday, August 22, 2011, at PO Box 777, Monroe, WA, 98272, attention HR Department, or fax to 360-794-2569.

Decision

I encourage you to take advantage of the opportunity to respond to the allegation listed. I will carefully consider information you present and will make no final decision about what, if any, action to take until you have had the opportunity to respond.



Scott Frakes, Superintendent
Monroe Correctional Complex

SF/jb

Enclosures

c: Teamsters Local Union 117 (letter only)
Administrative File

Bennett, James P. (DOC)

From: Sarena Davis [Sarena.Davis@Teamsters117.org]
Sent: Monday, August 22, 2011 6:40 PM
To: Frakes, Scott R. (DOC)
Cc: Bennett, James P. (DOC)
Subject: predis meeting

I spoke to James Bennett earlier this morning and shared that the staff that are scheduled for their Predis meeting tomorrow will not be attending. They will not be responding in writing either.

ACKNOWLEDGEMENT OF SERVICE

CONFIDENTIAL AND PERSONAL DELIVERY

C/O B. FREDRICKS

MY SIGNATURE BELOW ACKNOWLEDGES THAT I HAVE RECEIVED A HAND-DELIVERED,
PRE-DISCIPLINE LETTER, DATED AUGUST 15, 2011, SIGNED BY SUPERINTENDENT SCOTT
FRAKES.


SIGNATURE

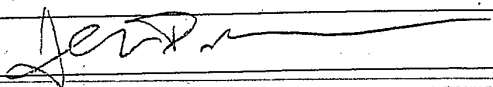

DATE RECEIVED


SIGNATURE OF PERSON SERVING


DATE SERVED



INVESTIGATION REPORT

Case Number:	06-031-11-3107
Name of Investigator:	Jennifer Piukkula 
Assigned by:	Scott Frakes, Superintendent of Monroe Correctional Complex (MCC)
Date Opened:	June 6 th , 2011
Date Completed:	August 5 th , 2011
Name of Accused Staff:	Brenda Fredricks, Correctional Officer 2
Name(s) of Alleged Victim(s):	N/A
Origin of Report:	Information was received by Department of Corrections (DOC) Management during a Critical Incident Review (CIR) surrounding the events of January 29, 2011 at Monroe Correctional Complex (MCC) at the Washington State Reformatory (WSR).
Persons Interviewed:	Brenda Fredricks, Correctional Officer 2, Accused Charles Maynard, Correctional Officer 2, Witness Samuel Wahleithner, Correctional Officer 2, Witness Robert Witherell, Correctional Officer 2, Witness
Persons not Interviewed:	None
Referral to Local Law Enforcement:	Monroe Police Department is conducting a criminal investigation into the staff homicide on January 29 th , 2011 at MCC-WSRU.
Summary of Allegations:	<p>Allegation #1: It is alleged that on January 29th, 2011, Correctional Officer Brenda Fredricks failed to do a complete search of the PAB building before declaring it clear. (Program & Activities Building)</p> <p>A. On or about April 1, 2011, a Critical Incident Review (CIR) surrounding the death of Officer Jayme Biendl on January 29, 2011 at the Monroe Correctional Complex was conducted by a team from the Washington State Department of Corrections (DOC). Information was provided by the CIR Team to DOC Management. The CIR Team noted that Officer Fredricks was instructed to search the PAB and Chapel for a <u>missing offender at or around</u> 2114 hrs on 1/29/11. While enroute to the Chapel she encountered Officers Wahleithner and Maynard. Officer Fredricks asked for their assistance in checking the PAB and Chapel. Officer Wahleithner accompanied her to the PAB while Officer Maynard headed towards the Chapel.</p> <p>B. The CIR Team noted that Officer Wahleithner disclosed to the interview panel (CIR team) that when he met up with Officer Fredricks on the breezeway, she told him she was concerned that she had locked Offender Scherf in the PAB earlier in the evening, possibly during the 2030 hr recall period.</p> <p>(Investigative Note: "Recall" is a designated time when offenders leave programming areas, i.e., gym, chapel, education, etc., and return to their assigned housing unit for institutional count.)</p>

	<p>C. The CIR Team noted that Officer Fredricks' disclosed to the interview panel (CIR Team) that she stated she did not search several rooms in the PAB on 1/29/11 because "they were dark and she was nervous thinking an inmate would jump out at her."</p> <p>D. The CIR Team noted that Officer Maynard yelled out to Officers Wahleithner and Fredricks as they were making their way to the PAB when he came across <u>Offender Scherf sitting in the Chapel foyer</u>. Officers Wahleithner and Fredricks immediately changed direction and responded to the Chapel to assist Officer Maynard; a search of the PAB was not completed.</p> <p>E. During an interview on 6/23/11, Officer Fredricks was informed that the CIR Team noted her admission to the interview panel on or about 4/1/11, that she did not search "several rooms" in the PAB "because they were dark and she was nervous an inmate would jump out at her;" she stated in response, "Well...yes, but I was talking about rooms that we didn't use—offenders weren't able to access those rooms, so why would I search them? I don't think I even had keys to those rooms. This is what happened...I started searching the building, yes I was a little scared...I was creeping a long and talking to myself, saying stuff like, "I hope no one is hiding in here" as I searched the rooms. The lights are off and no one is with me, so yeah, I was a little scared. The area is U-shaped, so you have to start at one end and go all the way to the other. The law library is a little creepy...you have to go in back of the room and there are books piled up and it's dark because the offenders shut the lights out when they leave. There are rooms in the back that are not used. I didn't look in those or search those because no one had access to them. Those are the rooms I was probably talking about." (Exhibit 6)</p> <p>F. During the interview on 6/23/11, Officer Fredricks explained that she worked an overtime shift in the PAB on 1/29/11. This was her 2nd time in 19 yrs working this post. She stated she did not sign the PAB post orders on 1/29/11, or at any other time. She was asked how she knew the PAB procedures during recall and she stated, "They are all pretty much ran the same way. I am trained to do it." She indicated at 2030 recall, she sent the offenders from the PAB back to their housing units to get ready for institution count which started at 2100 hrs. She stated that when recall was announced at 2030 hrs, the offenders exited the PAB. She stated that once she believed the last of the offenders had left the PAB, she completed a walk-through of the building to make sure it was empty. Officer Fredricks described the floor plan in the PAB as "U-shaped." She said she began her security check at one end of the building and looked in the rooms/offices to ensure there were no offenders left in the building. She recalled she had been "creeping along" because the building was dark. She described the law library as "a little scary" due to the offenders shutting off the lights when they left the area. She stated that the law library had book cases "piled up" and there were dark places where an offender could hide if they wanted. She recalled that as she "crept" along she had been talking to herself aloud, saying things like, "I hope no one is hiding in here..." Officer Fredricks stated, "I was saying that because I didn't know if an offender was hiding in the building or not...yes, I was a little scared. I was alone and not used to this building. I was a little nervous being in the dark and being alone." (Exhibit 6)</p> <p>G. Officer Fredricks stated there were rooms "in the back area" of the PAB, near the law library, that she did not search due to the fact that "they aren't used." She said, "I don't think I even had keys to those rooms. I probably couldn't have checked them even if I had wanted to." She said that since she didn't open/unlock those rooms for any offenders to use on 1/29/11, that she didn't think she had to search those areas since they weren't accessible to offenders. Officer Fredricks was asked if she checked the door handles on</p>
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	<p>the back rooms to ensure they were locked; she stated, "No...we don't use those rooms." (Exhibit 6)</p> <p>H. Officer Fredricks stated at the completion of her security walk-through, she contacted Tower 9 via radio and made notification the PAB was clear of all offenders. Officer Fredricks recalled she secured the front entry to the PAB and exited the building. (Exhibit 6)</p>
	<p>I. Officer Fredricks stated it took her approximately five minutes to complete the security inspection of the PAB on 1/29/11 after recall was initiated at 2030 hrs. (Exhibit 6).</p> <p>II. The radio transmissions were reviewed from 1/29/11; Recall was announced at 2030 hrs and Officer Fredricks (King-235) contacted Tower 9 and cleared/secured/exited the PAB at 2035 hrs. (Exhibit 10)</p> <p>III. In an interview on 6/30/11 with Officer Witherell, a relief officer who works one day per week in the PAB, was asked how long it typically took to conduct a security walk-thru of the PAB during 2030 recall; he stated, "It would normally take 5-10 minutes to clear the building." He explained that he made it a practice to secure the rooms in the PAB that were not in use prior to the 2030 recall. He indicated that typically if the PAB officer waited to clear the entire building at one time, it would generally take longer than 5-10 minutes to secure the building. (Exhibit 9)</p> <p>I. Officer Fredricks stated after she secured the PAB at 2035 hrs, she was directed by the shift sergeant to retrieve paperwork from the SOC (special offender center). She indicated that she completed this task and upon re-entering facility grounds, noticed officers "running around" near the shift office. She stated that she stepped into the shift office and overheard that "A Unit" was missing an offender and a search of the Chapel and PAB needed to be done. She said she then headed in the direction of the Chapel and the PAB from the shift office. (Exhibit 6)</p> <p>I. Officer Fredricks stated, "When I got to the turnstile, I saw Officers "Wally" (Wahleithner) and Maynard near the sweat lodge and they were walking towards me. I hollered out to them that we needed to check the PAB and the Chapel because we were missing an offender at count." (Exhibit 6) (Investigative Note: The "turnstile" is referring to the gate at the base of Tower 9 which led to the breezeway in the direction of the PAB, Chapel, education, sweat lodge, etc.)</p> <p>II. Officer Fredricks noted when she met up with Maynard and Wahleithner; they were on the breezeway near where it intersected with the PAB walkway. Officer Fredricks recalled she had a short discussion with them and Officer "Wally" decided to accompany her to the PAB. She stated Officer Maynard headed alone, back towards the chapel. (Exhibit 6)</p> <p>III. Officer Fredricks stated she did not recall having any conversation with Officer Wahleithner as they walked towards the PAB. (Exhibit 6)</p> <p>IV. When asked if she told Officers Wahleithner or Maynard that she may have locked an offender in the PAB; Officer Fredricks stated, "No...is that what's being said? No, I never said that...I wouldn't have said that because I knew Scherf hadn't been in the</p>

	<p>PAB that night. Why would I lock someone in there? That doesn't make any sense." (Exhibit 6)</p> <p>V. When asked why Officer Wahleithner decided to go with her to the PAB rather than with Officer Maynard to the chapel; she stated, "I don't know why Wally went with me, he just did." (Exhibit 6)</p>
	<p>VI. In an interview on 6/29/11, Officer Wahleithner stated, "We asked her what was going on and she told us that an offender was missing and she was on her way to the PAB. "Fred" (referring to Officer Fredricks) told us she thought she may have locked an inmate in the PAB. When Fred said she thought she may have locked the inmate in the PAB, I decided to go with her. I didn't have any keys at that point." Officer Wahleithner indicated he escorted Officer Fredricks to the PAB because if an offender really was locked in the building, he wanted to provide extra presence. He stated that he could not recall if they had any conversation as they walked to the PAB; he recalled they were busy locking/unlocking the gates as they walked towards the PAB. Officer Wahleithner recalled that Officer Maynard yelled out he had an offender inside the Chapel as they got to the 2nd gate; he recalled he and Fredricks changed direction and started towards the Chapel instead. Officer Wahleithner stated they never went back to finish a search of the PAB that evening since the offender was found in the Chapel. (Exhibit 8)</p> <p>VII. In an interview with Monroe Police Department (MPD) on 2/17/11, Officer Wahleithner recounted his recollection of events when he and Officer Maynard met up with Officer Fredricks on the breezeway on 1/29/11. He hesitated mid-sentence when telling the detectives about the conversation they had with Officer Fredricks that night. He stated, "We asked her what's going on, and she told us that they were missing an offender, and that she might have, p--- might possibly be in the PAB." (Exhibit 5)</p> <p>VIII. In an interview on 6/29/11, Officer Maynard was asked if Officer Fredricks mentioned anything on 1/29/11 regarding locking an offender in the PAB; he stated, "Yes. Officer Wahleithner and I were walking back from conducting EFV (extended family visiting) count and we met up with her (Fredricks) on the breezeway. She said an offender was locked in the PAB and it was possibly Scherf." Officer Maynard added, "She said that offenders have been locked out there before" referring to the PAB. He stated that no other conversation took place as Wahleithner went with Fredricks towards the PAB and he went towards the Chapel. (Exhibit 7)</p> <p>K. Officer Fredricks was asked if she fulfilled all the duties of the PAB officer on 1/29/11; she stated, "Yes. I searched all the rooms that offenders had access to. I think I did everything that was expected of me." (Exhibit 6)</p>
Report of Retaliation:	There is no report of retaliation in this investigation.
Exhibits:	<p>Exhibit 1: Assignment letter (2 pages)</p> <p>Exhibit 2: PAB Post Orders in effect on 1/29/11 (Restricted) (11 pages)</p> <p>Exhibit 3: Incident Report from C/O Fredricks dated 1/31/11 (2 pages)</p>

	Exhibit 4: Transcribed Statement of Officer Fredricks by MPD on 2/1/11 (31 pages)
	Exhibit 5: Transcribed Statement of Officer S. Wahleithner by MPD on 2/16/11 (23 pages)
	Exhibit 6: Interview Summary of Brenda Fredricks (6 pages)
	Exhibit 7: Interview Summary of Charles Maynard (3 pages)
	Exhibit 8: Interview Summary of Samuel Wahleithner (3 pages)
	Exhibit 9: Interview Summary of Robert Witherell (6 pages)
	Exhibit 10: Transcribed Radio Transmissions from 1/29/11 from 2000 hrs to 2202 hrs. (5 pages)
	Exhibit 11: Photos



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P.O. Box 41105 • Tumwater, Washington 98504 • (360) 725-8553
FAX (360) 664-0271

To: Jennifer Piukkula, Workplace Investigator
From: Todd Dowler, Labor Relations Manager
Date: June 6, 2011
Case Number: 06-031-11-3107

Investigation assignment

On behalf of Scott Frakes, I am designating you as the fact finder to conduct a full and fair investigation into allegations of employee misconduct.

Allegations

1. It is alleged that on January 29, 2011, Correctional Officer Brenda Fredericks failed to do a complete search of the PAB building before declaring it clear.

Timeframes

Please submit a draft report by June 27, 2011. Should you need additional time to complete the investigation, contact Heidi Loveall, Human Resource Consultant.

Submitting the draft

Once you have a draft report prepared, send it to LRAdmin@doc1.wa.gov for review before finalization.

Review call

An investigation review call will be scheduled. The purpose of the call is for the appointing authority to review and finalize the draft report.

If you need assistance

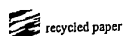
- If you have any questions about the investigation process, feel free to contact
- Angela Roberts, Labor Relations Consultant
 - James Bennett, Human Resource Consultant

Attachments

- Attached please find the following documents:
- Investigation Report Template
 - Interview Acknowledgement Form
 - Interview Summary Template

"Working Together for SAFE Communities"

Exhibit 1



June 6, 2011
Page 2 of 2

TAD:hml
Attachment

cc: Scott Frakes, Superintendent
Angela Roberts, Labor Relations Consultant
James Bennett, Human Resource Consultant

RESTRICTED

RESTRICTED



Electronic Post Order Navigation Directions:

PAB Officer

MCC Post Orders are available electronically.

The sections not specific to the post will be viewed by direct link from the underlined items in this Index. (Ctrl + Click)

Each post will have a hard-copy manual containing the following items, which are also available to view in this file:

Post Order & Post Order Sign-Off Sheets

Directions to Post order navigation

If you have difficulty navigating Post Orders, please call the Captain's Secretary at 2755 or ask your supervisor for assistance.

Exhibit 2

1 of 28

RESTRICTED

RESTRICTED

EMERGENCY RESPONSE
WSRU Program Activities Building
Telephone - Radio "WSRU Base"

Respond to all emergencies within your zone of control. Remain at your post during emergencies that are outside your zone of control unless directed otherwise by your chain of command. If directed to respond to another location, be sure to pace yourself so that you will be able to deal with the situation when you arrive. **Move cautiously.** Do not rush into crowds, through doors or into cells/rooms. **Identify and address the immediate need** (i.e., back up involved officer(s), redirect offenders in the area, retrieve emergency equipment or transfer information to responding staff). Always know your escape route. **Do not get trapped.** If you are the first responder, take the steps listed below. **Do not assume that resolution is complete** until all participants are secure and you are physically removed from the incident site. Riotous or mutinous offenders will not be granted freedom from the confines of the institution.

When you discover an emergency, determine the nature of the emergency – medical problem, fire, fight/assault, disturbance/group resistance, suspected bomb, hostage situation or other kind of emergency. notification has been made and assistance has arrived.

Once the nature of the emergency has been determined, make a clear, accurate notification by 1) phone (2333), 2) voice, 3) radio (WSRU Base), or 4) your . If utilizing the follow up with verbal notification if possible. The **information needed for** includes: your name, location and call sign; the location and nature of the incident; the number of offenders, staff and/or citizens involved; if there are any injuries to anyone; type of weapons involved, if any, and the type of assistance needed. If you are using a radio to make the notification, **be sure you receive an acknowledgment of your transmission:** if you do not, check your radio and repeat.

If incident is in your area, and you cannot resolve it; or if responding to an involved site and the area is not secure, if possible. Use your megaphone to give clear directions. Separate out the non-participants and direct them to a safe location away from the immediate area. Do your best to preserve any evidence and the crime scene, if applicable.

Clearly identify the participant's involved and any potential witnesses for your documentation later. Once the emergency is stabilized, your actions should be directed toward ensuring the situation stays under control until resolved. Seek direction from your chain of command for what specific steps to take next. Document who the participants were, and in chronological order of events as they occurred, their actions, the locations and times, and what weapons (if any) were involved. All pertinent information as to who what, where, when, & why should be included, if known. Once the emergency is stabilized, your actions should be such that the situation stays under control. Seek direction from your chain of command for what to do next.

Evacuation routes: Primary route main front entry doorway. Secondary, fire exit door by old band room, and/or back hallway fire exit door.

