

October 25, 2024

#### VIA EMAIL SRagonesi@kbmlawyers.com

Shannon M. Ragonesi Keating Bucklin & McCormack, Inc., P.S. 801 Second Avenue, Suite 1210 Seattle, WA 98104

Re: Whatcom County Sheriff's Office – Undersheriff Steve Harris

Dear Ms. Ragonesi:

I was retained to conduct a factfinding investigation into multiple reports submitted to the Whatcom County Sheriff's Office ("WCSO") alleging hostile work environment, retaliation, discrimination, code of conduct violations, unprofessionalism, and other concerns about Undersheriff Steve Harris.<sup>1</sup>

This report is intended as an executive summary and is not intended as a verbatim or comprehensive recitation of all information collected or considered during the investigation. The findings and conclusions are based on the entirety of the record and are not limited to the information contained in this report. The findings and conclusions in this report are based on a preponderance of the evidence, which means that based upon the evidence considered during the investigation, it is "more likely than not" that an event did or did not occur as alleged.

#### METHOD:

Before each witness interview, I confirmed the witness reviewed the Whatcom County Sheriff's Office Administrative Investigation Interview Advisement. I then read the notice in Paragraph H of the interview advisement to the witness and asked the witness to sign the advisement.<sup>2</sup>

<sup>2</sup> Appendix 78 – 81, 95 – 96, 107 – 109, 122, 124, 125, 132 & 136

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<sup>&</sup>lt;sup>1</sup> Appendix 64, 67, 70 – 71, 91 & 147

After having the witness sign, I provided my usual investigation disclosures: I had been retained to investigate reports received by Whatcom County. I informed each witness that I am a lawyer, but that I was not providing legal advice, and I was only acting in the capacity of an investigator. I notified each witness that the interview would be audio recorded. I informed each witness that they would not be in trouble for participating in the interviews, but if they believed that they were the subject of any retaliation for their participation, they should report it. I also asked each witness to refrain from retaliating against anyone they may learn participated in the investigation process. I told each witness that they should provide their best recollection. All witnesses acknowledged their understanding and agreement.

#### **CREDIBILITY DETERMINATIONS:**

When making credibility determinations, I may consider the witness's body language, demeanor, bias, ability to observe, eye contact, tone of voice, and/or consistency. I also consider whether the information reported is corroborated by other known evidence. I do not consider credibility to be a numbers game: simply because more people agreed or disagreed with an interpretation of facts does not necessarily mean it was more likely or less likely to have occurred.

#### EXECUTIVE SUMMARY OF INVESTIGATION

#### A. INVESTIGATION PROCESS

I was contacted on or about September 5, 2024, to conduct a fact-finding investigation into allegations against WCSO Undersheriff Steve Harris, including hostile work environment, retaliation, discrimination, code of conduct violations, unprofessionalism, and other concerns.<sup>3</sup>

During the investigation, I interviewed 15 witnesses,<sup>4</sup> including each person who submitted a written report. All interviews were audio recorded per WCSO Administrative Investigation policy for Class I investigations. Following the interview, I provided each witness with a

<sup>&</sup>lt;sup>3</sup> Initially, I received five written reports submitted by WCSO employees. Appendix 64, 67, 70 – 71, 147. I received a sixth report during the investigation. Appendix 91.

<sup>&</sup>lt;sup>4</sup> To protect witness identity, this report uses a numerical designation to identify the witness. In full disclosure, I attended junior high school and high school with W-5. While we were acquaintances, we were not close friends, and I have not had contact with W-5 since approximately 2004. I was not aware it was the same person until W-5's interview. Other than brief pleasantries and a mutual recognition, we did not have substantive conversations off the audio record. My acquaintance with W-5 did not influence my investigation findings.

transcript of their recorded interview. Each witness was allowed to review their transcript and submit corrections.<sup>5</sup>

In addition to interviews, I considered records provided throughout the investigation. I have attached an Appendix identifying those records.

After concluding the interviews and document review, I was asked to provide an executive summary of the investigation findings. Throughout the investigation, the allegations centered on a core set of concerns about Undersheriff Harris that were repeated by many witnesses. Below, I provide a general description of the allegation and my factual findings. The order of the allegations is not intended to emphasize one allegation over another.

#### **B.** FACTUAL BACKGROUND

At the outset, a brief timeline provides important context. Sheriff Tanksley took office as the Whatcom County Sheriff on January 1, 2024, which is the same time Undersheriff Harris was promoted to his current position. During the election, Sheriff Tanksley ran against the former WCSO Undersheriff, Doug Chadwick, who was with WCSO for approximately 30 years. In comparison, Sheriff Tanksley is a self-described "outsider," previously with the Blaine Police Department.<sup>6</sup> Throughout the election, former Undersheriff Chadwick received endorsements from many WCSO employees.<sup>7</sup>

In addition to Sheriff Tanksley being an "outsider," before Undersheriff Harris was promoted to his current position, he was a WCSO deputy and the guild president. As a result of his promotion, Undersheriff Harris rose through multiple levels of the WCSO hierarchy, essentially overnight, which raised questions about his ability to lead effectively without command staff experience. These concerns were compounded by past experiences with Undersheriff Harris when he was a deputy and the guild president, leading to further apprehension about his selection as

<sup>&</sup>lt;sup>5</sup> Appendix 148. Due to the requested timeline for the investigation's completion, I was unable to provide Undersheriff Harris with a copy of his transcript before completing this report. However, Undersheriff Harris will be given the opportunity to review, and I reserve the right to amend my report if Undersheriff Harris (or any other witness) makes substantive changes to their transcript.

<sup>&</sup>lt;sup>6</sup> Tanksley Tr. 102:2-6

<sup>&</sup>lt;sup>7</sup> Appendix 142 – 146

Undersheriff. This has created significant distrust in the WCSO chain of command – from the topdown and from the bottom-up.<sup>8</sup>

#### C. INVESTIGATION ALLEGATIONS AND FINDINGS:

#### 1. Portal-to-Portal for WCSO Detectives

*Summary of Allegation*: Undersheriff Harris eliminated "portal-to-portal"<sup>9</sup> for WCSO detectives in possible retaliation for their support of Doug Chadwick during the Sheriff's election campaign.<sup>10</sup>

*Finding*: After Sheriff Tanksley was elected, he was approached by W-5, who made an inquiry about whether anything in the Sheriff's Office would change and then referenced portal-to-portal. At the time, Sheriff Tanksley did not understand what W-5 meant by portal-to-portal and replied something to the effect of, "people should keep doing what they've been doing."

However, when the issue came up again, Sheriff Tanksley and Undersheriff Harris determined portal-to-portal was not an official policy or practice within the department or a negotiated working condition. As part of his research on the issue, Sheriff Tanksley contacted other agencies, like Snohomish County, to inquire about the practice, and he was told portal-to-portal was not a practice within those agencies. Sheriff Tanksley also spoke with Whatcom County Human Resources who said the practice should not be happening. Undersheriff Harris also separately spoke with Whatcom County Human Resources, who told him the practice equates to improper "gift of public funds." Upon further consideration, neither Sheriff Tanksley nor Undersheriff Harris found the practice to be equitable because it benefited employees who lived further from the office – as they could count their longer commute as part of their work time, while those who lived closer would not receive the same benefit. Finally, from a financial

<sup>&</sup>lt;sup>8</sup> As set forth below, Undersheriff Harris believes certain WCSO employees have taken actions to make their superiors look bad. Harris Tr. 104:16-20.

<sup>&</sup>lt;sup>9</sup> Portal-to-portal is the practice of compensating employees from the time they leave home until they arrive at work. From certain witnesses' perspectives, the practice allows for greater time flexibility because they can meet their work hours requirement while commuting, which they considered beneficial for the County and themselves, personally. The primary concern about the change is that it requires individuals to spend more time away from their families to meet their hours requirement.