Assembly areas: Offenders, Big yard or Field house as directed by Shift Lt., staff, dining rooms or as directed by Shift Lt. When directing staff and offenders to assembly areas, ensure the offenders are kept separate from the staff. Use common sense and good judgment when directing offenders and staff to assembly areas.

Emergency Equipment:

FIRE EXTINGUISHERS: 1 Outside Rm1, 1 in Rm 2, 1 by entry door, 1 by CIPC office, 1 by back exit door.

FIRST AID KIT/CPR Mask: At officers desk

EMERGENCY UTILITY SHUTOFF:

Exhibit 2

1 AI #38

RESTRICTED

RESTRICTED

8. HAZMAT/HAZCOM
 9. Preparation for Blood and Body Fluid Clean up
 10. Blood and Body Fluid Exposure
 11. Personal Protection Equipment and Procedures
-

Section V

1. Relief Procedures (for breaks and end of shift)
2. Closing of Post (end of shift, not relieved)

Section VI

Emergency Reference Section

1. First Responder's Checklist
2. Floor plans with evacuation routes, assembly areas, and equipment - See Post Manual
3. Emergency Utility Shut-Off - See Post Manual
4. What to do before you evacuate
5. Bomb, Bomb Threat or suspicious object
6. Hostage Situation do's and don'ts
7. Civil Disobedience
8. Seizure Response
9. Crime scene/evidence preservation

Section VII

Instruction Section

1. Logging Procedures
2. Procedure for reordering supplies (SITR)
3. Work Order Instructions and Form
4. Request to Cause Change to Post Order Manual and Form
5. Incident Report Form, General Infraction Report Form
6. Hazard Form, Accident/Injury Form
7. Pack Up Procedures
8. Lost Key Procedures and Key Request Form

Section VIII

Policies are available on the DOC Website at

[http: \[REDACTED\]](http://[REDACTED])

Operational Memorandums are available on the MCC Intranet at [S \[REDACTED\]](#)

Exhibit 2
LAI #38

RESTRICTED

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4. If staff you have relieved have taken institution keys off grounds, notify the Shift Lieutenant. The Shift Lieutenant will make a decision if keys must be returned immediately by the staff.
5. When issuing or receiving keys, count the number of keys on the ring [REDACTED] Report any discrepancies to the Shift Lieutenant.
6. Ensure that all key rings which are designated as such in IOM 420.550 are issued only to staff who are authorized either by policy or the Shift Lieutenant to use them.
7. Keys will be kept in hand, pants pocket, or approved key safe at all times.
8. Do not allow an unauthorized staff member, non-staff member or offender to use any keys that they are not routinely approved to have.
9. Certain offenders may be allowed to have various non-security keys such as tool crib, lunch slip box, cell keys, etc:

Tools

All tools assigned to your zone of control will be inventoried and secured in a locked location. Lost or damaged tools will be reported immediately to the Shift Lieutenant/Sergeant.

Sweat lodge tools are secured in a locked cabinet in the PAB

Equipment

You are responsible for the following equipment assigned to this post.

At Officers Station

- 1 Video Monitor PMC21A
- Paging Microphone
- 1 Post Manual
- 1 Digital Recorder
- 1 Radio Single Battery Charger
- 1 Extra Battery

Supplies

You are responsible for the following supplies assigned to this post

Miscellaneous paper supplies

Exhibit 2

LAI #38

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Daily	8:40 am	Movement closed	Secure inner entry door.	PAB	AFTER EACH MOVEMENT PERIOD: Secure door. <i>Door will remain secured until next movement, unless you authorize departure with a pass.</i> Perform security check of the building. Check law library to ensure all offenders are on access list for this time period; Be sure to observe the "no more than [REDACTED] occupancy" standard. Take a count of offenders in building, call Tower 9 with total. Ensure all offenders in building are authorized. Infract and remove any that are not authorized, or are in wrong area.
	Varied	Security Checks	Tour building	PAB	Perform frequent security checks of all meeting rooms and occupied/offender access areas throughout each hour.
Daily	9:30 am to 9:40 am	Work/School lines	Movement open		When Main Control announces movement via radio, use PAB paging microphone to announce movement to offenders in building. Open entry doors for them to leave. Ensure arriving offenders authorized entry via call out, etc.
Daily	10:00 am to 10:30 am	Take ½ hour unpaid lunch break			Shift will send relief
Daily	10:45 am	Recall	Offenders return to units for formal count		Announce Recall. All offenders will clear the building.
Daily		Security Check	Make complete check of building. Secure post.	PAB	Complete a security check of all areas of the building to ensure all offenders are clear of building and sweat lodge. Secure post, securing entry doors, and sidewalk gates as you leave the area. Report to shift office, check with Shift for duties, i.e. mainline.
Daily	11:00 am	Mainline	Report to dining room. Observe and be security presence for mainline	Dining Room	Report to C/D dining hall
Daily	12:30 pm approx.	Work/School lines	Building reopens for offender access	PAB	Re-open building when mainline secures. Perform security check of building, review paperwork/access memo's, groups coming in, etc. All offenders entering must have authorization paperwork. When movement secured check areas, ensuring only authorized offenders, remove and infract any unauthorized. Call informal count total to K-409.

RESTRICTED

147 #38
Exhibit 2

RESTRICTED

Shift III

MY PRIMARY SECURITY FUNCTION IS TO: Control movement into the Program Activities Building, ensuring only authorized offender access. Monitor behavior and unauthorized activity. Monitor volunteer/offender group meetings and activities. Ensure safety of outside guests, staff, and offenders.

SHIFT TIME: 2:00 p.m. to 10:00 p.m.

WEEKDAY	TIME	ACTIVITY	TASK	LOCATION	COMMENTS
Daily	1:30 pm	Attend Muster	Arrive on time and ready for duty to the muster site.	WSRU Admin Bldg. - muster room	After the conclusion of your daily muster report to your post for shift exchange.
Daily	2:00 pm	Arrive on post	Relieve Watch 2 Officer	Program Activities Building	Exchange chits for keying # [redacted] radio and cuffs from W.2 C/O. Receive pass down information.
Daily	2:00 pm	Begin shift	Log into logbook and check previous entries. Review and familiarize yourself with the call-out lists for the day. Perform security check	Program Activities Building	After shift change has been completed Shift III Officer will log into logbook with their name, date, and the accountability of keys/equipment and condition. Make a complete walk through check of the P.A.B and occupants.
Daily	2:30 pm	Work/School Lines	Open movement	Program Activities Building	When Main Control announces movement via radio, use PAB paging microphone to announce movement to offenders in building. Open entry doors for them to leave. Ensure arriving offenders authorized entry via call out. Offenders for Disciplinary and Grievance offices will, wait on bench in foyer. Notify appropriate office of their arrival.
Daily	2:40 pm	Movement closed	Secure inner entry door.	PAB	AFTER EACH MOVEMENT PERIOD: Secure door. <i>Door will remain secured until next movement, unless you authorize departure with a pass.</i> Perform security check of the building. Check law library to ensure all offenders are on access list for this time period; Be sure to observe the "no more than [redacted] occupancy" standard. Take a count of offenders in building, call K-409 with total. Ensure all offenders in building are authorized. Infract and remove any that are not authorized, or are in wrong area.
Daily	3:30 pm	Recall	Offenders return to units		Announce Recall. All offenders will clear the building.

RESTRICTED

1 & E # 28
Exhibit

RESTRICTED

Daily	6:50 pm	Work/School Lines	Movement open / Any group starting at 6:50pm will have all offenders at that time. Offenders will not join any group late unless due to work.	PAB	When Main Control announces movement via radio, use PAB paging microphone to announce movement to offenders in building. Open entry doors for them to leave. Ensure arriving offenders authorized entry via call out.
Daily	7:00 pm	Movement closed	Secure inner entry door.	PAB	AFTER EACH MOVEMENT PERIOD: Secure door. <i>Door will remain secured until next movement, unless you authorize departure with a pass.</i> Perform security check of the building. Check law library to ensure all offenders are on access list for this time period. Be sure to observe the "no more than [REDACTED] occupancy" standard. Take a count of offenders in building, call K-409 with total. Ensure all offenders in building are authorized. Infract and remove any that are not authorized, or are in wrong area.
Daily	Varied	Security Checks	Tour building	PAB	Perform frequent security checks of all meeting rooms and occupied/offender access areas.
Daily	7:50 pm	State Library	Library closed		All offenders occupying the library, except clerks, will leave at this movement. No more entry for the night.
Daily	8:20 pm	Guests out	Volunteer groups leave	PAB Tower 9 area	Check with Tower 9. When Tower and walkway area is clear of offenders, release the outside guests to return to Administration Building. Notify Tower 9 and Rotunda when they leave. Log time out in logbook.
Daily	8:30 pm	Yard in	All offenders must leave	PAB	Once offenders clear building, perform security check of all areas of the building ensuring all offenders are clear of building and sweat lodge. Secure post, securing entry doors, and sidewalk gates as you leave the area. Report to shift office, check with Shift for duties.
Daily	8:25 pm approx.	Secure Post	Security/Area check	PAB	
MONTHLY		Post Orders	Read and Sign off all Post Order Sign Off sheets.		On last day of the month turn in monthly sign off sheet to your supervisor.

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Procedures Governing Movement of Offenders:

1. Ensure that only authorized offenders are allowed into the Program Activities Building.
 - Offenders must be on a call out.
 - Be assigned to a porter or work crew in your zone of control, and be present for duty.
2. Programming and library offenders will only arrive/depart the Program Activities Building at movement periods.
3. Ensure offenders wear their identification cards on the outer garment in plain sight, left chest area.
4. All offenders must be at the area designated on their call out/pass.
5. Do not allow loitering. Be aware of number of offenders in building, and where they are laid in to be.
6. Main Control will announce scheduled movement periods over institutional radio. P.A.B Officer will then announce the movement over the buildings public address system to the offenders in the building, and open the main door for movement.
7. Any unauthorized offenders remaining in building after movement concluded will be infracted and sent back to their unit.
8. Monitor traffic around/near front entrance door.

Procedures for Access to Building Facilities

1. The Disciplinary Office and the Grievance Coordinators office will call the living units for unscheduled offenders to be sent to the PAB for hearings, etc. When these offenders arrive:
 - a. Offenders will check in with building officer.
 - b. Sign in on appropriate arrival sheet.
 - c. Offenders will wait on bench in PAB vestibule.
 - d. Officer will call specific office and inform them of offender's arrival.
 - e. Send offenders to appropriate office as they are called for. One at a time. Offenders will not be allowed to wait in the corridor outside the offices prior to being seen.
 - f. Write movement pass back to unit or area of departure when business is concluded.
2. The CIPC office is staffed by offender clerks. Other offenders may not be laid in to the office, nor be in the office.

Exhibit 2

1 4 T. #38

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Reasons for termination of access for the day include:

- a. Loud discussions/laughter or behavior which disturbs others;
 - ~~b. Food or beverages in the library;~~
 - c. Loitering; and/or out of bounds;
 - d. Inappropriate behavior.
 - e. Offenders may also be infraacted for being in another area of the PAB after stating or laid in for library access.
6. Legal photocopy requests will be submitted to, and handled by the Law Librarian. **Staff will not make copies for offenders.**
 7. The staff librarian may use offenders as clerks in the law library. Offender clerks may work in the law library when it is closed without the librarian present.

Volunteer Based Offender Groups/Meetings

1. An access memo must be provided for any approved offender group meeting to be held in one of the meeting rooms in the Program Activities Building.
2. No group will meet unless there is a volunteer (a community member or staff person participating in approved institution programs without compensation) present to supervise the program.
3. When meetings are scheduled with outside guests/volunteers, offenders will not be allowed access to the meeting room until the sponsor/volunteer arrives. If a sponsor arrives after movement period, Main Control after receiving notification will announce at the next movement period that the offenders may report for the program.
4. Offender access memos for group meetings will list names of all offenders who are approved to attend.
5. As offenders arrive, they **must** check in with the PAB officer, give their name, and be checked off on the access roster. If their name is not listed, they **will not** be allowed admittance. Names will not be added to the provided list. It is the offender's responsibility to kite the CIPC to be placed on the call out.
6. All offenders must be at the area designated on their call out/pass.

Exhibit 2

L&I #38

The Program Activities Officer Responsibilities

1. Be aware of all staff and offenders who are in the building.
2. After securing each movement period, conduct an informal count of offenders in your zone of control, log, and notify Tower 9 of the total.
3. Visually inspect all areas inside the building a minimum of once every 30 minutes. Be cognizant of any unauthorized or unusual activity.
4. Ensure all offenders are clear of the building/area prior to securing your post.
5. Ensure that staff assigned and entering /exiting your zone of control wear proper identification.
6. Ensure that communication/activity is monitored at all times when work crews are in the building.
7. Conduct periodic searches of offender CIPC office, and all areas of offender use.
8. Refer all legal and photocopy requests to the Law Librarian.
9. Be in charge of hiring, termination and payroll of porter crew to maintain cleanliness and sanitation of the building. Ensure payroll is turned into the Associate Superintendents office by the 15th of each month.
10. Be responsible for the safety, sanitation and security of your zone of control. Report any discrepancies to your supervisor.
11. Be available to assist with standing mainline, perimeter patrol, and any other duty the supervisor directs after the Program Activity Building is closed.
12. Secure the PAB [REDACTED]

Logging Procedures

1. The logbook is maintained for the purpose of providing legal documentation of events within your zone of control. For this reason it is necessary that it be accurate, legible and specific.
2. No pages will be removed from the logbook. No lines or pages will be left blank. Correction fluid and tape will not be used. Corrections will be made by drawing a line through an incorrect entry, and initialing. The log will be legible, and any emergencies highlighted.

Exhibit # 38

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- 1 On wall inside of front entry doorway
- 1 On wall outside of CIPC office
- 1 On wall by back hallway fire exit door.

There are three pull fire alarms in the building:

- 1 In front entry foyer.
- 1 In back hallway by exit door.
- 1 Next to band room entrance.

FIRST AID KIT/ CPR shield kit

- At officers station in file cabinet

RELIEF PROCEDURES

1. You are not to leave your zone of control at any time during the shift without authorization of the Shift Sergeant or Lieutenant.
2. You are not authorized to leave your post at the end of shift until a replacement officer has arrived and a shift exchange briefing has occurred.
3. If your relief has not arrived by shift change, notify the Shift Sergeant that you have not been relieved.
4. During shift change staff will exchange keys and equipment, and the following information will be passed on to the incoming officers:
 - a. Any incidents that occurred
 - b. Security concerns
 - c. Other information pertinent to the operation of the post.

This exchange of information will take place in a place and manner away from offenders in order to protect the confidentiality of information being discussed.

5. At the end of your shift, ensure that the institution log is up to date and all entries have been completed for the shift; and the inventories have been done. Ensure all documentation and paperwork has been completed.

Exhibit #38



INCIDENT REPORT

☐ Confidential

Date/Time of Incident 1/29/11 9:10pm	Offenders Involved: I/M Scherf, Byron	DOC Number 287281	Living Unit A1-12
Location WSR Chapel	Witnesses Involved:		
Use of Force Incident? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Description of Incident: Mis-Count	Staff Involved: C/O Wahleithner, C/O Maynard		

DETAILS: Who was involved, what took place, how did it happen, description of any injuries, damage, use of force, etc. Attach additional sheet, if necessary.

On 1-29-11 at approx. 9:10 pm I was ordered by WSRU Shift Sgt Johnson to go search the PAB and Chapel due to I/M Scherf, B. #287281, (A1-12L) missing from his cell during count. I immediately started for the PAB when just after I passed through Tower Nine gates I saw C/O Wahleithner and C/O Maynard coming from the back area of Gate 7. I hollered to them that an inmate was missing during count and could they check the Chapel and I was going to the PAB. At this time C/O Wahleithner started with me to the PAB. As we entered the first gate leading towards the PAB we heard C/O Maynard holler that there was an inmate standing at the Chapel. We right way went to the Chapel at which time I saw I/M Scherf standing just outside the Chapel doors with his hands in his coat pockets. The Chapel door was open. I then recognized I/M Scherf so I immediately, on the radio, notified the Shift Sgt. that the inmate was found at the Chapel. As I walked up to I/M Scherf he stated to me "Fred, I fell asleep in the Chapel." I then said that happens some times. He then stated "I guess I will have to go to the hole." I then said yes that is the routine. At this time the shift Sgt came over the radio and ordered the inmate to be cuffed and brought to the shift office. I then patted I/M Scherf down and placed him into two sets of cuffs due to his hands could not reach each other. C/O Wahleithner and I then began to escort I/M Scherf to shift office. As we approached the hall way to shift I heard over the radio that a picture card count was in progress. I then told C/O Maynard to take I/M Scherf to the shift as he was the first person to find the inmate. I then proceeded to C/D Units to help out on count. They had sufficient staff so I went to A/B Units. I then helped out in A Unit and counted tiers 1&2.

Immediate Action Taken: I notified Shift Sgt that the inmate was found.
I cuffed the inmate and took him to shift as ordered.

Staff Signature	1-31-11 Date	C/O Title	Fredricks, Brenda Staff Name (Please Print)
-----------------	-----------------	--------------	--

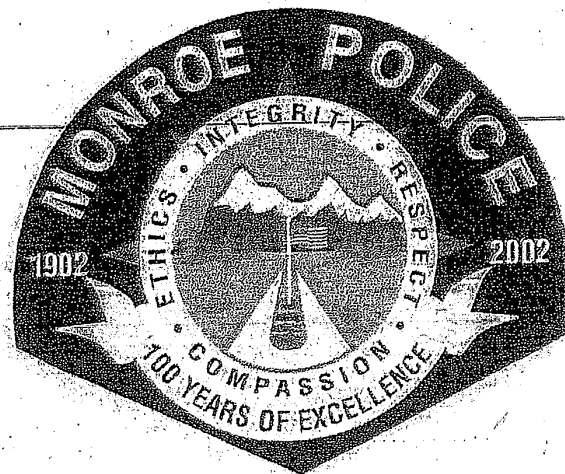
TO BE COMPLETED BY SUPERINTENDENT/DESIGNEE

Date/Time Received	Incident Number	
Investigation Assigned To	By	Date

Comments:

Signature

Date



2011-0186

Transcription of:

Brenda F. Fredricks

Interview

02/01/2011

Detective Ryan

000375

Exhibit 4

000334

Case # A20110186

MONROE POLICE DEPARTMENT
TAPE RECORDED WITNESS STATEMENT

Statement of Brenda F. Fredricks Drivers License _____

The date is 02-01-2011. The time now is 1010

I am OFFICER SCOTT KORNISH of the Monroe Police Department. This statement is being recorded at WASHINGTON STATE REFORMATORY There are 4 persons present in the room. For the purpose of voice identification, would each person present besides Mr., ~~Ms.~~ Mrs., BRENDA FREDRICKS who is giving a statement, state your name and occupation one at a time.

- Q. BRENDA FREDRICKS do you understand that this statement is being recorded?
- Q. Would you give your full name and spell it please?
- Q. Would you give your date of birth?
- Q. Would you give your address?
- Q. Would you give your home telephone number?
- Q. Would you give your work telephone number?

Date 02-01-2011 Time 1012 Location WASHINGTON STATE REFORMATORY
MONROE

(The following statement is to be read aloud onto the tape by the subject and then signed)

I, Brenda Fredricks, declare that the facts stated on this tape are true and correct to the best of my knowledge.

Scott Kornish 2043
SCOTT KORNISH
Witness Signature

Brenda Fredricks
Signature

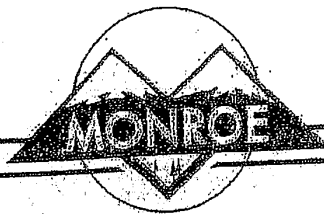
Date 02-01-2011

Date 2-1-11

000376

Exhibit 4

000335



City of Monroe

Police Department

Taped Interview Review Form

On 2-16-2011 I reviewed the audio recording and transcription for an interview
Date

conducted with BRENDA FREDRICKS on 2-1-2011
Subject's Name Date

The transcription is a true and accurate record of that interview.

Paul Ryan
Officer's Name Printed

Paul R
Officer's Signature

2-16-2011
Date

818 W Main Street, Monroe, WA 98272-2125
(360) 794-6300
fax: (360) 794-3129

Exhibit 4

Officer Kornish: This is Officer Scott Kornish, with the Monroe Police Department. I'm reading a Monroe Police Department tape-recorded witness statement, to Brenda Fredricks. Case number is M2011-0186. Statement of Brenda eh, F. Fredricks. The date is 02/01/2011; the time is now 10:10. I'm Officer Scott Kornish with the Monroe Police Department. This statement is being recorded at Washington State Reformatory, Monroe. There are four persons present in the room. For the purpose of voice identification, would each person present besides...is it "Miss" or "Mrs."?

Brenda Fredricks: Miss.

Officer Kornish: Besides Miss Fredricks, who is giving a statement, state your name and occupation one at a time.

Detective Ryan: I'm detective Ryan of the Monroe Police Department. Then also present in the room is Union Representative Shane Zey, last name spelled Zebra-Edward-Young.

Officer Kornish: and Officer Scott Kornish with the Monroe Police Department. Brenda Fredricks, do you understand that this statement is being recorded?

Brenda Fredricks: Yes.

Officer Kornish: Would you give your full name and spell it please?

Brenda Fredricks: Brenda Faye Fredricks. B-R-E-N-D-A, F-A-Y-E, F-R-E-D-R-I-C-K-S.

Officer Kornish: Would you give your date of birth?

Brenda Fredricks: 11/17/64

Officer Kornish: Would you give your address?

Brenda Fredricks: [REDACTED] Washington, [REDACTED]

Officer Kornish: Would you give your home telephone number?

Brenda Fredricks: [REDACTED]

Officer Kornish: Would you give your work telephone number?

Brenda Fredricks: 360-794-2800

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

Interview of Brenda Fredricks

Case# 2011-0186

Officer Kornish: The date is still 2/1 of 2011, the time is now 1012 hours, location again Washington State Reformatory, Monroe.

Detective Ryan: Brenda, do you have a cell-a cellular number?

Brenda Fredricks: Yes.

Detective Ryan: What's that?

Brenda Fredricks: [REDACTED]

Detective Ryan: M-kay. And, can you tell me a little bit about your employment? Uh, your job title? Uh, your occupation?

Brenda Fredricks: I am a correctional officer with WSR; I work Gate 7, which is the ent-entrance/ exit area to Industries. In the back of the prison.

Detective Ryan: How long have you worked at uh with the Department of Corrections?

Brenda Fredricks: Approximately nineteen years.

Detective Ryan: And how many of those years have been at this institution?

Brenda Fredricks: Nineteen.

Detective Ryan: Have they all been at WSR?

Brenda Fredricks: Yes.

Detective Ryan: And what's your work schedule?

Brenda Fredricks: 7:30 to 4, Monday through Friday. Weekend and holidays off.

Detective Ryan: 7:30 to 4, Monday through Friday? Weekends, holidays off?

Brenda Fredricks: Yes.

Detective Ryan: Ok. So, on last Saturday, um, were you working?

Brenda Fredricks: Yes.

Detective Ryan: Ok. And wh-were you called in, or..?

Brenda Fredricks: I was working overtime, yes; I signed up for overtime and was called in.

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Customer Service Specialist/ Monroe PD

000379

Exhibit 4

000338

Detective Ryan: Ok. What was your shift on Saturday?

Brenda Fredricks: Um, 1:30 to 10.

Detective Ryan: And what was your assignment?

Brenda Fredricks: The PAB, which is the "Programs, Activities Building".

Detective Ryan: Where is that facility on the campus here?

Brenda Fredricks: Right behind the chapel.

Detective Ryan: And were you at that post, the-the entire time? From 1:30 to 10, prior to this incident involving an Officer Biendl?

Brenda Fredricks: Um, I take a lunch break when there's recall, which is at 3:30. And then I stay on mainline, and then when mainline's over, I go open the PAB.

Detective Ryan: And, can you describe mainline to me? What is, that, what does that mean?

Brenda Fredricks: That, that's the chow hall, where they go and eat.

Detective Ryan: So you're, you're on watch in the chow hall with the offenders?

Brenda Fredricks: Yes.

Detective Ryan: Ok. So, on Saturday, um, Officer Biendl was located inside the chapel, and she, she was deceased. But prior to that, it's my understanding that you had contact with an offender near the chapel? And I, I want a detail that incident, but I'd like to start, um, from the very beginning that you remember. Um, whether it was a radio call, whether it was uh a supervisor asking you ta, ta, to look for somebody, um, if you can just detail how, how everything started to come together on Saturday, I would appreciate it.

Brenda Fredricks: When I was done closing my post, I had to run over to SOC, which is another institution to pick up some paperwork.

Detective Ryan: When, when do you close your post?

Brenda Fredricks: 8:30

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Customer Service Specialist/ Monroe PD

Detective Ryan: Ok.

Brenda Fredricks: I ran over to SOC, got the paperwork, brought it back. At that time I realized that I'd locked uh, um some stuff in my truck. So, I went back out to my truck, and got that stuff. On my way back in, I noticed officers running towards Able Baker unit. Nothing had come over my radio at this point. So I went directly to shift, asked shift what was going on.

Detective Ryan: When you say you went to shift, the shift office?

Brenda Fredricks: The shift office where the sergeant is, yes.

Detective Ryan: Ok.

Brenda Fredricks: Sergeant stated, during count, inmate Scherf was missing from his cell. He said, "Go out to the PAB, and the chapel, and search those". So,...

Detective Ryan: Who was the sergeant?

Brenda Fredricks: Sergeant Johnson.

Detective Ryan: Do you know his first name?

Brenda Fredricks: No.

Detective Ryan: Can you describe him? Is he a white male?

Brenda Fredricks: White, yeah.

Detective Ryan: Ok.

Brenda Fredricks: Bald.

Detective Ryan: So, Sergeant Johnson asked you and a couple other people?

Brenda Fredricks: No.

Detective Ryan: He asked you to go to the..

Brenda Fredricks: He just said, "Go check the chapel and the PAB".

Detective Ryan: And, did you go with anybody?

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Customer Service Specialist/ Monroe PD

000381

Exhibit 4

Brenda Fredricks: I started on the way out there, as soon as I got through the, the roundabouts at tower 9 I realized, you know, I probably don't have the keys to the chapel because there's certain keys I guess to get into certain areas. At that time I noticed two officers coming from the back area where they had done their night watch check, and as I'm walking, they're walking. I'm hollering at them, "Do you have chapel keys? Inmate Scherf is missing", you know, "We gotta check the PAB and the chapel". So, there was two of them. Um, one of the guys said "I'll go with Fred to the PAB", and he headed towards the chapel. Me and the officer going towards the PAB, we got through the first gate, and we heard the other officer hollering by the chapel. So we turned around and came back, and we went to the chapel also. So this is like seconds, at this time. I walked up, Scherf was standing outside the chapel. I immediately recognized him, got on my radio, called my shift sergeant on the radio, notified him that the inmate had been found.

Detective Ryan: When Sergeant Johnson asked you to go look for an offender, did he identify the offender to you?

Brenda Fredricks: Yeah.

Detective Ryan: And, it-uh by name, and..?

Brenda Fredricks: Yeah.

Detective Ryan: Were you familiar with the offender?...

Brenda Fredricks: Yes.

Detective Ryan: Based on prior...

Brenda Fredricks: Yes.

Detective Ryan: Ok, and explain to me h-how you were familiar with him?

Brenda Fredricks: Scherf works in Industries, so he comes through my gate every day.

Detective Ryan: Ok. So, on a daily basis you're in continuous visual contact of Scherf, uh...

Brenda Fredricks: Not all day....

Detective Ryan: Yeah.

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Customer Service Specialist/ Monroe PD

Brenda Fredricks: ..just when he comes—anytime he comes through my gate..

Detective Ryan: Yeah.

~~Brenda Fredricks: ...he has to be patted down.~~

Detective Ryan: Ok.

Brenda Fredricks: So he comes through in the morning, or if he has call-outs, whatever, when he leaves, it's an entrance/exit area, to get to building 4. Which is in the back of the prison.

Detective Ryan: K. So you knew who exactly you were looking for.

Brenda Fredricks: Yes.

Detective Ryan: Do you know the names of the other two officers that you joined up with?

Brenda Fredricks: Maynard is one of the officers; he's the yard officer. The other officer they call Wally, but I have the spelling.

Detective Ryan: Ok.

Brenda Fredricks: It's a really long spelling.

Detective Ryan: So you and Wally went to PAB?

Brenda Fredricks: Yes.

Detective Ryan: And Maynard went towards the chapel?

Brenda Fredricks: Headed towards the chapel, yes...

Detective Ryan: And, do you remember what you heard Maynard say?

Brenda Fredricks: Word-for-word, no, honestly I can't. I just remember him saying, "There's an inmate", or "There's somebody standing right here".

Detective Ryan: Yeah. Ok. And y-you went over there, and y-you've described Offender Scherf as standing outside the chapel, so I want to clarify this. Uh, I've been out there, and there, the door leading to the physical building, there-there is a hallway, um, to your left, that leads down to a couple offices? And, as you continue straight, you actually enter the chapel itself. Was Offender Scherf outside, like

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Customer Service Specialist/ Monroe PD

he could see the sky outside, or was he inside the physical building?

Brenda Fredricks: He was outside the physical building.

Detective Ryan: Ok.

Brenda Fredricks: Outside. Not all the way to the gate, outside the door standing there, and the door on the right was open.

Detective Ryan: So the door on the left was closed, door on the right was open...

Brenda Fredricks: Yes.

Detective Ryan: ..and...

Brenda Fredricks: He was just standing there with his coat on and his hands in his pocket, just kind of...blank.

Detective Ryan: Can you describe to me what "blank" means?

Brenda Fredricks: Just, staring straight ahead.

Detective Ryan: So he was not in handcuffs when you first observed him?

Brenda Fredricks: No.

Detective Ryan: Ok. Did Officer Maynard tell you anything about where he contacted Offender Scherf?

Brenda Fredricks: I think he was standing right there.

Detective Ryan: Ok.

Brenda Fredricks: 'Cause it was seconds, there it was just.."

Detective Ryan: Yeah.

Brenda Fredricks: But honestly I don't know, and I haven't..

Detective Ryan: Yeah.

Brenda Fredricks: I-I don't know.

Detective Ryan: Ok.

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Customer Service Specialist/ Monroe PD

Brenda Fredricks: I don't know if he was exiting the door when he walked up, I'm not real sure. He was just standing there when I got there.

Detective Ryan: Ok.

Detective Ryan: Wh-what happened next, once contact was made with the offender?

Brenda Fredricks: Um, I walked up, immediately re-recognized him, called my shift sergeant on the radio, you know, verified that we had found him at the chapel. Um, as soon as I walked up Scherf looked at me, and he just said, "Fred, I fell asleep." And I said "Well, sometimes that happens", and then he said, "I suppose I have to go to the hole", and I said, "Yeah, that's kind of the routine." You know, when count has been interrupted. And he immediately turned around for me to cuff him up. And I said "Well...", and at this time, now my sergeant's coming over the radio, you know, "cuff the inmate, bring him to the shift office". So, I patted him down, cuffed him up....

Detective Ryan: Those were your handcuffs?

Brenda Fredricks: My, my handcuffs and, um, Maynard's, because I couldn't fit his arms close enough, so we had to put two sets on him.

Detective Ryan: Do you have these handcuffs with you right now?

Brenda Fredricks: No.

Detective Ryan: You don't?

Brenda Fredricks: We use different ones every day.

Detective Ryan: So you, at the start of your shift, you check out handcuffs from a...

Brenda Fredricks: from [REDACTED]

Detective Ryan: ... a pool?

Brenda Fredricks: Yeah, from [REDACTED]

Detective Ryan: Ok.

Brenda Fredricks: And then they go back.

Detective Ryan: Did you notice any, uh, wh-what did you notice about his clothing?

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Brenda Fredricks: He just had his jacket on, and it was zipped or buttoned, however they close up in the front.

Detective Ryan: and...

Brenda Fredricks: and his hands were in the front pockets and he just stood there.

Detective Ryan: And who handcuffed him again?

Brenda Fredricks: I did.

Detective Ryan: You, and..

Brenda Fredricks: No, I did.

Detective Ryan: Yeah, but.. wh—ye you used two pairs of handcuffs? He has pretty big shoulders.

Brenda Fredricks: Yeah.

Detective Ryan: Ok. So, he's in handcuffs, and at-at that point is he in your custody? Or, yr, you're holding onto him?

Brenda Fredricks: At that point, I take one arm, and Wally takes an arm.

Detective Ryan: Ok.

Brenda Fredricks: And, we start escorting him back towards the shift office.

Detective Ryan: Ok.

Brenda Fredricks: As we got to the hallway, I hear em calling "Picture card count" over the radio.

Detective Ryan: Ok.

Brenda Fredricks: Since Maynard was the actual one that walked up on him, I said, "Here, Maynard, you take him to the shift office". 'cause they might have to wanna, you know, usually you have to write paperwork if you're first person there.

Detective Ryan: Yeah.

Brenda Fredricks: And so, I left, and went over to Charlie Dog Unit, to see if they had enough, because picture card count can be pretty...

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Detective Ryan: Yeah.

Brenda Fredricks: ...pretty crazy. So went over there, they had enough people, so we went over to Able Baker side, and I counted tiers one and two on Able's side.

Detective Ryan: Ok. Do you remember, uh, do you remember observing anything at or around the, the chapel where you guys were standing that-that was out of place, or...

Brenda Fredricks: No.

Detective Ryan: Ok. Do you remember any other staff going inside the chapel? Do you remember seeing any Maynard, or Wally go inside the chapel? So, so contact was made with the offender outside the chapel, and then all three of you and the offender walked towards the shift sergeant's office?

Brenda Fredricks: Yes.

Detective Ryan: Ok. While you were walking, did you notice anything about his clothing that was suspicious to you?

Brenda Fredricks: No. But it was super dark.

Detective Ryan: Ok. And...

Brenda Fredricks: Even the lighting outside the chapel's really dark.

Detective Ryan: Was, was there any conversation that took place?

Brenda Fredricks: No.

Detective Ryan: Is that, uh, normal for the offender, based on your, uh, interaction with him?

Brenda Fredricks: I mean normally when I see him every day, he talks. He talks a lot.

Detective Ryan: Yeah?

Brenda Fredricks: But he didn't say anything other than, "I fell asleep"...

Detective Ryan: Ok.

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Customer Service Specialist/ Monroe PD

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Exhibit 4

Brenda Fredricks: ..and "I suppose I have to go to the hole". I mean, he didn't say nothing else..

Detective Ryan: And he didn't say anything up to the point that he was in the shift, the shift sergeant's office.

Brenda Fredricks: No.

Detective Ryan: Ok.

Brenda Fredricks: And I wasn't in there, so I don't know what, you know...

Detective Ryan: Ok. So, I-I'm somewhat familiar with the facility at this point, so you're walking back towards the shift sergeant's office, and Able Baker Unit, is to your left?...

Brenda Fredricks: Um Hm (affirmative)

Detective Ryan: and, I'm sorry, C and D, I-I don't know what you call it, are on your right...

Brenda Fredricks: Yeah.

Detective Ryan: Um, but he walked through, that that door?

Brenda Fredricks: Yeah.

Detective Ryan: And where did you go? You...

Brenda Fredricks: I went to Charlie Dog side.

Detective Ryan: Ok, to assist with the photo...

Brenda Fredricks: Yes.

Detective Ryan: ..count.

Brenda Fredricks: Yes.

Detective Ryan: Ok. Did you have any other interaction with Offender Scherf...

Brenda Fredricks: No other actually...

Detective Ryan: ..that evening?

Brenda Fredricks: No. No.

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Detective Ryan: Ok...

Brenda Fredricks: I did when I turned in my count....

Detective Ryan: Ok..

Brenda Fredricks: ...when I took all the count slips down...

Detective Ryan: From the Charlie Dog unit?

Brenda Fredricks: No, from Able Baker.

Detective Ryan: Oh, ok.

Brenda Fredricks: Actually, from Able side...

Detective Ryan: Ok...

Brenda Fredricks: ...cause that's where I counted.

Detective Ryan: Yeah.

Brenda Fredricks: I did pick up a chain at that time, somebody, I don't remember who at this time, stated for someone to put a chain on his cell.