<sup>&</sup>lt;sup>10</sup> W-4 Tr. 11: 7-11

perspective, Undersheriff Harris did not believe taxpayers should compensate WCSO employees for commuting to work.<sup>11</sup>

In his interview, Undersheriff Harris clarified there were exceptions, and the change was not intended to prohibit detectives from being paid if they responded to an incident or otherwise performed work (taking a work call) during their commute. The purpose of the change was to eliminate the default view that employees should be paid when they are not actively performing work.<sup>12</sup>

I did not find evidence that the change to portal-to-portal was retaliatory. None of the witnesses interviewed could identify any policy, contract, or agreement that required portal-to-portal for detectives. Instead, it became a practice for certain detectives beginning under the prior administration. Thus, Undersheriff Harris did not make a change per se, but rather clarified with detectives that portal-to-portal was not the appropriate approach consistent with feedback that Sheriff Tanksley and Undersheriff received.<sup>13</sup> In addition, the portal-to-portal issue was brought to the guild, but the decision was upheld.<sup>14</sup>

#### 2. Meeting with WCSO Detectives Regarding Portal-to-Portal

*Summary of Allegation:* During a meeting on January 17, 2024, in which Undersheriff Harris met with detectives to clarify the portal-to-portal issue, he acted unprofessionally<sup>15</sup> by slamming his hand (or pen)<sup>16</sup> on the table while looking at W-6 and saying something to the effect of, "how can I make this clearer?", suggesting Sheriff Tanksley was "cornered" about portal-to-portal, saying he would not pay detectives to drive to work, telling detectives they could go back to

<sup>&</sup>lt;sup>11</sup> Tanksley Tr. 3:18 – 12:14, W-5 Tr. 4:2 – 10:8, Harris Tr. 4:13 – 18:7 & W-13 Tr. 3:17 – 6:15. I note the view held by many of the detectives is that portal-to-portal ultimately benefits the County because it provides the detectives flexibility to perform their jobs without always formally inputting overtime (e.g., if they must take a call during their commute or on the weekend). In addition, there was a clear sentiment expressed that elimination of portal-to-portal would result in loss of off-duty time with family because commute time would not be considered hours worked.

<sup>&</sup>lt;sup>12</sup> Harris Tr. 4:13 – 18:7

<sup>&</sup>lt;sup>13</sup> Appendix 20 – 21

<sup>&</sup>lt;sup>14</sup> W-4 Tr. 11:3-7; Appendix 20. The portal-to-portal issue was one of the most consistently raised issues in the interviews and reports. Considering this "change" occurred within weeks of Sheriff Tanksley and Undersheriff Harris taking office, it appears to have set a negative tone in the agency early on.

<sup>&</sup>lt;sup>15</sup> Appendix 74

<sup>&</sup>lt;sup>16</sup> W-5 believed it was a pen. W-5 Tr. 9:20-24. Others thought it was Undersheriff Harris' hand. W-6 Tr. 30:6-10 & W-13 Tr. 14: 21-25.

patrol if they did not like it, and concluded by saying detectives should be careful what they say because he hears everything.

*Finding:* During the January 17, 2024, meeting, Undersheriff Harris did become frustrated, slammed his hand down on the table, and said something to the effect of, "how can I make this clearer?" However, I find this happened after Undersheriff Harris attempted to clarify the "portal-to-portal" practice, which was not an official policy or practice, and his explanation was met with resistance and hypotheticals (e.g., what if I respond to an emergency during my commute?). Undersheriff Harris became frustrated because he believed this was a straightforward issue: as a default, detectives are not compensated for their regular commute.<sup>17</sup> I also find Undersheriff Harris did tell the detectives that the portal-to-portal issue had come up because someone cornered Sheriff Tanksley, and he did tell detectives they would not be paid for driving to work. While I cannot substantiate that Undersheriff Harris told detectives they could go back to patrol if they did not like the "change" to the "portal-to-portal policy" as a veiled threat, I do find he told detectives they could return to patrol if they wanted portal-to-portal as a factual statement because deputies *do* operate under a portal-to-portal practice.

#### 3. Comment about Detective Candidates

*Summary of Allegation:* On or about February 28, 2024, Undersheriff Harris responded to W-5 by saying something to the effect of, "nobody is putting in for detectives because portal-to-portal is going away."<sup>18</sup>

*Finding:* In response to a question from W-5 about who had put their name in for detectives, Undersheriff Harris did respond by saying something to the effect of, "nobody is putting in for detectives because port-to-portal is going away." However, as W-5 recognized, the comment was likely sarcastic. These types of comments by Undersheriff Harris, which are often intended as jokes or made in jest, can be misconstrued because of his position, which Undersheriff Harris acknowledges.<sup>19</sup>

#### 4. Outsourcing Polygraphs to Third-Party

*Summary of Allegation:* Undersheriff Harris removed W-5 from performing polygraphs and outsourced it to a third party.

<sup>&</sup>lt;sup>17</sup> Harris Tr. 4:13 – 18:7

<sup>&</sup>lt;sup>18</sup> Appendix 70; W-5 Tr. 10:9 – 12:16

<sup>&</sup>lt;sup>19</sup> W-5 Tr. 11:13-24

*Finding:* Undersheriff Harris did not decide to outsource polygraphs.<sup>20</sup> Sheriff Tanksley made the decision.<sup>21</sup> The change was also limited to polygraphs for WCSO deputy applicants, not all WCSO employees, which W-5 could continue to perform. From Sheriff Tanksley's perspective, it is not appropriate for someone, who could later become the deputy-applicant's co-worker, subordinate, or superior, to learn non-disqualifying but embarrassing personal information about an applicant's background (e.g., past abuse). While W-5 does not agree with the decision or reasoning, he did not articulate a belief that the change was motivated by an unlawful reason (e.g., retaliation).<sup>22</sup>

#### 5. Email Exchange between Undersheriff Harris and W-5

*Summary of Allegation:* In response to an email from Undersheriff Harris to all commissioned WCSO officers about implementing a uniform procedure for inputting information in the Spillman system, W-5 sent a "reply all" email to Undersheriff Harris seeking clarification about his directions.<sup>23</sup> Undersheriff Harris became upset and sent a "reply all" email back to W-5; took away W-5's cases; and assigned him the task of updating the Spillman manual.<sup>24</sup>

*Finding:* While I find Undersheriff Harris' assignment of the Spillman manual update to W-5 did have an element of reprisal, it is also within Undersheriff Harris' purview to assign the task to W-5.<sup>25</sup> I also concur with W-13's and Sheriff Tanksley's assessment that W-5's email response appears to be a "shot" at Undersheriff Harris by raising questions W-5 likely could have answered using alternative available resources (e.g., his chain of command) and by raising questions that were unrelated to the issue Undersheriff Harris had initially raised.<sup>26</sup>

While there was an initial discussion about W-5 performing a Spillman update, it was not implemented.<sup>27</sup> I do not find evidence of a plan to remove W-5 from his cases to perform the

- <sup>23</sup> Appendix 62 63
- <sup>24</sup> Appendix 64, 67, & 70; W-5 Tr. 18:23 24:10
- <sup>25</sup> W-13 Tr. 43:3-13
- <sup>26</sup> W-13 Tr. 38:16 39:20 & Tanksley Tr. 35:14 42:25
- <sup>27</sup> Id; Appendix 64

<sup>&</sup>lt;sup>20</sup> Appendix 70

<sup>&</sup>lt;sup>21</sup> Tanksley Tr. 43:18 – 45:18

<sup>&</sup>lt;sup>22</sup> W-5 Tr. 18:15-19

Spillman update. Finally, Undersheriff Harris acknowledges he should not have engaged with W-5 over email, and instead, he should have held a one-on-one conversation with W-5.<sup>28</sup>

#### 6. Undersheriff Harris Uses Expletive in Reference to W-5

*Summary of Allegation:* After the August 22, 2024 email exchange between Undersheriff Harris and W-5 regarding Spillman, Undersheriff Harris said "[f\*ck] that guy," referring to W-5.