Detective Ryan: Yeah?

Brenda Fredricks: And since I was standing there, I offered to take the chain, took the chain back, and chained his cell right away.

Detective Ryan: At Able one-twelve?..

Brenda Fredricks: Yes.

Detective Ryan: .. Do you remember that being the cell?

Brenda Fredricks: Yes.

Detective Ryan: Ok, but you never saw him again?

Brenda Fredricks: No.

Detective Ryan: And, to this date in time, have you seen him?

Brenda Fredricks: No.

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Detective Ryan: Have you had any interaction with him?

Brenda Fredricks: No.

Detective Ryan: Ok. After formal picture card count, and securing the offender's cell, did you have any more involvement in this?

Brenda Fredricks: No, uh, well I did uh I wrote paperwork.

Detective Ryan: K.

Brenda Fredricks: That I had counted one and two on the picture card count. But, it was shift change at that, but no I didn't.

Detective Ryan: And, when did you secure for the evening? When did you, sign off shift and go home?

Brenda Fredricks: Well, you don't really sign off, you exchange your gear and when the other shift comes on.

Detective Ryan: Ok. Do you remember...

Brenda Fredricks: and there's no relieving o..excuse me...no relieving officer for PAB, so it's not like you're waiting for somebody to come in.

Detective Ryan: Yeah.

Brenda Fredricks: Ya know...

Detective Ryan: When did you go home? I guess.

Brenda Fredricks: I remember climbing in my truck, and my clock said 10:11.

Detective Ryan: Ok.

Brenda Fredricks: But I think my clock in my truck is a little bit fast. I think it's like 5 minutes fast. But it was 10:11 when I actually climbed in my truck.

Detective Ryan: Scott, do you want to ask some clarifying questions up to this point?

Officer Kornish: (clears throat)

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Detective Ryan: And then we can talk about, uh, her prior, experience and interactions with the offender and officer Biendl after we do the clarity?

Officer Kornish: Yes, yes.

Detective Ryan: Ok.

Officer Kornish: Can you kind of explain to me, you said that the PAB is behind the chapel?

Brenda Fredricks: Yeah.

Officer Kornish: So if the chapel...I'm familiar with the chapel's facing, the entrance to the chapel's facing North I believe? So it's on the...

Brenda Fredricks: Back si...

Officer Kornish: South side?

Brenda Fredricks: Back side of the (unintelligible).

Officer Kornish: And you left there, the PAB at approximately 8:30 to go to SOC?

Brenda Fredricks: No, you close down at 8:30, you do a walk-through, close that all down. And then you, then then I left.

Officer Kornish: What time...

Brenda Fredricks: That takes approximately 10-15 minutes...

Officer Kornish: So would...

Brenda Fredricks: ..and I also called in to tower 9..

Officer Kornish: Uh huh.

Brenda Fredricks: You know, you call in that you're clear of the PAB, you know, the inmates are clear and all that. And I did do that.

Officer Kornish: So it was approximately 8:40, 8:45?

Brenda Fredricks: Mm, yeah.

Officer Kornish: And which way do you, did you go that night to relieve the PAB and go to the SOC?

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Brenda Fredricks: To the right.

Officer Kornish: To the right?

Brenda Fredricks: Yes.

Officer Kornish: Do you have to pass by the chapel at all?

Brenda Fredricks: No...well...part of the side of the chapel is up, is by the walkway of the PAB. But like the chapel's right here, and you're right here, and so you come out and go this way.

Officer Kornish: Ok.

Brenda Fredricks: And the gate to the chapel's like, right over here.

Officer Kornish: Did you see the gate at all, were you able to see the gate from where you were to the chapel?

Brenda Fredricks: No. And the chapel officer leaves before we do. Her hours are different.

Officer Kornish: (Clears throat) Um, did you, throughout the night at all, uh, did you hear any radio traffic?

Brenda Fredricks: You call in your counts, you know, every hour. You count the inmates, you know...

Officer Kornish: Did you hear any unknown radio traffic that wasn't a clear transmission?

Brenda Fredricks: No.

Officer Kornish: Any keyed mics, that would grab your attention?

Brenda Fredricks: Not that I can think of, no.

Officer Kornish: Uh, and when you, um, after uh, y-you cuffed Scherf, uh, the door uh to the chapel was still open?

Brenda Fredricks: That's where I can't remember, I'm presuming Maynard closed it, and the gate, because he was behind us. Um, I was more, you know, get the inmate cuffed, remove the inmate, as I was ordered, to the shift office. And I, I'm presuming Maynard had closed the door right behind us.

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Officer Kornish: Ok. And you mentioned, um, you, you weren't sure if someone had keys to the chapel, because..

Brenda Fredricks: I'm, yeah, I..

Officer Kornish: the different keys?

Brenda Fredricks: I work different are-uh, every area's different and they've changed a lot of stuff, so you don't know really whose got keys 'cause sometimes keys, my keys work the shift office door, but they don't work other stuff..it's kind of the keys can be kind of confusing sometimes out there.

Officer Kornish: If you needed to get keys to the chapel, how would you go about doing that?

Brenda Fredricks: You can go pull like a keys [REDACTED]

Officer Kornish: Ok. Is that noted, when someone gets keys to a different area? If you needed keys to the chapel, would it be logged somewhere, or...

Brenda Fredricks: Oh, uhhhh

Officer Kornish: ...would someone be aware of it?

Brenda Fredricks: ...I don't know if they'd log it. I don't know how they'd do it.

Officer Kornish: Do you know how many sets of keys there are to the chapel?

Brenda Fredricks: But the R and M's, I think, they, I think their keys work also, I'm not sure. I, I don't know enough about the, you know...

Officer Kornish: Ok.

Brenda Fredricks: ...chapel keys.

Officer Kornish: And when you walked, um, ah when you cleared A block, and you, or you did a when you uh, you-you said you did a count for the A block and you chained Scherf's cell?

Brenda Fredricks: Yes.

Officer Kornish: Did you look into his cell at all?

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Brenda Fredricks: Just a quick glance. But, it's dark. You know, they turned the count lights and stuff off at that time.

Officer Kornish: Did you notice anything peculiar, or odd about it?

Brenda Fredricks: No.

Officer Kornish: Okay.

Detective Ryan: So, you've worked here nineteen years...

Brenda Fredricks: Yes.

Detective Ryan: And all of it has been in the Industries building?

Brenda Fredricks: No. I'm not an Industries building, I'm at Gate 7.

Detective Ryan: I'm sorry.

Brenda Fredricks: Yeah.

Detective Ryan: Ok.

Brenda Fredricks: Uh, no.

Detective Ryan: But at Gate 7, all of the offenders who work in the Industries facility must walk by your post?

Brenda Fredricks: Yes.

Detective Ryan: Ok. And you had mentioned previously that you're somewhat familiar with offender Byron Scherf.

Brenda Fredricks: Yes.

Detective Ryan: Do you recall when he, uh, when he, he was first incarcerated here, or...uh, your first interaction with him?

Brenda Fredricks: No.

Detective Ryan: Has uh, pri-prior to this incident, has his name ever come up in your mind as, "uh, I need to remember him"?

Brenda Fredricks: Yes.

Detective Ryan: Tell me about that.

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Brenda Fredricks: There have probably been I know at least two, can I specifically remember, when...no, I just remember Scherf asking me...I don't even remember the questions to this day. And he kept just askin', you know, sometimes these guys just, they just keep up. And, I started to get a little agitated and, you know, tried to be firm with him. And he proceeded to get a little agitated, and at that point, you have a light that goes off. And I can't explain why these light, it just goes off, and I...it's not like, you know, some guys get really mad, or whatever, it just something was odd. So I had to stop and think "Ok, this is not the right approach, I need to retract how I approach this person". And so I had to learn, you know, every, some of these guys you learn to treat them cer-certain ways, due to, you know, how they react. He g-started to get pretty agitated with me, and so I had to redirect how I was, you know, speaking with him. And after that I've just, I just, you know, you learn which ones..

Detective Ryan: Mm hm (affirmative).

Brenda Fredricks: ..you know, but he did kind a, it was just kind of odd, the way he was getting agitated with me. But other than that, that's that's the only thing, and that's been a few years ago.

Detective Ryan: Mm hm (affirmative)

Brenda Fredricks: Yeah. Few years ago.

Detective Ryan: Have you witnessed any interaction with him and other CO's?

Brenda Fredricks: Well, that's every day. I've worked with other CO's, he comes through, you know.

Detective Ryan: Has his behavior raised any red flags for you?

Brenda Fredricks: No.

Detective Ryan: in that sense? Have you noticed any, uh, different treatment of female staff versus male staff?

Brenda Fredricks: I know he seems to be one of those that's always trying to be on everybody's good side. But...yeah. I'm not with him for a long amount of time, ever.

Detective Ryan: Um hm (affirmative)

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Brenda Fredricks: It's not like I worked with him one-on-one, you know, like the supervisors out in building 4.

Detective Ryan: Um hm (affirmative)

Brenda Fredricks: It's, a brief, you know, and that's it. There were even times where he worked on computers up where the maintenance clerks worked. And he always came over and told me, you know, "I'm going up there, I'll be up there, they need some help". When he got done, he would come down and tell me, so....It was just a brief...

Detective Ryan: So...

Brenda Fredricks: Yeah.

Detective Ryan: ...his job was at the bindery, I believe? In Industries?

Brenda Fredricks: I know it's in Industries, but I don't know exactly where everybody works out there.

Detective Ryan: Ok.

Brenda Fredricks: Yeah.

Detective Ryan: Um, but you had mentioned that you were familiar that he was doing like freelance computer work? In, oth-other places?

Brenda Fredricks: I know he did a lot of computer work, yes.

Detective Ryan: Do you know where he might of done that?

Brenda Fredricks: Up in the maintenance area.

Detective Ryan: Is that in Industries?

Brenda Fredricks: No, that's in the maintenance buildings.

Detective Ryan: Ok.

Brenda Fredricks: 'Cause he used to be the clerk. He was the maintenance clerk at one time.

Detective Ryan: Ok.

Brenda Fredricks: And, so now there's occasionally they need some help, and so he'll come out, help them, and then he goes back to his area.

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Detective Ryan: Ok.

Detective Ryan: Did you know if he was doing any, any participation in chapel programs, or any computer stuff at the chapel?

Brenda Fredricks: No...no.

Detective Ryan: No?

Detective Ryan: Had you ever observed the offender at the chapel prior to you taking him into custody that night?

Brenda Fredricks: Uh, there's so many people that come and go from there.

Detective Ryan: Um hm.

Brenda Fredricks: I can't remember.

Detective Ryan: Ok, k. And, Officer Biendl. Did you know her?

Brenda Fredricks: Yes.

Detective Ryan: How well did you know her?

Brenda Fredricks: Well, I knew her of course from work.

Detective Ryan: Yeah.

Brenda Fredricks: You know, I'd seen her a couple times outside of work, but that's, just...that's it.

Detective Ryan: Ok.

Brenda Fredricks: I've talked to her. You know, she would call me at gate 7, asking for advice and stuff.

Detective Ryan: One of the things that's difficult about this investigation is, is obviously talking about her. But it's important for us to focus on some of her good qualities as an officer, but to also to learn about some of her weaknesses. Were you in a position to know what her strengths were, as a correctional officer?

Brenda Fredricks: She always stood up and asked questions.

Detective Ryan: Ok. She was involved....

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Brenda Fredricks: I wouldn't call her a weak person.

Detective Ryan: Yeah.

Brenda Fredricks: No.

Detective Ryan: I'm not saying she's a weak person, but did did any weaknesses, that you may have noticed?

Brenda Fredricks: No.

Detective Ryan: Ok.

Brenda Fredricks: No. She was always really good about speaking up, and like I said, if she had any question, any concern, she would call me.

Detective Ryan: Ok.

Brenda Fredricks: You know, or call somebody else.

Detective Ryan: Um hm.

Brenda Fredricks: I think she was very good at her job, she knew her job.

Detective Ryan: What sort of did-did she, you mentioned that she, she had brought, she-she had talked to you about stuff. What sort of stuff had you talked about with her?

Brenda Fredricks: Oh, it could be how to order supplies, or you know, how to hire a porters, or I don't think she did most of the hiring, I think the chapel people did a lot of that.

Detective Ryan: Um hm.

Brenda Fredricks: Um, just in general, you know, sometimes tools were sent over there.

Detective Ryan: Um hm.

Brenda Fredricks: You know. We'd let her know there were tools, or she had some question about you know the guys who were working out, 'cause there's a grass area out over on the other side that they work.

Detective Ryan: Um hm.

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Officer Kornish: Can you give me a kind of an.....

Brenda Fredricks: ..almost...

~~Officer Kornish:idea of what type of questions if you can't remember
exactly..(overlapping)~~

Brenda Fredricks: (overlapping) Oh, "Am I on the list for EFV yet? I wanna make sure my name is on there." Sometimes when these guys, they get like a cancellation...

Officer Kornish: An EF....

Brenda Fredricks: It was stuff like, his visits, he gets conjugal visits. It's almost like he just asks questions just to talk. You know, it's just, it's just, it's like useless stuff, some of it sometimes, you're just, you're like..you know, I'm not here to entertain you. You know, and so, you try to stop that and, you know, the-you can see where the it would get agitated. So it's like, ok, I better retrick this, how I say it. You know, and then I had to learn from there. You know, how to deal with him.

Officer Kornish: Were you in a position at the time he asked you about visitation that you would have any ability or idea that he would be on a list or not?

Brenda Fredricks: Yes.

Officer Kornish: Ok. Um and when he became agitated, were you afraid?

Brenda Fredricks: Not..uh..uh

Officer Kornish: Concerned?

Brenda Fredricks: The, uh concerned. The light comes on, and you're like, ok we're not dealing with, you know, the average person. And, you, you know, so it's time to redirect. You know. Verbal skills. Change your verbal skills in how you have to deal with this person. And once I figured that out, I was ok after that, you know, I had to figure that out.

Officer Kornish: And when you, when he became agitated, was it because you weren't answering his questions, or what do you think s-made him become agitated.

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Brenda Fredricks: You know, but it was just stuff like that, you know.

Detective Ryan: Did she ever talk to you about any of the participants in the chapel program?

Brenda Fredricks: No, we weren't that close. I mean, yeah.

Detective Ryan: Ok.

Detective Ryan: Did...so, y-you don't remember any mention of any offender, problem offenders that she had mentioned to you, or...

Brenda Fredricks: No.

Detective Ryan: Ok.

Brenda Fredricks: No.

Brenda Fredricks: She was more of a swing shift, though.

Detective Ryan: Yeah.

Brenda Fredricks: Yeah.

Detective Ryan: Yeah, it's not, her shift isn't your normal shift. (overlapping voices)

Brenda Fredricks: (overlapping voices) Even though she came in her shift, and my shift kind of coincide.

Detective Ryan: Um hm.

Brenda Fredricks: But, majority of her shift is on swing shifts.

Detective Ryan: Ok.

Officer Kornish: You, you had mentioned, um, about wh-when you were dealing with Scherf several years ago, where he he became agitated.

Brenda Fredricks: Yes.

Officer Kornish: And you mentioned that he said something to you, or asked some kind of question? Can you...

Brenda Fredricks: He was always asking questions.

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Brenda Fredricks: Wasn't getting the attention. You know. And it just, almost kind of like a child. Yeah.

Officer Kornish: And how did you change your approach with him to...

Brenda Fredricks: he's just your verbal skills, you step back and ok, let's, you know, put things this way, let's say it this way. Yeah.

Officer Kornish: and when you said he became agitated, can you kind of explain that to me, and describe it, as..?

Brenda Fredricks: You know it's been so long ago, but its, its been in m...you know, it's just something that you remember but you don't remember the specifics. You know, there's been a lot of people here I've had to deal with, you know, and you know there's been a few in my career that you know that you run into those few and you figure out, you know, ok, this isn't going to work for this person.

Officer Kornish: Um hm.

Brenda Fredricks: You know, and so it always stays in your mind, you know, certain situations, certain people. You just kind of have to, because you know you're going to deal with them, on a daily basis, you, ok, I'm gonna deal with this person this way, you know, this person I have to deal with this way. But I can't specifically to this, I-I can't remember that far back..

Officer Kornish: Ok...

Brenda Fredricks: ..I just remember, ok, this is how I have to deal with this one.

Officer Kornish: Do you remember at all if it was something, maybe, if it was a raised voice, change in his tone, clenched fists....

Brenda Fredricks: Oh definitely...no, definitely change in his tone. Yeah.

Detective Ryan: Had you, can you recall any moment where you observed Offender Scherf with Officer Biendl?

<knock on door>

Detective Ryan: One second on that...

<opens door>

Unidentified female: unintelligible

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Detective Ryan: Yeah, can you just stand by? We're in the middle of an interview.

Unidentified female: Ok.

Detective Ryan: So...thank you.

Detective Ryan: I'll, I'll repeat the question. Can you recall any moment where you observed Offender Scherf with Officer Biendl? Talking, communicating, interacting?

Brenda Fredricks: No.

Detective Ryan: K.

Brenda Fredricks: No. There's a lot of guys that went to those chapels. You know, in and out.

Detective Ryan: Is it routine to hear offenders talk about female staff, uh, in a sexual manner?

Brenda Fredricks: No.

Detective Ryan: No? Ok.

Officer Kornish: Do you have anything else that you can think of about that night that stood out? Uh, anything that you thought was peculiar? Uh, besides obviously Mr. Scherf not being in his cell?

Brenda Fredricks: I did find it rather peculry—peculiar when I was coming up to those two officers. And I was hollering at them. They were approximately in front of the chapel. If you, if you go out there you would understand. I'm walking this way, and walking very fast.

Officer Kornish: You were walking west?

Brenda Fredricks: Towards the back of the chapel.

Officer Kornish: Towards the back of the chapel?

Brenda Fredricks: They were coming this way. And I'm hollering at them, "Inmate Scherf is missing!". And were still walking towards each other, they pass the chapel, we meet up. Why didn't Scherf holler? Why didn't he say "Hey, Fred, I'm over here, I missed count"? He didn't. We exchanged a few seconds of words, Wally and I went

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over to this gate, Maynard came over this way. He still never said anything if he was standing on that porch.