*Finding:* Undersheriff Harris admits he likely made the comment but said it out of frustration about the email exchange.<sup>29</sup>

#### 7. Comment about Minimum Staffing/Schedule Change for Detectives

*Summary of Allegation:* Undersheriff Harris told W-4 that the scheduling issues could be addressed by requiring all detectives to work five eight-hour shifts ("5-8s") rather than four tenhour shifts ("4-10s").<sup>30</sup>

*Finding:* Undersheriff Harris did make the comment, but he did not offer it as a serious solution to the scheduling issues. Undersheriff Harris immediately said he was not serious and asked W-4 not to repeat it to anyone so it would not be further misconstrued.<sup>31</sup>

#### 8. Email Exchange between W-2 and Undersheriff Harris Regarding Timesheet

*Summary of Allegation:* Undersheriff Harris failed to record a vacation day on his timesheet. When W-2 brought the discrepancy to Undersheriff Harris' attention, he became upset and communicated with W-2 in an unprofessional manner.<sup>32</sup>

*Finding:* Undersheriff Harris did not fail to report a vacation day on his timesheet. Undersheriff Harris worked four 10-hour+ shifts (Monday – Thursday) and, unknown to W-2, he also worked part-time before the Friday golf tournament.<sup>33</sup> While I do find the final email from Undersheriff Harris to W-2 about the timesheet issue to be curt and abrasive, his communication

<sup>&</sup>lt;sup>28</sup> Harris Tr. 26:4 – 37:1. Tanksley Tr. 35:14 – 42:25. Sheriff Tanksley had a conversation with Undersheriff Harris about the exchange after it happened to provide guidance on what Sheriff Tanksley would have done differently in the situation. Id.

<sup>&</sup>lt;sup>29</sup> Harris Tr. 35:9 – 37:1

<sup>&</sup>lt;sup>30</sup> Appendix 64; W-4 Tr. 27:16 – 31:21

<sup>&</sup>lt;sup>31</sup> W-4 Tr. 27:16 – 31:21; Harris Tr. 39:3 – 41:15

<sup>&</sup>lt;sup>32</sup> Appendix 65-67 & 70; W-2 Tr. 3:24 – 7:9

<sup>&</sup>lt;sup>33</sup> It is also important to note Undersheriff Harris is a salaried employee.

only took that tone after he had already explained the discrepancy and attempted to resolve the discussion.<sup>34</sup> However, even after receiving the explanation from her direct supervisor and Undersheriff Harris, W-2 continued to raise questions about the issue and suggested Undersheriff Harris could consider the timesheet practices used by his subordinate.

I also note the initial email exchange was between W-2 and her supervisor only. However, After W-2's supervisor provided W-2 with a reasonable explanation for the discrepancy, W-2 copied Undersheriff Harris on the emails and questioned him about the issue.<sup>35</sup>

#### 10. SKOR Position

*Summary of Allegation:* W-2 applied for a SKOR position because she wanted additional income. Undersheriff Harris told W-4 that W-2 would not get the position because her current position "is too hard to fill."<sup>36</sup>

*Finding:* I cannot substantiate that Undersheriff Harris told W-4 that W-2 would not receive the position because her position was too hard to fill.

#### 11. Personnel Action Forms Delays

*Summary of Allegation:* Undersheriff Harris intentionally delays signing personnel change forms or completes them without informing W-2 when it is part of her job duties.

*Finding:* I do not find Undersheriff Harris purposely delays signing change forms or intentionally fails to inform WCSO staff about promotions or other personnel changes. As one example, W-2 provided a May 2024 email exchange about change forms that were temporarily "misplaced." While W-2 believes Undersheriff Harris delayed signing them, the change forms were taken by Sheriff Tanksley and signed.<sup>37</sup> I also do not find evidence that Undersheriff Harris is intentionally circumventing W-2 to complete change forms.<sup>38</sup> I also do not find that Undersheriff Harris is intentionally working around W-2 when it involves personnel change forms.

<sup>&</sup>lt;sup>34</sup> Appendix 65 – 66; Harris Tr. 45:19 – 53:19

<sup>&</sup>lt;sup>35</sup> Id.

<sup>&</sup>lt;sup>36</sup> Appendix 30

<sup>&</sup>lt;sup>37</sup> Appendix 48; W-2 Tr. 27:7 – 31:15; Tanksley Tr. 28:11 – 32:7

<sup>&</sup>lt;sup>38</sup> Harris Tr. 66:18 – 71:7

#### 12. Deputy Training Delays

*Summary of Allegation:* Undersheriff Harris intentionally delays approving trainings for WCSO staff.<sup>39</sup>

*Finding:* I do not find Undersheriff Harris intentionally delays approving trainings for WCSO staff.<sup>40</sup> However, WCSO staff may have the perception approvals are delayed because the process for approvals has changed with the new administration. I find Undersheriff Harris focuses on budget issues, and as a result, is more critical about funding requests than others have been in the past.<sup>41</sup>

#### 13. Interactions between Undersheriff Harris and W-6

*Summary of Allegation:* Undersheriff Harris treats W-6 differently.<sup>42</sup> This differential treatments has manifested through Undersheriff Harris directing frustration at W-6 during a meeting;<sup>43</sup> using W-6's work product as a "bad example;"<sup>44</sup> denying her request to attend a national conference, commenting he would not pay her to "party all week," but then he allowed a male WCSO employee to travel to Africa;<sup>45</sup> telling W-6 he did not care about a crime victim who could potentially be identified in a press release;<sup>46</sup> and questioning W-6 about the timing of a probable cause statement.<sup>47</sup>

*Finding:* As set forth above, while I find Undersheriff did make a comment during the January 17 portal-to-portal meeting to the effect of, "how can I make this clearer?", I cannot substantiate the allegation that his comment or frustration was specifically directed at W-6 because multiple people were questioning the "changes" to portal-to-portal.<sup>48</sup>

<sup>&</sup>lt;sup>39</sup> Appendix 25 – 26 & 61

<sup>&</sup>lt;sup>40</sup> Tanksley Tr. 52:17 – 54:17, Harris Tr. 71:6 – 75:24, W-10 Tr. 70:17 – 73:9 & W-1 Tr. 24:2 – 26:18 <sup>41</sup> Id.

 $<sup>^{42}</sup>$  Based on witness interviews, the relationship between W-6 and Undersheriff Harris deteriorated before Undersheriff Harris' promotion. W-6 Tr. 5:16 – 6:15 & W-4 Tr. 34:14 – 40:15

<sup>&</sup>lt;sup>43</sup> Appendix 147; W-5 Tr. 37:4-16 & 9:20 – 10:1

<sup>&</sup>lt;sup>44</sup> Appendix 62 – 63 & 147; W-6 Tr. 16:20 – 18:8

<sup>&</sup>lt;sup>45</sup> Appendix 147; W-6 Tr. 18:9 – 24:14

<sup>&</sup>lt;sup>46</sup> Appendix 147; W-6 Tr. 13:19 – 16:19

<sup>47</sup> Appendix 147; W-6 Tr. 10:13 – 13:18

<sup>48</sup> W-4 Tr. 38: 14-25

I do find Undersheriff Harris used a case that W-6 worked on to illustrate a point about inputting compound names into the Spillman system. However, I cannot substantiate Undersheriff Harris specifically selected the example because it was W-6's case. Furthermore, I do not find Undersheriff Harris' email providing the example was disrespectful or disparaging to W-6.<sup>49</sup>

While I find Undersheriff Harris did initially pushback W-6's request for pay to attend the Western State Hostage Negotiation ("WSHNA") national convention, I find this was motivated by a belief W-6 was not intending to attend the portion of the convention providing training, but rather, intended to only attend the portion of the convention focused on her obligations to the WSHNA board because she is the organization's president.<sup>50</sup> I cannot substantiate Undersheriff Harris commented he would not pay W-6 to "party" all week.<sup>51</sup> I also find Undersheriff Harris credible in his explanation that the male WCSO employee was permitted to travel to Africa because the employee's presence had been specifically requested by the DEA and that Undersheriff Harris had even opposed that request initially.<sup>52</sup>

With respect to the press release that could have resulted in the identification of a victim, I do find W-6 and Undersheriff Harris discussed W-6's concern and W-6's need to inform the victim's family that details would be released.<sup>53</sup> I also find that Undersheriff told W-6 he decides the content of the media releases. However, I cannot substantiate Undersheriff Harris said he did not "care" about the victim.<sup>54</sup>

Regarding the timeliness of W-6's probable cause statement,<sup>55</sup> I find Undersheriff Harris did follow up with W-6 about the status of the probable cause statement because he was the acting Public Information Officer and needed to respond to a media inquiry. Undersheriff Harris initially missed the statement when it was emailed to him by W-4, but Undersheriff Harris' communication to W-6 about the statement was positive, including a compliment: "[w]ell written PC, good job [thumbs up emoji]"<sup>56</sup>

<sup>&</sup>lt;sup>49</sup> Appendix 62-63

<sup>&</sup>lt;sup>50</sup> Harris Tr. 133:2 - 134:4

<sup>&</sup>lt;sup>51</sup> W-1 Tr. 19:19 – 21:2 & Harris Tr. 133:8 – 134:4.

<sup>&</sup>lt;sup>52</sup> Harris Tr. 134:5 – 17 & Tanksley Tr. 47:22- 51:9

<sup>53</sup> Appendix 147; W-6 Tr. 13:19 – 16:19 & Harris Tr. 139:20 - 144:18

<sup>&</sup>lt;sup>54</sup> Id. I also note the description provided by W-6 in Appendix 147 & W-6 Tr. 13:19 – 16:19 is not entirely consistent.

<sup>&</sup>lt;sup>55</sup> W-6 Tr. 10:13 – 13:18 & Harris Tr. 135:21- 137:19

<sup>&</sup>lt;sup>56</sup> Appendix 59

#### 14. Sergeant Promotion Decision

*Summary of Allegation:* Undersheriff Harris influenced the decision to deny W-7 a promotion to Sergeant.<sup>57</sup> W-7 ranked number three out of six candidates.<sup>58</sup> The candidate ranked five was selected.

*Finding:* Sheriff Tanksley made the sergeant promotion decision, not Undersheriff Harris. According to Sheriff Tanksley, the Civil Service rules follow the "rule of five," which means he can select any of the top five candidates on the promotion list.<sup>59</sup> Sheriff Tanksley selected the number five candidate because he felt that candidate was most ready "at the day of promotion" to take the position.<sup>60</sup> Command staff concurred with Sheriff Tanksley's decision to promote the candidate.<sup>61</sup>

#### 15. W-7 Rotation out of Detectives' Bureau

*Summary of Allegation:* After the sergeant's promotion decision, W-7 was told by W-13 and W-10 he was not being renewed for detectives and that Undersheriff Harris made the decision.<sup>62</sup> W-7 was confused because his evaluations, which were completed by W-4, did not reflect performance issues.<sup>63</sup>

*Finding:* The decision to rotate W-7 out of the detectives' bureau was made by Sheriff Tanksley, not Undersheriff Harris.<sup>64</sup> Members of the WCSO command staff concurred with the decision because of W-7's performance.<sup>65</sup> While it is true W-7's evaluations reflected proficient performance, it was not consistent with the concerns raised by command staff orally. According to Sheriff Tanksley, it was Undersheriff Harris who questioned the discrepancies between command staff's assessment of W-7's performance and what was written in W-7 performance

63 Appendix 34 & 71

<sup>65</sup> W-13 Tr. 44:7 – 47:4

<sup>&</sup>lt;sup>57</sup> W-7 Tr. 25:2-5

<sup>&</sup>lt;sup>58</sup> Appendix 54

<sup>&</sup>lt;sup>59</sup> Appendix 22

<sup>&</sup>lt;sup>60</sup> Appendix 22 & 54; Tanksley Tr. 63:14 - 65:17

<sup>&</sup>lt;sup>61</sup> W-10 Tr. 76:18 – 77:12, W-13 Tr. 47:7–24 & W-4 Tr. 37:23 – 38:3

<sup>&</sup>lt;sup>62</sup> Appendix 71; W-13 denies any involvement in communicating the decision to W-7. W-13 Tr. 47:5 - 48:11; According to W-10, Sheriff Tanksley made the decision. W-10 Tr. 77:14-25.

<sup>&</sup>lt;sup>64</sup> Tanksley Tr. 65:12 – 69:25

evaluations. Undersheriff Harris said there needed to be congruence between the employee's performance evaluations and their actual performance.<sup>66</sup>

During the meeting where the decision to rotate W-7 out of detectives was considered, Sheriff Tanksley asked command staff who were present a hypothetical: if their family was the victim of a crime, would they want W-7 to work the case? All of them responded "no."<sup>67</sup> This was the motivating factor in Sheriff Tanksley's decision.

#### 16. Parking Spot Intimidation

*Summary of Allegation:* When Undersheriff Harris was put on administrative leave, he parked his WCSO vehicle in W-7's parking spot as a form of intimidation and a "final [f\*ck] you."<sup>68</sup>

*Finding:* Undersheriff Harris did not park his vehicle in W-7's spot. First, the WCSO does not have formal assigned parking spots. While a parking map was discussed, it was not finalized. Second, Sheriff Tanksley moved Undersheriff Harris' vehicle to the parking lot.<sup>69</sup> Before placing Undersheriff Harris on administrative leave, Sheriff Tanksley asked Undersheriff Harris to come to the office and directed him to park behind the facility. After the meeting ended, Sheriff Tanksley moved the vehicle to the parking lot.

I cannot substantiate that W-1 made the comment that Undersheriff Harris' parking was a "final [f\*ck] you" because W-1 denies that anyone had usual parking spots.<sup>70</sup>

#### 17. Overtime Scheduling/Employee Accommodation

*Summary of Allegation:* Undersheriff Harris directed W-3 to not assign overtime to a WCSO employee because Undersheriff Harris believed the employee was taking advantage of her workplace accommodation to avoid working patrol shifts but then, at the same time, performing similar work at Stone Garden to get overtime.<sup>71</sup>

*Finding:* Undersheriff Harris directed W-3 to not schedule a WCSO deputy to overtime at Stone Garden because he believed the employee's workplace accommodations were inconsistent

<sup>&</sup>lt;sup>66</sup> Tanksley Tr. 65:19 – 66:12; Harris Tr. 94:20 – 95:1

<sup>&</sup>lt;sup>67</sup> Id.

<sup>&</sup>lt;sup>68</sup> Appendix 70; W-5 Tr. 28:25 – 30:10 & W-1 Tr. 38:24 – 40:4

<sup>&</sup>lt;sup>69</sup> Tanksley Tr. 72:24 – 74:24

<sup>&</sup>lt;sup>70</sup> W-1 Tr. 38:24 – 40:4

<sup>&</sup>lt;sup>71</sup> Appendix 67; W-3 Tr. 6:12 – 12:9 & W-1 Tr. 13:11 – 17:10

with the overtime job duties. When W-3 brought the issue to his supervisor, W-1, W-1 directed W-3 to disregard Undersheriff Harris' instruction because it could violate the employee's workplace accommodations.<sup>72</sup>

Separately, Undersheriff Harris had a conversation with the WCSO employee to ask how the overtime assignment was consistent with the employee's workplace restrictions. After the employee provided an explanation, Undersheriff Harris was satisfied. The decision to remove the WCSO employee from the overtime schedule was never implemented, and it does not appear the employee ever became aware of the issue.<sup>73</sup>

#### 18. Unprofessional Conduct

*Summary of Allegation:* Undersheriff Harris became so upset, W-1 "chase[d] him" down and told him that his conduct was unprofessional.<sup>74</sup>

*Finding:* Undersheriff Harris was upset, spoke in an elevated voice, and used profanities while expressing frustration about WCSO deputies in the presence of three WCSO employees, including W-1. In response, W-1 did follow Harris and have a conversation with him, telling him that his actions were unnecessary and unprofessional.<sup>75</sup> W-1 did not "chase" Undersheriff Harris down the hall.<sup>76</sup>

#### 19. W-12's Training Pay Request

*Summary of Allegation:* Undersheriff Harris needlessly scrutinized W-12's pay request, wanted W-12 to certify her timesheet, and ordered an investigation of W-12's timesheet because he does not like W-12.<sup>77</sup>

*Finding:* In May 2024, W-12 was scheduled to attend a Washington Council of Police & Sheriffs ("WACOPS") conference. WCSO approved 12 hours of pay for W-12 to attend the

<sup>72</sup> Id.