Officer Kornish: So you believe if Scherf was standing outside the building, he would have been able to see you?

Brenda Fredricks: Yes. He would have seen those two officers, and he would have heard me hollering. He never said a word. I don't know if he said anything to Maynard when Maynard walked up. I just remember Maynard hollering, "He's over here!". Why didn't he say anything?

Officer Kornish: Yeah.

Brenda Fredricks: If he fell asleep, why did he not say anything when those officers walked by, if he didn't see them—let's say he just stepped out. Why didn't he say something when he heard me hollering?

Officer Kornish: An-and you, I imagine, have seen somebody who's just woken up, just woken up yourself, and looked at your eyes and your face in the mirror. Did he ap-, his face, appear to be somebody who had just woken up?

Brenda Fredricks: It's really dark over there. There is a little light, and it's super, super dark. My eyesight's not the best in the world. He seemed just more, I don't know the word, just blank. That's all I can think of. But he still recognized me, and said "Fred, I fell asleep". He wasn't loud about it, it was really "Fred, I fell asleep"—calm about it....

Officer Kornish: You ever...

Brenda Fredricks: ...wasn't out of breath, nothing like that.

Officer Kornish: Have you ever seen him like that before?

Brenda Fredricks: No, usually pretty chirpy.....talkative.

Detective Ryan: How good of a look did you get at his hands when you were handcuffing him?

Brenda Fredricks: Not good. It's so dark. Very, very, very dark.

Detective Ryan: Do you remember him grimacing at all while you were doing that, or did he make any comment, uh, my arm's sore?

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

Brenda Fredricks: Nope. He didn't say other than, you know, "I fell asleep" and "I suppose I have to go to the hole".

Detective Ryan: Did he request two handcuffs, or...

Brenda Fredricks: No, I did.

Detective Ryan: Based on his....

Brenda Fredricks: 'Cause I kept tryin', and I couldn't get 'em together.

Detective Ryan: Ok.

Brenda Fredricks: You know, my eyes, it-it was dark. And so I just said "Maynard, let me use your cuffs", you know.

Detective Ryan: That's all I can think of. Um, sorry—I mentioned that we'd like to get a DNA buccal swab from you, from your cheek.

<long pause>

So, this is a voluntary permission to search form. This authorizes Officer Kornish and I to obtain your DNA from your cheek. Um, we either need your consent to obtain it, or we would have to write a search warrant, um, so, obviously this is the, the method we're preferring. If you can place your name in that box, read that aloud, and then read through the form? And then sign as the consenting party, if you agree to consent, and then we'll give you the date and time and all that.

<long pause>

Brenda Fredricks: Is that where I sign?

Officer Kornish: And then print your name underneath.

Detective Ryan: And, for the recording, the other corrections officer with, uh, Maynard and Fredricks is identified as Wahleithner? Is that correct?

Brenda Fredricks: Yeah.

Detective Ryan: And that's spelled phonetically William-Adam-Henry-Lincoln-Edward-Ida-Tom-Henry-Nora-Edward-Robert.

Transcribed by Macy Haverly
Customer Service Specialist/ Monroe PD

Officer Kornish: K, Brenda, if I could also get you to print your name here, again? And then read this aloud—"I, Brenda Fredricks", and the rest of the sentence and then sign below it? <long pause>

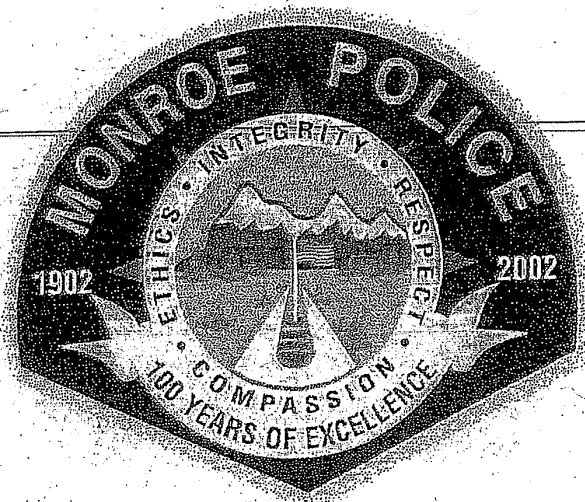
Brenda Fredricks: Ok, I Brenda Fredricks declare that the facts stated on this tape are true and correct to the best of my knowledge.

Unknown: Thank you. <long pause>

Detective Ryan: Take one of those swabs out of there, and then you can rub it on the inside of your cheek, trying to get as many skin—you want to rub kinda aggressively, so you can get skin cells all over it there. That's probably good. And then can you put it, uh, actually the other end, into the box, and not all the way down, cause I need to air-dry it. That's good.

That's all I have.

Officer Kornish: Uh, interview ending, two, one, two thousand eleven with Brenda Fredricks. The time is now 10:55.



2011-0186

Transcription of:

Samuel Wahleithner

Interview

02/16/2011

Detective Ryan

Case # 1420110186

**MONROE POLICE DEPARTMENT
TAPE RECORDED WITNESS STATEMENT**

Statement of SAMUEL WAHLEITHNER Drivers License

The date is 2-16-11. The time now is 1806
I am OFFICER SCOTT KORDESH of the Monroe Police Department. This statement
is being recorded at WASHINGTON STATE REFORMATORY ^{MONROE}. There are 3 persons
present in the room. For the purpose of voice identification, would each person present besides
Mr. Mr., Ms., Mrs., SAM WAHLEITHNER who is giving a statement, state your name
and occupation one at a time.

- Q. SAM WAHLEITHNER, do you understand that this statement is being recorded?
Q. Would you give your full name and spell it please?
Q. Would you give your date of birth?
Q. Would you give your address?
Q. Would you give your home telephone number?
Q. Would you give your work telephone number?

Date 2-16-11 Time 1807 Location WSR, MONROE

(The following statement is to be read aloud onto the tape by the subject and then signed)

I, Sam Wahleithner, declare that the facts stated on this tape are true and correct
to the best of my knowledge.

Scott Kordeish
SCOTT KORDEISH
Witness Signature

Sam Wahleithner
Signature

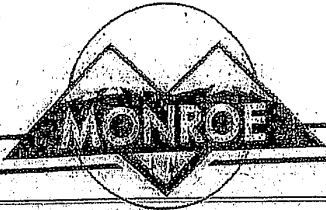
Date 2-16-11

Date 2-16-11

000407

Exhibit 5

000366



City of Monroe

Police Department

Taped Interview Review Form

On 2-17-2011 I reviewed the audio recording and transcription for an interview
Date

conducted with SAMUEL WAHLEITHNER on 2-16-2011.
Subject's Name Date

The transcription is a true and accurate record of that interview.

PAUL RYAN
Officer's Name Printed

Paul Ryan
Officer's Signature

2-17-2011
Date

INTERVIEW "A"

Officer Kornish: This is Officer Scott Kornish with the Monroe Police Department, I'm reading a Monroe Police Department Tape Recorded Witness Statement form. This is the statement of corrections officer Samuel Wahlen-Wahleithner? In reference to case M2011-0186. The date is 2/16/2011, the time, 1806 hours. I'm Officer Scott Kornish of the Monroe Police Department. This statement is being recorded at Washington State Reformatory, Monroe. There are three persons present in the room. For the purpose of voice identification would each person present besides Mr. Wahleithner, who is giving a statement, state your name and occupation, one at a time.

Detective Ryan: Detective Paul Ryan, Monroe Police Department.

Officer Kornish: Officer Scott Kornish, Monroe Police Department.

Sam Wahleithner, do you understand that this statement is being recorded?

Samuel Wahleithner: Yes.

Officer Kornish: Would you give your full name and spell it please?

Samuel Wahleithner: Full name is Samuel J. Wahleithner—S-A-M-U-E-L J. W-A-H-L-E-I-T-H-N-E-R.

Officer Kornish: Would you give your date of birth.

Samuel Wahleithner: 8/23/83.

Officer Kornish: Would you give your address.

Samuel Wahleithner: My home address is [REDACTED], Washington,

Officer Kornish: Would you give your home telephone number.

Samuel Wahleithner: [REDACTED] is my cell phone number.

Officer Kornish: K. Would you give your work telephone number.

Samuel Wahleithner: [REDACTED]-uh, [REDACTED] is best to reach me at work.

Officer Kornish: Ahem. The date 2/16/2011, the time is now 1807 hours. Location, Washington State Reformatory, Monroe.

Detective Ryan: Do you go by Sam?

Samuel Wahleithner: Yes.

Detective Ryan: Sam, how long have you been employed by the Department of Corrections?

Samuel Wahleithner: Uh, since December 5th of 2008, so approximately 2 years and 2 months.

Detective Ryan: And, have all those years at the Monroe Correctional Complex?

Samuel Wahleithner: Yes.

Detective Ryan: Have you been at WSR that entire time?

Samuel Wahleithner: No, I was, uh, a temp person so for the first couple of months I was on different shifts at different institutions being on call, essentially. So I've worked at all the institutions across the hill.

Detective Ryan: But currently you're a full-time correctional officer at MCC?

Samuel Wahleithner: Yes.

Detective Ryan: Ok. And what's your current assignment?

Samuel Wahleithner: Current assignment is an RDO spot on watch 3 at WSR. Two days in Tower 5, which is Wednesday/Thursday, and the yard Friday, Saturday and Sunday with Monday/Tuesday off. I've been in this post for approximately 14 months.

Detective Ryan: You had mentioned something prior to the Tower? Wh-what's your assignment prior?

Samuel Wahleithner: Um, uh—up—per day, or per week?

Detective Ryan: Did you say you're an R&M?

Samuel Wahleithner: I'm RDO, it's a "Relief Days Off" spot.

Detective Ryan: Relief?

Samuel Wahleithner: Days Off, it's an RDO, where two days is, uh, Tower 5 for the guy who's in Tower 5—his break, and then my days in the yard are Harris's days off, and Maynard's one day off.

Detective Ryan: And watch 3 is what hours again?

Samuel Wahleithner: Uh, watch 3 is hours from 1330 to 2200.

Detective Ryan: So on Saturday, January 29th. Are you familiar with that day?

Samuel Wahleithner: Yes.

Detective Ryan: You were working in the yard?

Samuel Wahleithner: Yes.

Detective Ryan: And, we'll begin at 2100 formal count, ok?

Samuel Wahleithner: Got it.

Detective Ryan: What do you do at that hour?

Samuel Wahleithner: On Saturdays, at 2100 hours, uh, me and Maynard have to go out to the EFV's, which is Extended Family Visit trailers and do count out there. Where we have to take our count slip of who's supposed to be out there, what their DOC number is, and what their house assignment is, and go verify per picture ID, to who's on the list and make sure everyone's out there, so who's supposed to be out there.

Detective Ryan: And, did count clear at the Extended Family Visit trailers?

Samuel Wahleithner: Uh, everyone according to our sheet who was supposed to be there, was there.

Detective Ryan: Ok. And our investigation has revealed that at about 2114 there was an inmate unaccounted for in the Able unit. Were you advised of that via radio?

Samuel Wahleithner: No.

Detective Ryan: Ok. So, you were over at the EFVs, which is on the west side of the complex, correct?

Samuel Wahleithner: Um hm. (affirmative)

Detective Ryan: And, did you start making your way back through mainline by gate 7?

Samuel Wahleithner: Yes.

Detective Ryan: Tell me about that.

Samuel Wahleithner: Uh, we were doing our trailer count, we were coming back, it was a normal day. I was asking Maynard what he was doing for his weekend, and we were coming past, past gate 7, as we were walkin', uh, toward Tower, the base of Tower 9, and then toward main control. And uh, do you want me to recount the whole incident?

Detective Ryan: Let me go back one bit. At what time do you and Maynard start heading towards the trailers?

Samuel Wahleithner: Um, anywhere from 8:50 to 9:00. About that time, I think we went out there about 8:55 or so, is when we started. 'Cause I was heating up some soup, I think.

Detective Ryan: So between 8:50 and 9:00 pm, you and Maynard begin heading westbound, through mainline, you walked through the turnstiles...and you're nodding your head yes...

Samuel Wahleithner: Um, yes.

Detective Ryan: Um, and then you're walking past the entrance to PAB, past the entrance to the chapel.

Samuel Wahleithner: Yes.

Detective Ryan: So let's pause there. Did you notice anything suspicious at the PAB or the chapel?

Samuel Wahleithner: Not at that time I did not notice.

Detective Ryan: Do you remember taking a glance over at the chapel?

Samuel Wahleithner: No I don't.

Detective Ryan: On your prior times that you've gone to the EFVs—have you noticed the chapel lights on, or a door open, or...

Samuel Wahleithner: I've always noticed that, um, there's a security light on the outside, and I usually notice that is on. But I didn't look past the chapel doors or anything like that to see anything there at that time.

Detective Ryan: Ok. So you just continued westbound towards gate 7, with Maynard.

Samuel Wahleithner: Yes.

Detective Ryan: Ok.

Officer Kornish: Did you notice if the gate to the chapel building was closed?

Samuel Wahleithner: I did not notice at that time.

Officer Kornish: Do you think you would have noticed it, if it was open?

Samuel Wahleithner: Yes.

Detective Ryan: When you make your movement at, between 8:50 and 9, towards the trailers, is there usually a zone R&M officer, uh, beneath those two cameras by the PAB and the chapel?

Samuel Wahleithner: Uh, 8:50 to 9 o'clock, not at that time, because usually when the PAB and the chapel close, he usually walks toward them with the last one on calls, um...we call it the breezeway...he calls the breezeway clear.

Detective Ryan: And, what time do you know the PAB and the chapel to usually be secured?

Samuel Wahleithner: Anywhere from 8:35 'till 8:40.

Detective Ryan: So, let's go back to when you're heading back towards Tower 9. As you're walking back through the mainline, or the breezeway, did you notice anything suspicious at the chapel?

Samuel Wahleithner: Nothing I noticed at the, the breeze—uh, this, uh, entrance to the chapel because as we were walking by the religious activities building, where they hold all the prayer stuff for—what is it called—the, uh...I can't remember what it's called for right now...where they all get their steam tents on the-the-the natives do? They hold that building?

Detective Ryan: The sweat lodge?

Samuel Wahleithner: The sweat lodge, yeah. We saw Fredricks walking toward us, and at that time I was wondering what she was walking toward us, like she forgot something, I didn't look over at the chapel heading back.

Detective Ryan: So you were near the sweat lodge when you saw CO Fredricks?

Samuel Wahleithner: Yes.

Detective Ryan: And where was she coming from?

Samuel Wahleithner: She was coming toward us from the base of Tower 9.

Detective Ryan: Ok. So at that time, the best that you knew, was that there were three correctional officers in that breezeway.

Samuel Wahleithner: Yes.

Detective Ryan: Ok. So you never made it back through the turnstiles before you met, or observed the inmate at the chapel.

Samuel Wahleithner: No.

Detective Ryan: Ok. So tell me, tell me what happened next.

Samuel Wahleithner: Um, we're walking toward the base of Tower 9, and Fred is walking toward us from the base of Tower 9. So we meet in the middle, approximately at the area right before you can make... a right? According to what direction I was facing, toward the PAB. And we asked her what's going on, and she told us that they were missing an offender, and that she might have, p— might possibly be in the PAB. Since she was alone and it was me and Maynard, I said I was going to follow her out to the PAB to help her look in case there was somebody in there. And then Maynard told us that he would go and search the chapel. So me and Fred go through the two gates going toward the PAB, and as soon as we get—close the second gate, we hear Maynard say "I found him, I found him". We open up the first gate, go back over there, then go through the second gate, and then walked toward the chapel.

Detective Ryan: Ok, let's pause there. So, your first sight of CO Maynard— where was he located?

Samuel Wahleithner: When I walked back toward the chapel?

Detective Ryan: Correct.

Samuel Wahleithner: I don't remember when I first got back there if he was standing outside or if he had peeked his head in the door to the chapel, just look for a second.

Detective Ryan: Ok.

Samuel Wahleithner: The outside.

Detective Ryan: And, your first peek of the offender—where was he located?

Samuel Wahleithner: He was standing near the, the metal gate, facing like—his face was toward going into the chapel, and he was kinda standing in the shadows.

Detective Ryan: So he was outside of the chapel?

Samuel Wahleithner: He was outside of the chapel with his hands in his pockets.

Detective Ryan: Ok. And tell me what happened next.

Samuel Wahleithner: We asked him what had happened, uh, and he told us that he had just woken up. That he had fallen asleep in the chapel, and that he was waiting for us to come get him so he could be let out. He was going to start waving at the camera and trying to get somebody's attention, because he was afraid he was gonna get miscounted, and end up going to the hole. And, he didn't want to get in trouble for falling asleep, is what he told us.

Detective Ryan: Did you notice anything about him that caused you to be suspicious?

Samuel Wahleithner: Uh, he looked like he had just woken up and he had his hands in his pockets. He kept his head down, kind of, and he had had his hands in his pockets. And he kept just sayin' "I fell asleep, I fell asleep".

Detective Ryan: And what was he wearing?

Samuel Wahleithner: He was wearing, uh, a DOC-issued tan coat, and DOC pants, and I think state-issue shoes. And he had the coat pulled really close I—or zipped up where I couldn't see what kind of t-shirt he was wearing.

Detective Ryan: Did you see his hands at all?

Samuel Wahleithner: His hands were in his pants pockets when I saw him.

Transcribed by Macy Haverly
Customer Service Specialist/Monroe PD

000415

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Exhibit 5

000374

Detective Ryan: And, what happened next?

Samuel Wahleithner: Uh, either Fred or Maynard made the radio call saying that the inmate's been located in the chapel. They told us to c-uh, Lieutenant Briones came over the radio, told us to cuff the offender and bring him to Shift. Um, CO Fred gave him a quick pat-search, and then cuffed him. And I noticed when they were cuffing him, that he had such, like, large wrists or anything, his hands wouldn't go behind his back so they had to use both her cuffs and Maynard's cuffs to link his hands together.

Detective Ryan: Yeah, he has pretty broad shoulders.

Samuel Wahleithner: Yeah. And I noticed that they were going to escort him, and I remember, I think I remember turning around and pulling on the two chapel doors, to make sure that they were locked—because I know it's a [REDACTED]. And I wanted to make sure since he had came out, that—you can lock the chapel doors, but still come out because it's a [REDACTED]. I had made sure those were locked. I didn't have any keys or anything to lock or unlock any doors, I just pulled on them and they seemed secure to me.

Detective Ryan: Ok, so from your observation, all the contact with the offender occurred in that initial breezeway—right, direct to the chapel. Is that correct?

Samuel Wahleithner: Um, yes, but then I also was one of the escorting people who brought him to the shift office.

Detective Ryan: Ok, w-we'll get to that in a second.

Samuel Wahleithner: Ok.

Detective Ryan: At the chapel...at the chapel did you—you described shutting the doors, and I just want to clarify what doors tho—those are. Those are the doors that lead to the, the outside—to the breezeway, correct?

Samuel Wahleithner: Yeah. I don't remember shutting them, I remember pulling on them to make sure they were shut. I don't remember if they were shut or open when I got there, but I do remember right before I left, I pulled on them to make sure they were locked.

Detective Ryan: And do you remember any lights being on in the foyer of the chapel?

Samuel Wahleithner: I remember there was a light on in the foyer, but that's always left on, it's a security light, I'm pretty sure.

Detective Ryan: And did you make any entry into the sanctuary of the chapel?

Samuel Wahleithner: None.

Detective Ryan: Ok.

Samuel Wahleithner: I did notice when I looked past, that the sanctuary doors were closed.

Detective Ryan: How far into the foyer-hallway did you, did you go?

Samuel Wahleithner: I don't remember going into it at all. If I did, it was maybe a step.

Detective Ryan: Ok. And did CO Fredricks or CO Maynard go into the foyer or sanctuary at all?

Samuel Wahleithner: I think CO Maynard went into the foyer and looked down the hallway, and then came back out to be with us.

Detective Ryan: Ok. And the way you've described it, is that, when these doors close to the chapel, the only way to open em is with a key.

Samuel Wahleithner: If they're locked, yes.

Detective Ryan: K. And, you pulled on them, and the doors did not open.

Samuel Wahleithner: Yes.

Detective Ryan: Ok. So then you began the escort back to the shift office?

Samuel Wahleithner: Yes.

Detective Ryan: Ok. So tell me about that walk.

Samuel Wahleithner: Uh, we were walking, and he kept asking us if we think he'd end up going to the hole because he fell asleep and we said we don't know, we were going to bring him down to the shift and the lieutenant was going to decide that. And, when I got to the shift office, they had 'im up, putting it against the wall, just to face the

wall until they're ready from the shift office. And at that time, Sergeant Johnson instructed me to go back out to the trailers and conduct a picture card count again.

Detective Ryan: Ok.

Samuel Wahleithner: I did notice when we got to the shift hallway, he had two little spots of blood on the back of his collar.

Detective Ryan: Ok. Were you guys asking questions of the offender as you were walking with him, or was he initiating all the conversation?

Samuel Wahleithner: I think Maynard was talking to him, but I was just walking.

Detective Ryan: Ok. Did you touch the offender at all?

Samuel Wahleithner: I, when escorting I touched him underneath his left—by his left elbow.

Detective Ryan: Ok. And when you arrived at the shift office did you stay for any questioning?

Samuel Wahleithner: Um, no, I talked to Sergeant Johnson who told me to go back and count the EFV's again for picture card count.

Detective Ryan: So that immediate order occurred almost simultaneous to you arriving at the shift office with the offender?

Samuel Wahleithner: I got to the shift office, Swan came out and said "Ok, I'll take over from here", and gave him another pat-search real quick. And then, I walked toward the shift office, and so asked Johnson if I need to go do the trailer count again, and he told me and CO MacAfee to go count the trailers. And then I left and went to go count the trailers. When I left, um, the inmate was still in the hallway.

Detective Ryan: Did you conduct a pat-search of the offender?

Samuel Wahleithner: No.

Detective Ryan: At no time you searched him?

Samuel Wahleithner: At no time I searched him.

Detective Ryan: Did you observe a pat-search of the offender?

Samuel Wahleithner: Yes.

Detective Ryan: Was anything located?

Samuel Wahleithner: Nothing at the time.

Detective Ryan: So then you went out to the trailers, conducted formal picture card count, returned back to the sh—to the shift office?

Samuel Wahleithner: Yep.

Detective Ryan: And the offender was in the hallway?

Samuel Wahleithner: No. (Stammers), when I went back to the trailer count, by the time I got back, he had already went to segregation. And I had heard nothing more about the incident, uh, except I was told to write an incident report about conducting a picture card count.

Detective Ryan: Ok. And at that point, are you getting close to 10 o'clock?

Samuel Wahleithner: Yeah, it's about 10:02 when I finish and turn my report in and walk out the doors.

Detective Ryan: And do you remember what time you got in your car to head home?

Samuel Wahleithner: 'Bout 10:05 because I had something after work planned.

Detective Ryan: And, when was your next day on?

Samuel Wahleithner: The next day on, was the next—the Sunday at 1330.

Detective Ryan: And did you have any contact with the offender that day?

Samuel Wahleithner: (unintelligible) the offender, um, no.

Detective Ryan: Did you enter the chapel for any reason?

Samuel Wahleithner: No.

Detective Ryan: At any point in this investigation have you entered the chapel?

Samuel Wahleithner: Uh, besides one step, no.

Detective Ryan: What do you mean, besi...

Samuel Wahleithner: Um, one, beside when I first came to the chapel, that one step I think I might have taken inside, that was the only time.

Detective Ryan: Ok.

Samuel Wahleithner: I've stayed away from it, since the entire investigation.

Detective Ryan: And have you handled any evidence?

Samuel Wahleithner: None.

Detective Ryan: Ok.

Officer Kornish: Ahem, when you did your picture card count of the trailers, did your picture card count come up correct?

Samuel Wahleithner: Yes, because the picture card count is the same process we do as a normal count at the chapel, where they show us their offender ID, and we match it based on who's supposed to be out there. It was basically the same count we had just done. And that's why I was asking if we have to go do it again, because we had just done one. Per policy we had to go do another count to make double-sure.

Officer Kornish: When, um, when you were with, uh, CO Fredricks and you were go-going to the PAB, and you said were at about the second gate when you heard Maynard say he found the, he found the offender, he found Scherf. Did he announce that over his radio or did you hear him verbally yell it?

Samuel Wahleithner: I heard him verbally announce it.

Officer Kornish: How long did it take you and-and CO Fredricks to get to Maynard?

Samuel Wahleithner: Uh, approximately two minutes?

Officer Kornish: Were you moving pretty quick, or did—you had to secure gates on the way back through?

Samuel Wahleithner: We had to—there, we have gates where you have to lock, uh, manually unlock them, then turn around, then re-lock them. And we did those two gates, we were going over them make sure.

Officer Kornish: And you said when you got there, uh, Scherf was outside the chapel building itself, in that little—was he, uh, in the gated area?

Samuel Wahleithner: He was inside the area between the chapel doors and the metal gate that connects to the breezeway.

Officer Kornish: Ok. Did Maynard say anything to you of where he found him, or anything about his actual first contact with him?

Samuel Wahleithner: Uh, not that I remember Maynard saying anything, but, I remember Scherf saying he was sitting there in the foyer waiting for us.

Officer Kornish: And when you got there you said that the, the initial doors to the chapel building were open?

Samuel Wahleithner: One door was open I think Maynard was inside looking down the hallway toward the the library office buildings, and then came back out and let the door close behind him.

Officer Kornish: And where was Scherf at that time?

Samuel Wahleithner: He was outside close to the metal gate. Outside of the chapel.

Officer Kornish: And then you walked up to the doors to make sure that they were secured?

Samuel Wahleithner: After he had been pat-searched, right before we were about to leave.

Officer Kornish: And Scherf said he was in the ch—uh, in the chair in the foyer, waiting for you guys?

Samuel Wahleithner: Yeah, he was, he was waiting for use to notice when we stopped by, or waiting by the door, by the camera, because he was trying to get our attention to get out.

Officer Kornish: How many times did you walk past the chapel building between 2040 and when you found Scherf?

Samuel Wahleithner: Um, once to go out there to do the EFV count and then we walked past it, to see CO Fred and ask her what was going on.

Officer Kornish: Were you with Maynard?

Samuel Wahleithner: Yes I was.

Officer Kornish: Were you talking with Maynard, were you guys, you know, shootin' the crap...

Samuel Wahleithner: Yeah, we were, were...

Officer Kornish: ...back and forth?

Samuel Wahleithner: ...talking about the weekend and I had my, uh, umbrella on, and I had it close because it was raining pretty good that night.

Officer Kornish: Were you guys whispering to each other, or just talking normal?

Samuel Wahleithner: Just talking normal.

Officer Kornish: Did you, anyone—did you or anyone, uh, that was there, Maynard or Fredricks, ask Scherf why he didn't try to get your guys' attention?

Samuel Wahleithner: No.

Officer Kornish: Did he say anything else, uh, to you guys that you can remember?

Samuel Wahleithner: Uh, that he had fallen asleep and—on one of the, uh, pews, or something in the chapel, and that he'd woken up, and—just a few minutes ago, and was trying to get our attention to come out. And he knew there was a camera in the foyer, because he knew—he said, he knew there was a camera in the foyer, because he said "I was gonna start waving at the camera so people, you know, would find me".

Detective Ryan: Did he mention anything about escape?

Samuel Wahleithner: No.

Detective Ryan: Did he mention anything about getting beat up by Mexicans?

Samuel Wahleithner: No.

Detective Ryan: Did he mention anything about falling down on the track?

Samuel Wahleithner: No.

Detective Ryan: Did he complain of any injuries?

Transcribed by Macy Haverly
Customer Service Specialist/Monroe PD

000422

Samuel Wahleithner: None.

Detective Ryan: Did he say that he'd been in a fight?

Samuel Wahleithner: No.

Officer Kornish: Did you, Maynard, or Fredricks have to get physical with him to restrain him?

Samuel Wahleithner: No, he was 100 percent compliant. And patient while we put the cuffs on him, even though they were too large, so he just held his hands behind his back, kinda tucked underneath his coat a little bit, as they cuffed him.

Officer Kornish: Did you—did he fall down on your way to, to the shift office?

Samuel Wahleithner: No.

Officer Kornish: Did you—did he run into anything, gates, fences, anything like that on the way to the shift office?

Samuel Wahleithner: No. I do believe as we were going past, because, the turnstiles at Tower 9—I don't know who opened the door, I can't even remember, but I think somebody opened up the area where we can let like, equipment go through. I think somebody opened up that so we didn't even have to take him through the turnstile.

Officer Kornish: So I understand that there is one turnstile as if—as if I'm in the breezeway facing Tower 9, there's one turnstile on the right, there's one on the left, and there's a, a gate, a large gate that opens up that you can physically move large equipment through?

Samuel Wahleithner: Yes.

Officer Kornish: That gate was open?

Samuel Wahleithner: I think somebody opened that, I can't remember who did that.

Detective Ryan: Did you know the offender prior to this?

Samuel Wahleithner: I had seen him once or twice in the yard, but I had no knowledge of him.

Detective Ryan: What does he do in the yard when you've seen him?

Samuel Wahleithner: Uh, he usually walks around.

Detective Ryan: Have you seen him run?

Samuel Wahleithner: We have so many people that run, that I—I don't remember everyone who does.

Detective Ryan: Are you aware of inmates, larger inmates, having problems with their shirts rubbing on their chests, causing bleeding from their nipples?

Samuel Wahleithner: I'm not aware of that?

Detective Ryan: Ok.

Officer Kornish: Are you familiar with what uh products are sold at the store—in the inmate store?

Samuel Wahleithner: Not a hundred percent.

Officer Kornish: Would it, to the best of your knowledge, would it be ok for inmates to have, uh, packets of like, A&D ointment, or over-the-counter creams in their cells?

Samuel Wahleithner: I'm not too familiar with the store to know that.

Officer Kornish: Do you know if it's ok for inmates to have shoelaces in their cells?

Samuel Wahleithner: Yes, because they have, um, not state-issue sh-shoes, all state-issue shoes are Velcro, and I know they still allow personal shoes and shoelaces.

Officer Kornish: Is there a limit, to your knowledge, of how many shoelaces they can have?

Samuel Wahleithner: I have no idea of the limit.

Detective Ryan: Can you think of anything else that might assist our criminal investigation?

Samuel Wahleithner: Um.....I'm trying to think right now.....he kept, hiding in the shadows, like he didn't want to be seen in the full light. Then he had his coat tightly wrapped around him. And that he was a hundred percent compliant, so he wouldn't raise suspicion. That he'd (unintelligible) said "I wanna go back to my house, I'm

trying to be--make this process as easy as possible" He never said that, but that's the feeling that I got that he just wanted to go back to his house. And not get in trouble for the incident. Which we thought was falling asleep in the chapel.

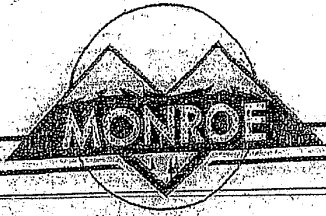
Officer Kornish: Do you think Scherf—did it appear to you that he w-was doing everything he possibly could just to get out the situ—to get out of that area?

Samuel Wahleithner: Yes, he was. 'Cause when we said—w—he started walking toward the base of Tower 9 before we were even ready. And he immediately just started walking quickly toward the shift office. I—we usually we hold 'em to wait until the, the medal gate can be secured, but he had walked quickly. To the, you know, going back toward the shift office.

Officer Kornish: All right Samuel, if you would, if you would print your first and last name here. And then read "I", your name, the rest of this sentence, and then sign the bottom.

Samuel Wahleithner: K....I, Sam Wahleithner, declare that the facts stated on this tape are true and correct to the best of my knowledge. Signed and dated 2/16/11.

Officer Kornish: Thank you sir. This ends our interview with Samuel Wahleithner. The date, 2/16/2011, the time is 1836 hours.



City of Monroe

Police Department

Taped Interview Review Form

On 2-17-2011 I reviewed the audio recording and transcription for an interview.
Date

conducted with SAMUEL WAHLEITHNER on 2-16-2011.
Subject's Name Date

The transcription is a true and accurate record of that interview.

PAUL RYAN
Officer's Name Printed

Paul Ryan
Officer's Signature

2-17-2011
Date

INTERVIEW "B"

Detective Ryan: This is Detective Ryan of the Monroe Police Department. This is a continuation of the interview with Samuel Wahleithner. Sam, do you, do you consent to this audio recording?

Samuel Wahleithner: Yes I do.

Detective Ryan: Ok. You understand that we're recording our conversation currently?

Samuel Wahleithner: Yes I do.

Detective Ryan: And the date is February 16, 2011, time is 1837 hours. And Officer Scott Kornish, can you just identify yourself?

Officer Kornish: Officer Scott Kornish, Monroe Police.

Detective Ryan: Sam, you had mentioned that, uh, you heard a radio transmission? Can you just detail that?

Samuel Wahleithner: At about 8:35 I heard somebody key their mic for a second, and some kind of noise in the background. And then a second later, it was done. I didn't think of anything of it at the time because multiple people do that, you know, periodically through the day. And, usually sometimes we'll hear that right before somebody hits emergency tone button. And since there was no tones being called afterwards we didn't think anything of it, and even if I wanted to find out who it was, there's so many radios over the entire institution that it could have been anybody who did that, we had no knowledge of any way of finding that.

Detective Ryan: And can you describe what you heard?

Samuel Wahleithner: It was a...it came something like, it was just dead air for a minute and then it sounded like a muffled woman's voice.

Detective Ryan: And did you describe your observations to any other correctional officers?

Samuel Wahleithner: I told CO Maynard after the call—after the radio went silent again, that I wonder what that was. And I continued with my yard security check.

Detective Ryan: Ok.

Officer Kornish: Did CO Maynard acknowledge that he had heard it as well?

Samuel Wahleithner: I am not aware if he acknowledged it.

Detective Ryan: Ok, Sam, do you swear under penalty of perjury, under the laws of the state of Washington that what you just talked to us about is true and correct?

Samuel Wahleithner: Yes.

Detective Ryan: Ok. The current time is 1839 hours, and that concludes this statement.



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 06-032-11-3107
06-031-11-3107 Date of Interview: 6/23/11

Name and Title of Interviewee: Brenda Fredricks

☒ As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

☒ I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

☒ **For DOC Employees**
Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

Brenda Fredricks
Interviewee Signature

6-23-11
Date

Jennifer Pivkula
Investigator Signature
Jennifer Pivkula

6/23/11
Date

INTERVIEW SUMMARY

Case Number: 06-031-11-3107
Interviewee Name: Brenda Fredricks, Correctional Officer 2
Investigator Name: Jennifer Piukku
Interview Date: 6-23-2011
Interview Location: Monroe Correctional Complex/Superintendent's Conf. Room
(Washington State Reformatory Unit, WSRU)

Also present during the interview: Teamsters Shop Steward, Shane Zey and HQ Investigator Tim Birley.

Correctional Officer (C/O) Brenda Fredricks was advised that she was the subject of an investigation where it is alleged that on January 29th, 2011, she failed to do a complete search of the PAB (program & activities building) before declaring it clear.

Officer Fredricks was presented with the Witness Acknowledgment Form; she indicated she understood the document and signed the form.

Officer Fredricks is a Correctional Officer 2 at the Washington State Reformatory (WSR) at the Monroe Correctional Complex (MCC). Her primary job responsibility is custody at MCC-WSR. Officer Fredricks has worked for the Department of Corrections (DOC) since 5-12-92 (19 years). She is currently the Gate 7 officer and responsible for offender workers accessing the industry buildings located behind/through Gate 7.

On January 29th, 2011, Officer Fredricks worked an overtime post in the PAB on third shift from 1:30 p.m. to 10:00 p.m. Her radio call sign that evening was King-235.

Q1: Were you familiar with the duties of the PAB post on 1/29/11?

Officer Fredricks explained she is the five day a week Gate 7 officer and had worked the PAB "maybe twice" since 1992. She was asked how she knew the procedures to secure the PAB building and she stated, "They are all pretty much ran the same way...I am trained to do it," referring to closing/securing a post at the end of shift and conducting a building search.