<sup>&</sup>lt;sup>73</sup> W-3 Tr. 11:23 – 12:1

<sup>&</sup>lt;sup>74</sup> Appendix 19; W-10 Tr. 18:13 – 19:23 & W-1 Tr. 26:19 – 28:15

<sup>&</sup>lt;sup>75</sup> W-1 Tr. 26:19 – 28:15

<sup>&</sup>lt;sup>76</sup> Harris Tr. 148:16 – 150:24

<sup>&</sup>lt;sup>77</sup> Appendix 31; W-12 Tr. 8:18 -18:18, W-3 Tr. 12:16 – 15:16 & W-1 Tr. 21:5 – 26:18. The negative history between Undersheriff Harris and W-12 involve events that occurred before Undersheriff Harris was promoted. Thus, those incidents were not within the scope of this investigation, which focuses on events since January 1, 2024. Appendix 13 - 17.

conference.<sup>78</sup> On May 6, Undersheriff Harris sent an email clarifying that while W-12 would receive pay for the 12 hours of conference time, W-12 would not receive additional compensation (e.g., travel time, overtime, per diem, or travel costs) for attending the conference. Approximately two hours later, W-12 emailed her direct supervisor and W-3 requesting authorization to attend online trainings to fill in the remainder of her schedule for the week, which was approved.<sup>79</sup> However, after W-12 returned from the conference, Undersheriff Harris questioned her timesheet, and she was ultimately asked to provide a detailed accounting of her time, which she did.<sup>80</sup>

I cannot substantiate that Undersheriff Harris questioned W-12's timesheet because of their prior interpersonal interactions. However, I do find Undersheriff Harris' actions in this situation are consistent with his expressed focus on the WCSO budget (e.g., changing approval process for expenditures, clarifying portal-to-portal, analyzing training requests and equipment purchases, etc.) since becoming Undersheriff.<sup>81</sup>,<sup>82</sup> As Undersheriff Harris explains, he is responsible for the WCSO budget, and the entirety of Whatcom County is already at a significant budget deficit.<sup>83</sup>

#### 20. Interaction between W-10, W-13, and Undersheriff Harris

*Summary of Allegation:* Undersheriff Harris acted unprofessionally and yelled at W-13 and W-10 because W-10 returned early from a scheduled vacation.<sup>84</sup>

*Finding:* W-10 was scheduled to be on vacation for a fishing trip. W-10 chose to end the fishing trip early.<sup>85</sup> He returned to work before the end of his scheduled vacation because he was behind on his work.

In the early morning of August 20, 2024, W-13 received a call about an incident in Blaine, WA. At the time, W-13 was acting DSO (administrator in charge). According to W-13, based on the initial description he received, he did not believe it was necessary for him to personally

<sup>85</sup> W-10 Tr. 53:6 – 54:17

<sup>&</sup>lt;sup>78</sup> Appendix 41 – 42 & 49

<sup>&</sup>lt;sup>79</sup> Id.

<sup>&</sup>lt;sup>80</sup> Id.

<sup>&</sup>lt;sup>81</sup> In his interview, W-1 provided examples where Undersheriff Harris has challenged him on expenditures for equipment. W-1 Tr. 23:22 – 26:18.

<sup>&</sup>lt;sup>82</sup> W-1 Tr. 26: 2 – 14

<sup>&</sup>lt;sup>83</sup> Harris Tr. 74:3-10

<sup>&</sup>lt;sup>84</sup> Appendix 19; W-10 Tr. 53:6 – 66:6, W-13 Tr. 19:20 – 28:24 & W-1 Tr. 29:19 – 35:11

respond to the incident.<sup>86</sup> Later that morning, when W-10 arrived at work, W-1 asked W-10 what he knew about the incident.<sup>87</sup> Eventually, W-1 told W-10 they were going out to the scene of the incident.<sup>88</sup> W-13 was not aware that W-10 or W-1 responded. When W-1 and W-10 returned to the office, W-1 asked Undersheriff Harris what W-13 was told about the incident as DSO.

This led Undersheriff Harris to ask W-13 why he, as the DSO, had not responded to the scene and why he did not know that W-1 and W-10 had responded. Undersheriff Harris also questioned why W-13 did not know W-10 returned early from vacation. The conversation between W-13 and Undersheriff Harris became intense because W-13 believed Undersheriff Harris was calling his integrity into question. Undersheriff Harris, on the other hand, was upset because he felt W-1 and W-10 were undermining W-13 by not telling W-13 what they were doing. At some point, W-10 came to W-13's office while W-13's conversation with Undersheriff Harris continued, and W-10 was asked to join the conversation. During that conversation, I find Undersheriff Harris was upset, raised his voice, and used expletives with W-10 and W-13.<sup>89</sup>

While I cannot substantiate the belief, I find Undersheriff Harris credible in his assertion that he was, in part, looking out for W-13's interest because Undersheriff Harris was concerned that W-13's reports were undermining him and/or attempting to make him look bad by not keeping him updated on what they were doing in response to the incident.

#### 21. Undersheriff Harris Fails to Follow the Chain of Command

*Summary of Allegation:* Undersheriff Harris fails to use the chain of command to communicate to subordinates. For example, he has directly assigned cases to detectives and implemented new policies (e.g., Spillman) without using the chain of command.<sup>90</sup>

*Finding:* While chain of command is the traditional way communication occurs in a military or quasi-military organization, there is no formal policy or requirement that Undersheriff Harris use the chain of command to communicate with subordinates in every instance.<sup>91</sup> I also find there

<sup>&</sup>lt;sup>86</sup> W-13 Tr. 19:20 – 28:24. According to W-13, it was initially described as a domestic violence issue. It turned out to be an attempted murder.

<sup>&</sup>lt;sup>87</sup> According to W-10, he previously informed W-13 that he might return early from vacation. W-13 agrees that W-10 did provide this information in advance. W-13 Tr. 22:6-8.

<sup>&</sup>lt;sup>88</sup> W-10 Tr. 53:6 – 66:6, W-13 Tr. 19:20 – 28:24 & W-1 Tr. 29:19 – 35:11

<sup>&</sup>lt;sup>89</sup> Id.; Harris Tr. 103:15 – 109:19

<sup>90</sup> Appendix 62 - 63; W-10 Tr. 38:8-23

<sup>&</sup>lt;sup>91</sup> Tanksley Tr. 19:14 – 21:6

is disagreement within WCSO about whether chain of command must be followed up and down the chain.<sup>92</sup>

#### 22. Sign-in Book at Department of Emergency Management

*Summary of Allegation:* The sign-in book at the Department of Emergency Management building was eliminated because Undersheriff Harris did not want to sign-in.<sup>93</sup>

*Finding:* The sign-in book was removed at the Department of Emergency Management. However, it was not a unilateral decision by Undersheriff Harris. The decision was made with consensus of Sheriff Tanksley and the Fire Department Chief, who believed it was not necessary for badge-carrying WCSO employees to sign-in at the Department of Emergency management.<sup>94</sup>

#### 23. Inappropriate Comment at Valentine's Day

*Summary of Allegation:* In response to a WCSO employee asking Sheriff Tanksley what he bought his wife for Valentine's Day, Undersheriff Harris said Sheriff Tanksley bought "lube."<sup>95</sup>

*Finding:* Undersheriff Harris made the comment.<sup>96</sup> Sheriff Tanksley did not hear the comment at the time,<sup>97</sup> but when he learned about it, he coached Undersheriff Harris that the comment was not appropriate.

#### 24. Inappropriate Comment to W-8

*Summary of Allegation:* During a conversation with W-8, Undersheriff Harris made a comment to W-8 about not being able to "get it up" in reference to erectile dysfunction.<sup>98</sup>

<sup>96</sup> Harris Tr. 156:16 – 157:13

<sup>98</sup> W-10 Tr. 81:16 – 82:19; W-3 Tr. 34:6 – 36:24

<sup>&</sup>lt;sup>92</sup> E.g., Tanksley Tr. 19:14 – 21:6 & W-13 Tr. 55:5-24

<sup>93</sup> Appendix 91

<sup>94</sup> Tanksley Tr. 81:10 – 85:5; Appendix 29

<sup>&</sup>lt;sup>95</sup> Sheriff Tanksley Tr. 85:16 – 89:4. Sheriff Tanksley's transcript includes a typographical error that Undersheriff Harris did not make the comment. However, Sheriff Tanksley submitted a correction to his transcript and noted that Undersheriff Harris did make the comment. Appendix 148; W-11 Tr. 10:6 – 12:13.

<sup>&</sup>lt;sup>97</sup> While Undersheriff Harris recalls Sheriff Tanksley laughing at the comment, I find Sheriff Tanksley recollection that he did not hear the comment to be credible.

*Finding:* Undersheriff Harris did make a joking comment to W-8 about erectile dysfunction or something to that effect during a one-on-one conversation.<sup>99</sup> W-8 did not find the joke unwelcome or offensive.<sup>100</sup>

#### 25. WCSO Marine Unit

*Summary of Allegation:* Undersheriff Harris permitted a deputy, who was removed from the Marine Unit because of job performance, to return to the Unit;<sup>101</sup> mandated that deputies in the Unit must work on July 4;<sup>102</sup> and told W-13 and W-10 he was "taking over" the Unit.

*Findings:* On July 4, no deputies from the Marine Unit signed up to patrol the lakes. This created a safety concern because there was significant activity on the lakes for the holiday, including a collision. As a result, Undersheriff Harris allowed a deputy, who was removed from the Unit for failing to perform the required number of boat inspections, to work shifts in the Unit again. From Undersheriff Harris' perspective, it was better to have the deputy performing patrols than to have no one at all.<sup>103</sup>

I find Undersheriff Harris did make the comment that if deputies did not sign up for the July 4 shift, it would become mandated shift.<sup>104</sup>

Undersheriff Harris did propose "taking over" the Unit from W-13 and W-10, but it was not intended as a punishment, but rather an offer to help. While W-13 believes Undersheriff Harris genuinely wanted to help, W-10 is uncertain about Undersheriff Harris' motivation.<sup>105</sup>

#### 26. W-11 and Undersheriff Harris

*Summary of Allegation:* Undersheriff contacted the Whatcom County prosecutor's office and directed them to drop charges referred by WCSO. After Undersheriff Harris informed W-11 that

<sup>&</sup>lt;sup>99</sup> W-8 Tr. 3:18 – 5:22

<sup>&</sup>lt;sup>100</sup> W-8 Tr. 4:15-16

<sup>&</sup>lt;sup>101</sup> W-10 Tr. 39:6 – 42:11

<sup>&</sup>lt;sup>102</sup> W-10 Tr. 40:13 – 40:23

<sup>&</sup>lt;sup>103</sup> Harris Tr. 129:2 – 132:19

<sup>&</sup>lt;sup>104</sup> Id.

<sup>&</sup>lt;sup>105</sup> Harris Tr. 126:6 – 128:17, W-10 Tr. 42:12 – 45:17 & W-13 Tr. 33:11 – 37:6. While W-10 initially said he was not offended by the offer, later in the interview, he said he did not know how to interpret the offer.

the charges had been dropped, she contacted the prosecutor's office to confirm the charges had been dropped, which is part of W-11's job, but it upset Undersheriff Harris.<sup>106</sup>

*Findings:* Undersheriff Harris did have a discussion with the prosecutor's office about dropping charges referred by WCSO. After Undersheriff Harris reviewed the associated probable cause statement, he agreed there was insufficient evidence to support the charge. Undersheriff Harris informed W-11 the charges were dropped. W-11 followed up with the prosecutor's office to confirm. After W-11 contacted the prosecutor's office, the prosecutor contacted Undersheriff Harris to find out why W-11 had contacted the prosecutor's office. Later, when Undersheriff Harris saw W-11, he asked her about the follow-up call, which she explained was part of her job duties. However, I find that without a specific directive, it is not part of W-11's written job duties to confirm charging decisions with the prosecutor's office.<sup>107</sup>

#### 27. Accreditation Meeting

*Summary of Allegation:* During a meeting with Steve Strachan, former Chief of Police and Executive Director of the Washington Association of Sheriffs and Police Chiefs, wherein Strachan commented that WCSO's ability to receive accreditation could be challenging because of its jail, Undersheriff Harris responded something to the effect of, "and that's just the deputies," which was intended to be disparaging.

*Findings:* While Undersheriff Harris does not recall the comment, I find it was made. However, I cannot substantiate it was intended to be disparaging.<sup>108</sup>

#### 28. Interaction between W-12 and Undersheriff

*Summary of Allegation:* As Undersheriff Harris was walking by W-12, W-12 said something to him to the effect of, "[w]hen you come through [the office] you could at least say hi." Undersheriff Harris responded by saying something like, "well, then I'll just go a different way."<sup>109</sup>

<sup>&</sup>lt;sup>106</sup> W-4 Tr. 47:24 – 48:15

<sup>&</sup>lt;sup>107</sup> Appendix 4; Tanksley Tr. 89:5 – 91:6

<sup>&</sup>lt;sup>108</sup> Harris Tr. 153:14 – 155:4

<sup>&</sup>lt;sup>109</sup> W-3 Tr. 32:23 – 33:11; W-12 Tr. 6: 18 – 7:25; Harris Tr. 151:3–16

*Findings:* Neither W-12 nor Undersheriff Harris recall this exchange. While W-12 said it is possible it happened, she did not specifically recall it. W-12 also said if it happened, she does not know if it was a joke or not.<sup>110</sup>

#### 29. Holiday Pay

*Summary of Allegation:* Undersheriff Harris does not allow WCSO employees to claim holiday pay if they do not work the holiday.<sup>111</sup>

Findings: As a general proposition, Undersheriff Harris does not have an issue if employees not assigned to work on a holiday take a different day off in the same week to offset the "loss" of the holiday. However, he is concerned if that practice leaves WCSO understaffed. If employees can find a balance that provides for adequate staffing, then there is no issue. If that does not happen, then there will be a change in scheduling.<sup>112</sup>

#### 30. Supporting (Former) Sheriff Doug Chadwick

*Summary of Allegation:* Undersheriff Harris commented to another WCSO employee that it was a "bold move" to support the opposing candidate for Sheriff.

Findings: Undersheriff Harris admits to making the comment.<sup>113</sup>

# 31. Interaction between Undersheriff Harris and WCSO employee regarding Work Schedule

*Summary of Allegation:* During a discussion, a WCSO employee commented to W-1 that he had an interaction with Undersheriff Harris, and it was the first time he had been "chewed out by the Undersheriff." While the employee did not express a desire to submit a report about the interaction, W-1 reported it to Sheriff Tanksley.