Q: Did you read or sign the PAB post orders on 1/29/11? At any other time?

Officer Fredricks stated, "No."

Q: During the Critical Incident Review (CIR) interview, it was reported that you said you did not search several rooms in the PAB because they were "dark" and you were "nervous thinking an inmate would jump out at you"; do you remember making this statement?

Officer Fredricks stated, "Well...yes, but I was talking about rooms that we didn't use—offenders weren't able to access those rooms, so why would I search them? I don't think

I even had keys to those rooms. This is what happened... I started searching the building; yes I was a little scared... I was creeping a long and talking to myself, saying stuff like, "I hope no one is hiding in here" as I searched the rooms. The lights are off and no one is with me, so yeah, I was a little scared. The area is U-shaped, so you have to start at one end and go all the way to the other. The law library is a little creepy... you have to go in back of the room and there are books piled up and it's dark because the offenders shut the lights out when they leave. There are rooms in the back that are not used. I didn't look in those or search those because no one had access to them. Those are the rooms I was probably talking about."

Officer Fredricks was asked if during her security inspection or the securing of the PAB on 1/29/11, if she tried the door handles on all the rooms in the building; Officer Fredricks said, "Just the rooms that were used... I don't think I even had keys to those rooms in the back. If I didn't let anyone in those rooms, then why or how could an offender be in there? We don't use them."

On 7/11/11, Via Outlook, Officer Fredricks clarified her statement response and wanted to add the following:

When it says I was scared I meant a little nervous and cautious. The lights are on in the Law Library but it is still dark in the back where there are very tall book cases, not books, piled high.

Q: As the PAB officer, what did you do when 2030 hrs recall was announced on 1/29/11?

Officer Fredricks explained that "recall" meant the offenders in the PAB had to return to their housing unit for count. She stated that when recall was announced, the offenders began exiting the PAB. She indicated that once she believed the last of the offenders had left the PAB, she completed a walk-through of the building to make sure it was empty. Officer Fredricks described the floor plan in the PAB as "U-shaped." She stated that she began her security check at one end of the building and looked in the rooms/offices to ensure there were no offenders left in the building. She recalled during her security check that evening, she had been "creeping along" because the building was dark. She described the law library as "a little scary" due to the offenders shutting off the lights when they left the area. She stated that the law library has books piled up and there are dark places where an offender could hide if they wanted. She recalled that as she "crept" along she had been talking to herself aloud, saying things like, "I hope no one is hiding in here..." Officer Fredricks stated, "I was saying that because I didn't know if an offender was hiding in the building or not... yes, I was a little scared... I was alone and not used to this building. I was a little nervous being in the dark and being alone."

Officer Fredricks recalled there were rooms "in the back area" of the PAB, near the law library, that she did not search due to the fact that "they aren't used." She said, "I don't think I even had keys to those rooms. I probably couldn't have checked them even if I had wanted to." She said that since she didn't open/unlock those rooms for any offenders to use on 1/29/11, that she didn't think she had to search those areas since they weren't accessible to offenders.

Officer Fredricks recalled at the completion of her walk-through, she contacted Tower 9 via radio and made notification the PAB was clear of all offenders. Officer Fredricks stated she secured the front entry to the PAB and exited the building.

On 7/11/11: Via Outlook, Officer Fredricks clarified her statement response and wanted to add the following;

When I say creeping along what I mean is walking cautiously. Also when you are not familiar with these rooms you must find the light switch to turn it on. Also I was not talking aloud; it was more like thoughts and some mumbling to myself. Also when I was referring to the rooms in the back area they are not the Offices next to the Law Library they are where the Offices down the hall farther where the Grievance Corr. Office is and her secretary's office are.

Q: Aside from the "back rooms" by the law library that you mentioned, were there any other rooms/areas you did not search or enter?

Officer Fredricks stated, "Just those back rooms that we don't use. I looked in all the other offices and rooms in the PAB."

Q: Did you try the door handles on the "back rooms" to see if they were locked?

Officer Fredricks stated, "No... we don't use those rooms."

Q: You mentioned being "nervous" and "a little scared" when you searched the PAB on 1/29/11, did you ever think to call for assistance from an available R&M (response and movement officer)?

Officer Fredricks stated, "I never thought about that. I guess I could have."

Q: On 1/29/11, how long did it take you to complete a walk-through and secure the PAB for the night?

Officer Fredricks estimated from start to finish that it took her about five minutes to check all the rooms/offices in the PAB. She stated she wasn't entirely sure how long it typically took the regular 5 day a week officer who completes this task on a daily basis. She reiterated this was only her 2nd time in 19 years working the PAB post. She stated, "Five minutes would be sufficient I would think, it's not a very big area. I started at 2030 hrs when recall was announced and was probably done five minutes later."

Officer Fredricks was informed that the radio transmissions on 1/29/11 were reviewed; recall was initiated at 2030 hrs and she was a radio call to Tower 9 at 2035 hrs declaring the PAB was clear and secure.

Q: Do you remember if you conducted the PAB walk-through/security check during recall (2030 hrs) in a fast, slow, or regular pace?

Officer Fredricks stated, "I think I did it fairly fast, but thorough. I checked all the areas I was supposed to check. I went into all the rooms that were in use."

Q: Did you search the PAB thoroughly in 5 five minutes?

Officer Fredricks stated, "I feel I did."

Q: Earlier you described that you were "creeping along" as you conducted a security check of the PAB; does that mean you walked in a slow manner?
Officer Fredricks described "creeping" as talking aloud and walking cautiously. She stated, "I think I walked a fairly normal pace."

On 7/11/11: Via Outlook, Officer Fredricks clarified her statement response and wanted to add the following:

I was not talking aloud.

Q: At some point in the evening after you secured the PAB, you were directed to search for a missing offender; what can you tell me about this?

Officer Fredricks stated, "After I locked up the PAB, Sgt. Johnson asked me to run and get paperwork for him at SOC (Special Offender Center). I came back from running the errand and noticed a few officers were running around. Something just didn't seem right, so I poked my head in the shift office and asked what was going on. I overheard that Offender Scherf was missing out of "A" unit. I heard Johnson say that we needed to check the PAB and the chapel, so I headed that way. I wasn't even sure if I had the chapel keys. I wasn't thinking that far ahead. When I got to the turnstile, I saw Officers "Wally" (Wahleithner) and Maynard near the sweat lodge and they were walking towards me. I hollered out to them that we needed to check the PAB and the chapel because we were missing an offender at count."

Officer Fredricks noted when she met up with Maynard and Wally, they were on the breezeway near where it intersects with the PAB walkway. Officer Fredricks recalled she had a short discussion with Wally and Maynard; she stated that Officer "Wally" decided to accompany her to the PAB as Officer Maynard headed back towards the chapel.

Q: Do you remember any other conversation you may have had with Officers Wally and Maynard?

Officer Fredricks recalled she told Wally and Maynard that she was on her way to the PAB and then Wally started to walk with her. She recalled that Officer Maynard turned around and headed back towards the chapel.

On 7/11/11: Via Outlook, Officer Fredricks clarified her statement response and wanted to add the following:

When I met up with the two Officers I explained to them what was going on with I/M Scherf missing. I also told them I was in route to either the PAB and or the Chapel, not just the PAB.

Q: Was there any conversation between you and Officer "Wally" when you started walking to the PAB?

Officer Fredricks stated, "Not really... we were mainly concerned with getting through the gates. I don't know why Wally went with me, he just did. I don't recall having any conversation with him."

Q: Did you tell Officer Wahleithner or Officer Maynard that you might have locked an offender or Offender Scherf in the PAB?

Officer Fredricks stated, "No... is that what's being said? No, I never said that... I wouldn't have said that because I knew Scherf hadn't been in the PAB that night. Why would I lock someone in there? That doesn't make any sense."

On 7/11/11: Via Outlook, Officer Fredricks clarified her statement response and wanted to add the following:

I did not say Scherf was not in the PAB that night cause I don't recall if he had been there or not. Also no one asked if In (I) had checked these rooms or doors early in my shift. I did do some walk throughs.

Q: Do you think you fulfilled the responsibilities of the PAB officer on 1/29/11 to the best of your abilities?

Officer Fredricks stated, "Yes. I searched all the rooms that offenders had access to. I think I did everything that was expected of me."

Q: Do you have anything else to add or think we should know about?

Officer Fredricks expressed disbelief that anyone is saying that she told them she may have locked an offender in the PAB.

Officer Fredricks was advised not to discuss this matter with anyone other than a Union representative, spouse, domestic partner, attorney or anyone she is engaged in a legally privileged relationship as this is an active and ongoing DOC investigation. I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature: Brenda Fredricks
13-11

Date: 7-



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 06-031-11-3107
06-032-11-3107 Date of Interview: 6.29.11

Name and Title of Interviewee: Charles Maynard

As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees

Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

Interviewee Signature

Date

6/29/11

Investigator Signature

Date

6/29/11

Jennifer Piukkula

INTERVIEW SUMMARY

Case Number: 06-031-11-3107
Interviewee Name: Charles Maynard, Correctional Officer 2
Investigator Name: Jennifer Piukkula
Interview Date: 6-29-2011
Interview Location: Monroe Correctional Complex/ Superintendent's Conf. Room
(Washington State Reformatory Unit; WSRU)

Also present during the interview: Teamsters Business Representative, Sarena Davis and HQ Investigator Tim Birley.

Correctional Officer Maynard was advised that he was identified as a potential witness in an investigation pertaining to an allegation that Officer Brenda Fredricks failed to do a complete search of the PAB (Program and Activities Building) on January 29th, 2011 before declaring it clear.

Officer Maynard was presented with the Witness Acknowledgment Form; he indicated that he understood the document and signed the form. This interview was not recorded.

Officer Maynard is a Correctional Officer 2 at the WSR in the Monroe Correctional Complex (MCC). He is currently assigned as a yard officer at WSR on third watch from 2:00 p.m. to 10:00 p.m. Officer Maynard has worked for the Department of Corrections (DOC) since 8-9-99.

On January 29th, 2011, Officer Maynard was assigned as a yard officer at WSR with a call sign of King-239.

Q: On 1/29/11, did you hear Officer Fredricks mention anything about possibly locking an offender in the PAB (programs and activities building)?

Officer Maynard stated, "Yes. Officer Wahleithner and I were walking back from conducting EFV (extended family visiting) count and we met up with her (Fredricks) on the breezeway. She said an offender was locked in the PAB and it was possibly Scherf." Officer Maynard added, "She said that offenders have been locked out there before" referring to the PAB.

Q: Did she say why she thought that?

Officer Maynard stated, "No."

Q: Why did Officer Wahleithner go with Officer Fredricks to the PAB?

Officer Maynard stated, "I sent him with her because she is more vulnerable."

Q: Was there any other discussion about an offender possibly being locked in the PAB?

Officer Maynard stated, "No." He recalled he then turned and started walking towards the chapel as Officers Fredricks and Wahleithner walked towards the PAB.

Q: Do you have anything you would like to add or think we should know about?

Officer Maynard stated, "No."

Officer Maynard was advised not to discuss this matter with anyone other than a Union representative, spouse, domestic partner, attorney or anyone he is engaged in a legally privileged relationship as this is an active and ongoing DOC investigation.

I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature: Did Not Respond

Date: _____



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 00-031/032-11-3107 Date of Interview: 6/29/11

Name and Title of Interviewee: Samuel Wohlerthner

As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees

Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

Samuel Wohlerthner Wohlerthner, Sam 6/29/11
Interviewee Signature Date

Jennifer Pinkula 6/29/11
Investigator Signature Date
Jennifer Pinkula

INTERVIEW SUMMARY

Case Number: 06-031-11-3107

Interviewee Name: Samuel Wahleithner, Correctional Officer 2

Investigator Name: Jennifer Plukkula

Interview Date: 6-29-2011

Interview Location: Monroe Correctional Complex (MCC)/Superintendent's Conf. Room
(Washington State Reformatory Unit; WSRU)

Also present during the interview: Teamsters Business Representative, Sarena Davis
and HQ Investigator Tim Birley.

Correctional Officer Samuel Wahleithner was advised that he was identified as a potential witness in an investigation pertaining to an allegation that Officer Brenda Fredricks failed to do a complete search of the PAB (Program and Activities Building) on January 29th, 2011 before declaring it clear.

Officer Wahleithner was presented with the Witness Acknowledgment Form; he indicated that he understood the document and signed the form. This interview was not recorded.

Officer Wahleithner is a Correctional Officer 2 at the Washington State Reformatory (WSR) in the Monroe Correctional Complex (MCC). He is currently assigned to third watch (2:00 p.m. to 10:00 p.m.) three days a week as the yard officer and two days a week in Tower 5. Officer Wahleithner has worked for the Department of Corrections (DOC) since 12-05-08. On 1/29/11, Officer Wahleithner was assigned as a yard officer at WSR; his radio call sign was King-238. Officer Wahleithner is also known as "Officer Wally" by co-workers.

Q: During an interview on 5/25/11, you indicated that Officer Fredricks told you she may have locked an offender in the PAB (program and activities building) on 1/29/11; can you tell us a little more about that?

Officer Wahleithner recalled on 1/29/11 he and Officer Maynard had just completed their EFV count (extended family visiting) and were walking down the breezeway towards Tower 9 when he noticed Officer Fredricks (aka "Fred") coming back through the turnstile and walking towards them. Officer Wahleithner stated, "We asked her what was going on and she told us that an offender was missing and she was on her way to the PAB and the chapel (SW). Fred (referring to Officer Fredricks) told us she thought she may have locked an inmate in the PAB."

Officer Wahleithner stated, "When Fred said she thought (she may have) SW locked the inmate in the PAB, I decided to go with her. I didn't have any keys at that point." Officer Wahleithner indicated he escorted Officer Fredricks to the PAB because if an offender

really was locked in the building, he wanted to provide extra presence along with Officer Fredricks.

Q: Do you recall if Officer Fredricks said she may have locked an offender in the PAB or if she specifically said she may have locked Offender Scherf in the PAB?

Officer Wahleithner specifically recalled that Officer Fredricks said, "I think I (may have) SW locked someone in the PAB."

Q: Was Officer Maynard present during this discussion?

Officer Wahleithner stated, "Yes, he was next to me during the conversation. It was a very short conversation."

Q: Do you remember what Officer Maynard's response was?

Officer Wahleithner recalled that Officer Maynard said, "Okay...I'll go search the chapel" as he turned around and headed in that direction.

Q: Did you and Officer Fredricks have any further discussion as you two walked to the PAB?

Officer Wahleithner couldn't recall the specifics of what he and Officer Fredricks may have discussed on their way to the PAB. He recalled they had to go through two gates to get to the PAB. He indicated that when they were going through the second gate, Officer Maynard yelled out that he found the offender at the chapel. Officer Wahleithner recalled he and Officer Fredricks then changed course and went back through the two gates and headed towards the chapel to assist Officer Maynard.

Q: Is there anything else you would like to add or think we should know about pertaining to this investigation?

Officer Wahleithner stated, "No."

Officer Wahleithner was advised not to speak with anyone other than a Union representative, spouse, domestic partner, attorney or anyone he is engaged in a legally privileged relationship as this is an active and ongoing DOC investigation.

I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature: _____ Wahleithner, Sam _____ Date: 07/08/11 _____



INTERVIEW ACKNOWLEDGMENT

Case Identification Number: 04-024-11-3107/06-028-11-307 Date of Interview: June 30, 2011

Name and Title of Interviewee: Robert Withers II, Correctional Officer

As an interviewee, I have been informed of the circumstances under which the Department of Corrections releases information. By signing this form, I acknowledge that I have been informed that the information I provide, including my identity, may be subject to release by the Department pursuant to applicable collective bargaining agreements, RCW 42.56 the Public Records Act, Court Order, subpoena, and/or other legal authority.

I have been further advised that this is an ongoing and active investigation and that I may not discuss this investigation with anyone except a union representative, legal counsel, or person with whom I am in a legally privileged relationship.

For DOC Employees

Pursuant to DOC 850.010 Employee Investigations, I have been advised this interview is for internal administrative purposes only. I understand that refusing to cooperate with this investigation may result in me being disciplined for insubordination up to and including termination of employment. I acknowledge that I am being ordered to fully and honestly answer all relevant and material questions which relate to my official duties or fitness for duty. This interview is given pursuant to that order and the potential discipline that could result for failing to answer these questions.

[Signature]
Interviewee Signature

06/30/11
Date

[Signature]
Investigator Signature

06/30/2011
Date

INTERVIEW SUMMARY

Case Number: 04-024-11-3107/06-028-11-3107/06-031-11-3107
Interviewee Name: Robert Witherell, Correctional Officer
Investigator Name: Tim Birley
Interview Date: June 30, 2011 @ 1400 hrs.
Interview Location: Monroe Correctional Complex Human Resources Conf. Room

Correctional Officer Robert Witherell was advised that that he was being interviewed today as someone who has been identified as a potential witness who may have information pertaining to the allegations of three separate investigations. The reason for this format is that Officer Witherell's previous assignment as a Relief Officer, included 1 day a week as the Programs Activities Building (PAB) Officer, 2 days a week as the Tower 9 Officer, and 2 days a week as a Response and Movement Officer(R&M) at the Washington State Reformatory (WSR).

Officer Witherell was presented with the Interview Acknowledgment Form. Officer Witherell indicated that he understood the document and signed the form.

Officer Witherell has been with the Department of Corrections since November 27, 2006 and is currently an Annual Relief (A/L) Officer with Friday and Saturday on Third Shift at WSR.

1. When you work the 1 day (Sunday) in the PAB (Program Activities Building), how long does it take you to clear, search and secure the PAB at the 2030 recall?

RW - I'll tell that my practice when I worked there was that when there is a room that was not being used, I would clear and lock that room prior to recall. It depends on how many programs I had that day, but it would take normally 5 to 10 minutes to clear the building. If I had more rooms to search, it might take a little longer. Prior to January 29, 2011, it was me and myself that would clear the building. I would keep a pretty close count on the inmates that I had out there. If I only had law Library, I might only have up to 7 inmates out there. The band room would also have inmates in it. After Jan. 29, 2011, the band room has been closed. Going back prior to Jan. 29th, there were several doors that needed to be locked up. Again, my practice was to secure the rooms that were not in use prior to 2030 recall. This way the rooms were locked and inmates could not go back into them, so this would leave me with possibly 2 or 3 rooms plus the band room that needed to be checked after recall. The offenders would congregate at the front door a few minutes prior to recall being announced. The offenders knew when it was time to make their way out.

I would hold all my sponsors at the door until all the inmates have cleared the breezeway, so that no inmates were not on the breezeway mixed in with the sponsors. I would then go back in the PAB and conduct another sweep of the rooms to ensure they were all cleared and secured and that lights were out. I would call Tower 9 on the radio and clear the PAB with him. My call to Tower 9 would roughly take place at approximately 2040 hrs. For the most part on Sundays, I would have AA (Alcoholics Anonymous), Hispanic Cultural Awareness, and a new group called Hope for Freedom,

a Russian Bible Study Group. A lot of these guys would leave at the 1950 movement because of Pill Line and also this would give them time to return to the units and shower before they were locked in their cells at night.

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- 2. After the 2030 recall is announced, do all the rooms get checked in the PAB? Checked meaning cleared and secured.**

RW — Before I secure the building, I would walk through and make sure every room was clear. Again the rooms may be secured prior to recall, but I would ensure all the rooms were secured and the lights were off.

- 3. Are there any rooms in the PAB that do not get checked after 2030 recall?**

RW — There are rooms on the left side of the hall that the PAB Officer does not have keys for. They are the Hearings Officer, Evidence Room, and the Chemical Dependency Counselor. I always check to make sure they are locked during my sweep. I have never found one of these rooms open. If I did it would be odd. That would mean that there were 3 shifts before me that didn't catch it.

- 4. Do you recall when you worked Tower 9, who the Officer was that you worked with in the Chapel?**

RW — On Mondays it would be Officer Randell Yates and On Tuesdays it was Jayme (Biendl). That whole thing took a lot to get used to for me. When we used to get breaks, the Chapel Officer would take their break and then break the tower 9 Officer. She (Biendl) was the one who would give me my break on Tuesdays. We used to chat it up quite a bit.

- 5. Describe to me how Officer Yates would clear the Chapel on Mondays at 2030 recall.**

RW — There is so much movement that is going during 2030 recall, it is hard to pay attention to it all. When Yates would clear the Chapel, more often than not, he would have the offenders at the Chapel gate and when recall was announced, send them out. The view of the Chapel gate from Tower 9 is really clear. It is very hard to see who is standing there. You can see figures of people and can really only tell by the color of clothing. At 2030 recall, especially during the winter months, it is dark and not well lit in that area.

(Investigative Note) A picture of the Chapel area was shown to Officer Witherell. The picture shows the view of the front of the chapel area from Tower 9.

RW — The picture you have shows the front of the Chapel area. You can see that it is very difficult to see who is standing in that area between the front doors and the gate. During the winter, you see a bunch of people in light clothes and one person in darker clothes. It is also really difficult to see through the chain link fence from the Tower (9) due to the angle of the fence. You are looking through at least two separate fences. It is really difficult to see if this area is clear. Yates would stand with the offenders and send them out and then wait for the offenders to clear the breezeway before he sent his sponsors out.

6. Did Officer Yates call you on the radio once the offenders were cleared out?

RW – I can't say to any given night, but all the area would call and clear. My practice was to make sure the areas were clear. The Chapel said that they were clear. Education said they cleared, and the outlining areas all cleared and to make sure the breezeway was clear of all offenders. I made sure Zone 3 was cleared all the way to the turnstiles below Tower 9. That is all of Zone 3. I consider everything beyond this point to Gate 7, Zone 3. More times than not, Yates would call on the radio. Not everyone is perfect. If the Breezeway was clear of offenders and I have not heard from the Chapel, I would call them on the radio. Sometimes the Zone 3 R&M would call them, but that is very few. There are only 2 or 3 that would actually call an area to see if they are clear. Other R&M's would see that there are no offenders on the breezeway and call it clear without knowing.

7. Did Officer Biendl have a similar routine for clearing the Chapel?

RW – Pretty much, yes. When Jayme was in there she did kind of the same thing. She is out of here at 2100 hrs and would have the offenders ready to go. The thing that she usually did was stand out beyond the gate so that she was more visible during movement. Once the offenders left she would usually go back in the building for 5 or 10 minutes. She would radio to Tower 9 that the Chapel was clear of offenders and secured and then I would see her walk out. A practice of mine and I am not sure if it is in the post orders for Tower 9, but my personal practice was...to make myself feel better every day, was to watch the PAB Officer come out and watch the Chapel Officer come out. I had to make sure what staff I had out beyond the turnstiles because when I close the Tower, the staff will be locked out there and they don't have [REDACTED].

8. Did the areas notify you the number of offenders in certain buildings?

RW – the areas would call in their numbers at each movement. I don't know how Jayme kept track or count, if it was in her head or what, but with smaller numbers, I would keep track. For instance, if the Chapel called and she said that she had 11 offenders then at recall I would pay attention to the offenders and make sure I counted 11 coming out. With larger groups it was harder to do. For Tower 9 to keep track of large numbers it was almost impossible.

9. The days that you worked as an R&M, Wednesdays and Thursdays, did you work with Officer David Young?

RW – Yes. He was an R&M.

10. Have you ever noticed Officer Young not in his assigned zone of control and have you ever reported it to Shift Sgt. Christopher Johnson?

RW – I have heard individuals really pushing the fact that Mr. Young was not where he was supposed to be that evening (January 29, 2011) because it was my day off. Honestly, I am kind of shocked that it took this long for someone to talk with. You are the first person to talk to be about any of this. He has been reassigned for a long time. I can surely express my opinion on the matter.

(Investigative Note) Officer Witherell was advised that his opinion does matter, but here we need to know just the facts of the matter regarding if it was ever reported to Sgt. Johnson and was Sgt. Johnson ever made aware if Officer Young was outside his zone of control. Officer Witherell understood.

RW — I have never heard anybody saying if Young isn't doing this or doing that. There is always somebody not doing what they are supposed to be doing. The R&Ms at WSR get tasked out to do a lot of things. At the very least, I can say if Young was tasked out to do certain things, there may have been a lack of communication. Maybe he (Young) was supposed to be here doing something and he didn't tell anyone to cover his zone. I do know that I have had issues with Young, but they were more a personality conflict than a work conflict. I do know that if there were things that needed to be done, young would complain about them, but would get it done. Zone 3 is notorious for not having an R&M posted during movement. I am sure he wasn't in Zone 3 when he was supposed to be all the time. There are other R&Ms that are not posted where their supposed to be either. I have had people tell me that I am the only person that they see. People say that myself, Richardson (Galen), and French (Brian) are the only ones that they see that are where we are supposed to be. Even since January 29, 2011, it is like this. We had a huge wakeup call that night.

11. Do you recall if you ever reported your concerns to Sgt. Johnson about the R&Ms?

RW — Not in an official capacity, but I might have gone to him and asked where Young is. I haven't done that in an official capacity. I have made him aware informally (verbally) that Young was not somewhere or Swan (Jeffrey) was not somewhere. I was in the military and I have a strong belief in doing your job. It is not like we really have a hard job, but it is a stressful job. I am mentally exhausted not physically exhausted when I leave here. It is not that hard if you have to pat search every fifth inmate. It's not that hard.

12. What has been Sgt. Johnson's response when you have talked to him about it?

RW — It is hard to say. I can say that when the complaints first started about Officer Young, Johnson would say that he would talk to him about it, but this has gone on since about December up to the point Young was reassigned. Just before Young was reassigned, he (Johnson) was ready to "pop a cork" because people were always going to him about. I was just having a conversation about this before coming in here. My issues with the supervisors, to include the one we are talking about, are that they are afraid to take any disciplinary action on anybody here. They won't sit them down and draw up a letter of expectation and hold it for 60 days and then call them back in later and see if they have improved and then it goes away. I have had a lot of people tell me all the time that I should be a Sergeant. To me the 5 percent is not enough to take on those responsibilities. I know this state is in a crunch right now, but I think if there was more compensation for a sergeant, you would have better quality. A Sergeants duty should be along with supervising and corrective action is every Officer. I don't care how good you think you are, always has something that needs to be fixed or improved upon. You can always be better. There are some sergeants here that think their only job is to point out what we are doing wrong. That is not going to make an Officer feel appreciated. Too much praise is not good, but the opposite is not good either.

13. Have you ever talked or reported any concerns regarding Officer Young or Sgt. Johnson to any of the Lieutenants here at WSR?

RW — Like I said before, it is surprising that no one has talked to me before this. It has been so long ago and Young had been reassigned. I can say that after January 29th, Young was a better Officer. I think that is because he knew people were watching him closely. I don't know how he has been since he has been reassigned. I know people were saying that he was doing his job after January 29th, but it was because he was being watched. I do believe prior to January 29, 2011 that the whole R&M system was broke. That is one of the reasons I have a new job. The 2 days that I was an R&M, I hated it. It seemed that I was the only one doing my job. That's why I can't remember complaining about just one individual because it was everyone. The only exception was when I worked with Officer French at least I had someone to share the workload with. Any other day you would get a call for an available R&M on the radio and it would be "Crickets" or silence.

14. Did you ever see Shift Sgt. Johnson out observing the R&Ms and out observing movements and mainline?

RW — I think it is a mandate that he get out and stand mainline. I think that is post January 29th. Pre January 29th, it was very sporadic. One of the things Sgt. Johnson would say was that he could never get out from behind his desk. One time he mentioned to me that he wished he could get out from behind his desk, but that is Sergeant's business and I didn't pay too much attention to it. I don't know what all he does that prevents that from happening. Hey have a lot on their plate. Maybe Washington State should incorporate a Corporal position. Make all the R&M positions a promotable position to Corporal. You would end up with a position that you have to promote into and you would end up with more quality in the position.

15. Is there anything that I have not asked or that we have not talked about that you would like to add?

RW — I knew Sgt. Johnson when he was an R&M here and I don't know if he and the Lieutenant "buted heads" or what, but Sgt. Johnson seemed a lot more stressed in the Shift Sgt. position than I ever saw him before. I know that he is less stressed now in his current position because I have talked to him about it. I don't know if it is the individual or the job or all of the above. I think it takes a special person to do that job. Again, I want to say that I don't know why it took so long for someone to talk with me about all this.

That is all the questions I have for you at this time and this will end our interview. Please remember this is an ongoing investigation and please do not discuss this with anyone outside that you do not have a privileged legal relationship with. I will type your statement and e-mail it to you to read over for accuracy. Officer Witherell was thanked for taking his time to talk with me today. This concludes the interview.

I attest the above statements are true and accurate to the best of my knowledge.

Interviewee Signature: _____

Date: _____

MCC-WSRU Radio Transmissions on 1-29-11

King-241 to King-409, 2 sponsors enroute (00:02) (equates to 8:10)

K409 (acknowledges) (00:07) (equates to 8:10)

King 230 to WSR Base, Tower secure (05:35) (equates to 8:15)

WSR Base (acknowledging) 2015 hrs. (05:42) (equates to 8:15)

King-237 to King-409, one from the field-house to his unit; work complete (06:25) (equates to 8:16)

K409 (acknowledges) (06:30) (equates to 8:16)

King-223 to King-410 (09:24) (equates to 8:19)

King-223 to King-410 (09:41) (equates to 8:19)

King-410 (09:44) (equates to 8:19)

K-223, when available call x2920 (09:49) (equates to 8:19)

King-410 received (09:54) (equates to 8:19)

Paul-572 to WSR Base, all concerned towers; 1 staff clear outer perimeter/TMU (10:11) (equates to 8:20)

WSR Base received at 2019 hrs (10:21) (equates to 8:20)

WSR Base to all portables, recall in progress; 2030 hrs. (20:28) (equates to 8:30)

King-409 field house clear (22:17) (equates to 8:32)

King-409 (acknowledge) (22:20) (equates to 8:32)

~~**Hot Mic** no transmission (22:43-22:46) (equates to 8:32)~~

~~**Hot Mic** no transmission (23:03-23:05) (equates to 8:33)~~

King-400 to King-409, you guys clear of inmates/2 officers remain (23:46) (equates to 8:33)

King-409 (acknowledges) (23:53) (equates to 8:33)

King-235 to King-409; PAB is clear (25:34) (equates to 8:35)

King-409 (25:38) (equates to 8:35)

~~King-534 to K-409; Breezeway clear of offenders (26:50) (equates to 8:36)~~

King-409 (acknowledges) (26:57) (equates to 8:36)

King-250 to King-409; be advised V/R is not clear (27:01) (equates to 8:37)

King-409 (acknowledges) (27:07) (equates to 8:37)

King-202 to King-235 (27:54) (equates to 8:37)

King-235 (acknowledging K202) (27:59) (equates to 8:37)

Can you landline 2796? (K-202) (28:01) (equates to 8:38)

King-515 to King-409 (28:34) (equates to 8:38)

King-409 (acknowledge) (28:39) (equates to 8:38)

~~You're breezeway is clear (from K-515) (28:41) (equates to 2038 hrs)~~

King-409 (28:48) (equates to 8:38)

King-515 to King-511/521; A/B hallway entrance is clear (28:50) (equates to 8:38)

King-511 (acknowledging) (28:58) (equates to 8:38)

King-250 to King-515; you got 2 inmates enroute from the visiting room/break King-250 to K409; visiting room is clear and secure (29:03) (equates to 8:39)

King-409 (acknowledging) (29:12) (equates to 8:39)

King-515 (acknowledging) (29:15) (equates to 8:39)

King-220 to K531/K541; C/D entry hallway clear (29:17) (equates to 8:39)

King-531 (acknowledging) (29:24) (equates to 8:39)

King-223 to King-515 (33:03) (equates to 8:43)

King-515 (acknowledging) (33:07) (equates to 8:43)

Disregard (K223) (33:09) (equates to 8:43)

King-515 (acknowledging) (33:12) (equates to 8:43)

WSR Base to all WSR portables; yard-in at 2045 hrs (35:23) (equates to 8:45)

WSR Base to all concerned portables; count in progress 2100 hrs (50:25) (equates to 9:00)

King-223 to WSR Base/all concerned Towers; 2 staff on foot outer perimeter check WSR (53:06) (equates to 9:03)

WSR Base received 2102 hrs. (53:12) (equates to 9:03)

King-239 to WSR Base; 2 behind gate 7 for EFV count (53:53) (equates to 9:03)

WSR Base received @ 2103 hrs (53:59) (equates to 9:03)

King-221 to WSR Base; 2 officers past Gate 7 for fire watch (55:49) (equates to 9:05)

WSR Base received at 2105 hrs. (55:55) (equates to 9:05)

King-235 to King-202; that individuals been found in the chapel (1:08:25) (equates to 9:17)

King-202 (acknowledges) (1:08:32) (equates to 9:17)

King-201; escort that offender in restraints to the shift office (1:08:38) (equates to 9:17)

King-236 to WSR and all concerned Towers; 2 staff clear of the outer perimeter check conducting outer perimeter check; WSR (1:09:59) (equates to 9:18)

WSR Base received; be advised that you one inmate in restraints coming from the chapel to shift (1:10:05) (equates to 9:19)

King-236 and 237 are advised (1:10:16) (equates to 9:19)

King-221 to WSR base; 2 officers clear of fire watch (1:10:53) (equates to 9:19)

WSR Base received at 2120 hrs (1:10:56) (equates to 9:19)

King-201 to WSR base (1:11:00) (equates to 9:20)

WSR Base (1:11:04) (equates to 9:20)

Issue a picture card count (K201) (1:11:06) (equates to 9:20)

WSR Base received at 2120/WSR Base to all WSR portables; formal picture card count now in progress 2120 hrs (1:11:08) (equates to 9:20)

King-202 to any unassigned portables; report to the units and assist with picture card count (1:11:25) (equates to 9:20)

King-250 to King-202 (1:11:33) (equates to 9:20)

King-202 (acknowledges) (1:11:44) (equates to 9:20)

You want me to shut down my post and assist with count? (K250) (1:11:46) (equates to 9:20)

King-202; negative (1:11:56) (equates to 9:20)

King-250; received (1:12:01) (equates to 9:21)

**Hot mic (1:13:42 to 1:13:43) (equates to 9:22)

WSR Base to King-239 (1:13:46) (equates to 9:22)

WSR Base to King-239 (1:13:58) (equates to 9:22)

King-238 for King-239 (1:14:10) (equates to 9:23)

Are you aware of 239's location? (WSR Base) (1:14:13) (equates to 9:23)

King-202; I've got 239 in the office (1:14:17) (equates to 9:23)

Received, transferring a outside line; WSR Base clear at 2123 hrs (1:14:22) (equates to 9:23)

King-236 to WSR Base and all concerned Towers; 2 staff clear of the inner perimeter check, WSR. (1:16:00) (equates to 9:25)

WSR Base received at 2125 hrs. (1:16:07) (equates to 9:25)

King-221 to WSR Base; 3 with 1 enroute to IMU (1:19:34) (equates to 9:28)

WSR Base received at 2129 hrs (1:19:34) (equates to 9:28)

King-521 to King-501 (1:33:00) (equates to 9:42)

King-501 (acknowledges)

Land line 5225 (K-521) (1:33:05) (equates to 9:42)

Received (K501) (Pause) I'm out here on the tier (1:33:09) (equates to 9:42)

King-223 to all concerned Towers; 4 staff in back of IMU (1:37:35) (equates to 9:47)

WSR Base received at 2147 hrs (1:37:44) (equates to 9:47)

Hot Mic (1:42:07) (equates to 9:52)

201 to 202 (1:44:55) (equates to 9:54)

King-201 (1:51:18) (equates to 10:01)

King-201 (WSR Base) (1:51:25) (equates to 10:01)

King-213; permission to release on time? (1:51:28) (equates to 10:01)

Negative (K-201) (1:51:32) (equates to 10:01)

King-213 received (1:51:37) (equates to 10:01)

WSR Base to all portables; formal picture card count is clear at 2201 hrs. (1:52:17)

201 to 213; go ahead and allow staff to leave (1:52:24) (equates to 10:02)

King-213 (acknowledging) (1:52:27) (equates to 10:02)