*Findings:* Undersheriff Harris did have an exchange with the employee regarding a discrepancy in their work schedule. Undersheriff Harris had become frustrated by frequent discrepancies between employees' schedules as reflected in the WCSO system versus the

<sup>&</sup>lt;sup>110</sup> W-12 Tr. 6:18 – 7:13

<sup>&</sup>lt;sup>111</sup> Appendix 52; W-2 Tr. 18:10 – 19:15

<sup>&</sup>lt;sup>112</sup> Harris Tr. 58:10 – 63:16

<sup>&</sup>lt;sup>113</sup> Harris Tr. 151:17 – 152:22

employees' actual schedules (e.g., the system showed an employee was scheduled to work, but they were on vacation).<sup>114</sup>

#### 32. Improper Coaching

*Summary of Allegation:* Undersheriff Harris approached a deputy at the Matt Herzog golf tournament and asked to have a discussion with him off-duty. While Undersheriff Harris told the deputy the conversation would be non-disciplinary, Undersheriff Harris also told the deputy he could bring a union representative. Undersheriff Harris coached the deputy about a lack of probable cause supporting a charge the deputies referred to the prosecutor's office.<sup>115</sup> Undersheriff Harris held this coaching without including the deputies' direct chain of command.

*Findings:* Undersheriff Harris admits he had a discussion with two deputies regarding a lack of probable cause supporting a charge referred to the prosecutor's office. However, Undersheriff Harris felt he could have this discussion with them because he had previously been the deputies' Field Training Officer, and the conversation was intended as a mentor-mentee discussion, not disciplinary. During the discussion, the deputies' sergeant and chief were present, which was more formal than Undersheriff Harris had intended. According to Sheriff Tanksley, Undersheriff is not prohibited by the chain of command from having direct discussions with deputies.<sup>116</sup>

#### **D. INVESTIGATION CONCLUSIONS:**

There is a significant distrust between Undersheriff Harris and certain WCSO office employees that report to him, which is tied to events that occurred before Undersheriff Harris was promoted. The distrust has created a situation where benign conduct and or changes in practices are viewed suspiciously. It also led to misconceptions that Undersheriff Harris is behind certain decisions that have impacted WCSO employees when he is not. However, the distrust runs in both directions: Undersheriff Harris questions the motivations of certain WCSO employees because of past events, like the election.<sup>117</sup>

<sup>&</sup>lt;sup>114</sup> Harris Tr. 147:6 – 148:15

<sup>&</sup>lt;sup>115</sup> This is the same probable cause issue described in Allegation No. 26 above.

<sup>&</sup>lt;sup>116</sup> Harris Tr. 80:5 – 84:15. Sheriff Tanksley's view that the chain of command does not apply to communications that move down the chain is different than the perspective held by other witnesses who believe the chain of command must be followed both up and down, which Sheriff Tanksley acknowledges. Tanksley Tr. 19:14 – 21:6.

<sup>&</sup>lt;sup>117</sup> Harris Tr. 105:2 -106:11.

In general, I found Undersheriff Harris to be credible. During his interview, he took accountability for actions and was transparent about his frustrations – even where it would have been easier to explain away or deflect. He also seems to recognize his words and actions carry considerable influence and that his intent can be misinterpreted given the newness of his position and employees 'past perceptions of him.

In summary, while I do not find Undersheriff Harris engaged in unlawful retaliation, discrimination, or unethical conduct, there are instances where his conduct has been unprofessional, which Undersheriff Harris acknowledges. He also acknowledges that his communication style can often be curt and abrupt, including the use of expletives, which contributes to the negative feelings experienced by WCSO employees. For example, Undersheriff Harris slammed his hand down during a meeting, he referred to W-5 with an expletive, and he communicated in an unprofessional tone in emails to WCSO employees. As set forth above, I find Undersheriff Harris made inappropriate comments of a sexualized nature on two occasions. Finally, while I did not find that Undersheriff Harris's proposed assignment of a Spillman manual update to be unlawful retaliation, I did find it was motivated, in part, by an element of reprisal, which again contributes to WCSO employees' negative perceptions of him.

I hope this investigation is of assistance to you. Please do not hesitate to contact me if you have questions or concerns.

Very truly yours,

Jeffery M. Wells Attorney at Law (206) 233-2985 jwells@williamskastner.com

Attachment: Appendix listing 150 records

## **APPENDIX**

### The following documents were reviewed.

No.	Date	Document Description
1.	02/29/12	Undersheriff job description
2.	06/17/13	Office Directives Systems Policy
3.	06/29/18	Employee Discipline Protocol
4.	05/20/19	Community Programs Coordinator job description
5.	01/13/20	Employee Performance Standards Policy
6.	01/13/20	Employee Performance Standards Policy – copy
7.	09/29/21	Administrative Investigations Policy
8.	09/29/21	Employee Disciplinary Policy
9.	2023	Evaluation
10.	05/29/23	Email to Steve Harris regarding his timesheet, with his response
11.	05/30/23	Email to Steve Harris and Anthony Paz regarding timesheets, with their responses
12.	06/05/23	Handwritten note regarding interaction with Steve Harris
13.	06/05/23	Timeline regarding issue with Steve Harris
	- 11/05/23	
14.	11/05/23 and 02/07/24	Handwritten notes regarding Harris' call to censure her and comment from Tank
15.	11/17/23	Notice of Censure
16.	11/18/23	Letter regarding Appeal of Censure
17.	12/05/23	Letter rescinding suspension and reaffirmation of responsibilities
18.	2023 and 2024	Calendars with CTE entries highlighted
19.	2024	Letter to Heidi Christie regarding interactions with Undersheriff Steve Harris
20.	01/19/24	Email to undisclosed list regarding "Portal to Portal" with response from Stanley Streubel, Guild President
21.	01/19/24	Email regarding Commute time
22.	02/00/24	Civil Service Commission Rules and Regulations
23.	02/15/24	Email to Donnell Tanksley regarding travel requests for deputies to attend ARIDE
24.	02/18/24	Timesheet
	to 02/24/24	

No.	Date	Document Description
25.	02/22/24	Email to Sheriff Accounting, Dane Chambers and Booker Laughlin regarding approval needed for Lt. ARIDE
26.	02/22/24	Email to Sheriff Accounting, Jordan Andersen and Jason Nyhus regarding ARIDE approval for Andersen
27.	02/22/24	Email to Sheriff Accounting, Landon Bruland and Ken Gates regarding ARIDE approval for Bruland
28.	02/22/24	Email to Sheriff Accounting, TJ Dykstra and Ken Gates regarding ARIDE approval for Dykstra
29.	03/08/24	Email chain with Steve Harris, David Parker, Donnell Tanksley, Bill Hewett and Liz Coogan regarding WUECC Sign in/out process
30.	04/05/24	Email to Heidi Christie regarding SKOR withdrawal
	- 04/09/24	
31.	04/16/24,	Handwritten note regarding WACOPS conference and Steve Harris approval
	05/06/24	
	and	
	05/19/24	
32.	04/19/24	Email string with Paul Lebedev regarding new pay rate
33.	04/19/24	Email string with Paul Lebedev regarding new pay rate
	- 05/16/24	
34.	04/24/24	Employee Performance Evaluation
35.	05/00/24	Monthly calendar showing events
36.	05/00/24	Monthly calendar
37.	05/03/24	Payroll change form for Dallas Shelton
38.	05/03/24	Payroll change form for Paul Lebedev
39.	05/05/24	Timesheet for Donna Duling
	-	
10	05/11/24	
40.	05/05/24	Timesheet
	- 05/11/24	
41.	05/06/24	Email chain regarding training on 5/9 and 5/10, and forward to Jason Karb
42.	05/06/24	Email to Stanley Streubel regarding WACOPS training
43.	05/10/24	Email to Sheriff Staff regarding promotions and appointments of Todd Damon, Magnus Gervol and Darrell Smith, with cc to Heidi Christie, Perry Rice and Donnie LaPlante

No.	Date	Document Description
44.	05/12/24	Timesheet
	-	
	05/18/24	
45.	05/13/14	Letter to Magnus Gervol regarding appointment at rank of Lieutenant, attaching with
10	05/12/14	payroll change form
46.	05/13/14	Letter to Todd Damon regarding promotion to Sergeant, attaching payroll change form
47.	05/16/14	Email to Barbara Luton regarding overtime, with response from Steve Harris, attaching timesheet
	05/17/14	
48.	05/20/24	Email string with and Barbara Luton regarding change forms for promotions effective 5/13, with forwards to Steve Harris and Donnell Tanksley and their responses
49.	05/20/24	Email regarding 5-11 timesheet
50.	05/20/24	Magnus Gervol payroll change form
51.	05/20/24	Todd Damon payroll change form
52.	05/26/24	Timesheet
	-	
	06/01/24	
53.	05/26/24	Timesheet
	- 06/01/24	
54.	06/03/24	Civil Service Eligible Register regarding Sergeant
55.	07/29/24	Email to Heidi Christie regarding Hannah Zabel promotion change form
56.	07/31/24	Email to all staff regarding medical update
57.	08/05/24	Email to Heidi Christie regarding L&I claim
58.	08/05/24	Email to Heidi Christie regarding L&I claim
59.	08/20/24	Text regarding PC Statement in DuBois, with response
60.	08/21/24	Thank you card
61.	08/22/24	Email regarding trainings approved
62.	08/22/24	Email to Commissioned Deputies and Hannah Zabel with reminders regarding Spillman PC Statements, attaching Spillman Reference Guide
63.	08/22/24	Email to Commissioned Deputies and Hannah Zabel with reminders regarding Spillman PC Statements, with response from Derek Jones and reply from Harris
64.	08/23/24	Email regarding assigning updates to the Spillman user guide
	- 09/04/24	
65.	08/26/24	Email regarding Steve Harris timesheet

No.	Date	Document Description
66.	08/26/24	Email string Barbara Luton regarding Steve Harris timesheet
	-	
(7	08/30/24	
67.	08/30/24	Email to Donnell Tanksley and Heidi Christie regarding hostile work environment complaint
68.	09/01/24	Timesheet for Magnus Gervol with leave report
	-	
	09/07/24	
69.	09/04/24	Statement regarding paid administration leave and investigation
70.	09/04/24	Email to Bea Acland and Heidi Christie with formal complaint regarding Steve Harris and concerns for retaliation
71.	09/09/24	Email to Bea Acland and Heidi Christie with formal complaint regarding Steve Harris and concerns for retaliation
72.	09/12/24	Email to Jeff Wells with emails from Donnell Tanksley regarding investigation with attachments (6) – <i>see separate folder</i>
73.	09/18/24	Handwritten note regarding issues with Steve Harris
74.	09/18/24	Handwritten note regarding issues with Steve Harris
75.	09/18/24	Audio of interview regarding investigation into Steve Harris
76.	09/18/24	E-transcript of interview regarding investigation into Steve Harris
77.	09/18/24	E-transcript of interview regarding investigation into Steve Harris
78.	09/18/24	Interview Advisement, signed
79.	09/18/24	Interview Advisement, signed
80.	09/18/24	Interview Advisement, signed
81.	09/18/24	Interview Advisement, signed
82.	09/18/24	E-transcript of interview regarding investigation into Steve Harris
83.	09/18/24	Audio of interview regarding investigation into Steve Harris
84.	09/18/24	Transcript of interview regarding investigation into Steve Harris
85.	09/18/24	E-transcript of interview regarding investigation into Steve Harris
86.	09/18/24	Transcript of interview regarding investigation into Steve Harris
87.	09/18/24	Audio of interview regarding investigation into Steve Harris
88.	09/18/24	Audio of interview regarding investigation into Steve Harris
89.	09/18/24	E-transcript of interview regarding investigation into Steve Harris
90.	09/18/24	Transcript of interview regarding investigation into Steve Harris
91.	09/19/24	Email to Heidi Christie regarding undersheriff Steve Harris HR investigation, with cc to union
92.	09/20/24	Audio of interview regarding investigation into Steve Harris
93.	09/20/24	Facebook profile picture

No.	Date	Document Description
94.	09/20/24	Email to George Roche with WCSO organizational charts
95.	09/20/24	Interview Advisement, signed
96.	09/20/24	Interview Advisement, signed
97.	09/20/24	Photographs
98.	09/20/24	Photographs
99.	09/20/24	Audio of interview regarding investigation into Steve Harris
100.	09/20/24	E-Transcript of interview regarding investigation into Steve Harris
101.	09/20/24	Transcript of interview regarding investigation into Steve Harris
102.	09/24/24	Transcript of interview regarding investigation into Steve Harris
103.	09/24/24	E-Transcript of interview regarding investigation into Steve Harris
104.	09/24/24	Audio of interview regarding investigation into Steve Harris
105.	09/24/24	E-Transcript of interview regarding investigation into Steve Harris
106.	09/24/24	Transcript of interview regarding investigation into Steve Harris
107.	09/24/24	Interview Advisement, signed
108.	09/24/24	Interview Advisement, signed
109.	09/24/24	Interview Advisement, signed
110.	09/24/24	Transcript of interview regarding investigation into Steve Harris
111.	09/24/24	E-Transcript of interview regarding investigation into Steve Harris
112.	09/24/24	Audio of interview regarding investigation into Steve Harris
113.	09/24/24	Transcript of interview regarding investigation into Steve Harris
114.	09/24/24	E-Transcript of interview regarding investigation into Steve Harris
115.	09/24/24	Audio of interview regarding investigation into Steve Harris
116.	09/25/24	Transcript of interview regarding investigation into Steve Harris
117.	09/25/24	E-Transcript of interview regarding investigation into Steve Harris
118.	09/25/24	Audio of interview regarding investigation into Steve Harris
119.	09/25/24	E-Transcript of interview regarding investigation into Steve Harris
120.	09/25/24	Transcript of interview regarding investigation into Steve Harris
121.	09/25/24	Audio of interview regarding investigation into Steve Harris
122.	09/25/24	Interview Advisement, signed
123.	09/25/24	Interview Advisement, signed
124.	09/25/24	Interview Advisement, signed
125.	09/25/24	Interview Advisement, signed
126.	09/25/24	Transcript of interview regarding investigation into Steve Harris
127.	09/25/24	E-Transcript of interview regarding investigation into Steve Harris
128.	09/25/24	Audio of interview regarding investigation into Steve Harris
129.	09/25/24	Transcript of interview regarding investigation into Steve Harris

No.	Date	Document Description
130.	09/25/24	E-Transcript of interview regarding investigation into Steve Harris
131.	09/25/24	E-Transcript of interview regarding investigation into Steve Harris
132.	10/03/24	Interview Advisement, signed
133.	10/03/24	Transcript of interview regarding investigation into Steve Harris
134.	10/03/24	E-Transcript of interview regarding investigation into Steve Harris
135.	10/03/24	Audio of interview regarding investigation into Steve Harris
136.	10/09/24	Interview Advisement, signed
137.	No date	Blank Administrative Investigation Interview Advisement
138.	No date	Blank Administrative Investigation Advisement
139.	No date	Rules and Regulations Manual
140.	No date	Whatcom County Sheriff's Office Vision, Mission and Values
141.	No date	Comment HR received from employee
142.	01/06/24	Endorsement Announcement from Law Enforcement Professionals for Doug Chadwick for Whatcom Sheriff
143.	02/06/24	Endorsement Announcement from Law Enforcement Professionals for Doug Chadwick for Whatcom Sheriff
144.	03/06/24	Endorsement Announcement from Law Enforcement Professionals for Doug Chadwick for Whatcom Sheriff
145.	04/06/24	Endorsement Announcement from Law Enforcement Professionals for Doug Chadwick for Whatcom Sheriff
146.	05/06/24	Endorsement Announcement from Law Enforcement Professionals for Doug Chadwick for Whatcom Sheriff
147.	08/29/24	Summary of verbal complaint
148.	10/14/24	Transcript Correction Sheets
149.	10/09/24	Transcript of interview regarding investigation into Steve Harris
150.	10/09/24	E-Transcript of interview regarding investigation into Steve Harris