

2	Attachment:2 Declaration BCSO Det. (Ret.) Lee Cantu	10
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Declaration of Lee Cantu

I. Declaration

I make the following declaration:

1) I, Lee Cantu make the following declaration:

I am over the age of eighteen (18), I am a currently a retired law enforcement officer, having had been most recently been employed until the late winter of 2020 as Detective for the Benton County Sheriff's Office (BCSO), and I am competent to testify to the facts set forth herein and make this declaration upon personal knowledge. I also believe I have sufficient background, experience and training to provide evidence in the form of an opinion set out below, and I am making this statement of my own free will.

2) I was employed with the Benton County Sheriff's Office for over 20 years. I have worked with Sheriff Jerry Hatcher for approximately two decades at the Benton County Sheriff's Office. During the time I was employed by the Benton County Sheriff's Office I was a member of the Benton County Deputy Sheriff's Guild (BCDSG). Prior to retiring from the Benton County Sheriff's Office, I was an officer on the executive committee of the BCDSG, I held the office of Treasurer. I was the BCDSG Treasurer in September 2019. In October 2019, a vote of no confidence was held and a large volume of the members of BCDSG voted that they had no confidence in Sheriff Hatcher. In October of 2019, the BCDSG and other collective bargaining units communicated this publicly through letters that were provided to and published by the media. In late January 2020, I was still in my position as BCDSG Treasurer on the executive board of the BCDSG.

The BCDSG executive committee became aware in January 2020 that Sheriff Hatcher placed an item before the Benton County Commissioners for consideration on the Benton County Board of Commissioner's consent agenda. The item involved what appeared to be the creation of a position for a Benton County Corrections Officer, Timothy French to work in the Benton County Sheriff's Office. The BCDSG notified the Benton County Commissioners that the creation of this position was a concern in relation to a potential mandatory term as to bargaining, and there were issues and or other concerns about this labor practice. The Benton County Board of Commissioners pulled the item from the consent agenda.

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At the same time as the events set out in the last paragraph were occurring in January 2020, the BCDSG executive committee and the body of the Guild had been gravely concerned about the pending investigation into allegations of domestic violence as it related to actions on the part of Sheriff Hatcher as to his spouse Monica Hatcher. The body of the BCDSG was very vocal about the fact that they wanted an independent outside agency to conduct an administrative investigation should be conducted as it related to Sheriff Hatcher. When indicating the "body of the guild or BCDSG" in this declaration this term is intended to mean a large number of the body of the guild in excess of a simple majority.

In late January 2020 the above concerns set out in the last two paragraphs, and some other concerns, resulted in the BCDSG drafting of a second letter expressing no confidence in Sheriff Hatcher. This letter was also made public in the first few days of February 2020. After the letter was publicized in early February 2020, and before the 5th of February 2020, Sheriff Hatcher requested that BCDSG engage with him in a meeting on the subject matter of the letter the most recent letter. After the letter was provided to Sheriff Hatcher in early February 2020, the Guild retained Alan Harvey.

On the 5th of February 2020, I was present for a meeting where all of the members of the BCDSG executive committee and the BCDSG's attorney, Alan Harvey, engaged with Sheriff Hatcher in line with his request to meet. I should note that, other than myself and Mr. Harvey, BCSO Deputy Brian Tungesvik, BCSO Deputy Brett Hansen, BCSO Sgt. Surplus, BCSO Scott Runge were present for the meeting with Sheriff Hatcher. This meeting was approximately 3 hours in duration. On the 5th of February 2020 the topic of discussion, which was driven by Sheriff Hatcher for the majority of the time of the meeting, Sheriff Hatcher tried to determine by inquiry which specific guild individuals had driven the creation of the letter distributed a few days before. Sheriff Hatcher had indicated publicly, in response to BCDSG February 2020 "no confidence" letter, that he believed that the most recent letter had been written by a "small nucleus" of members. There is no known factual basis to support Sheriff's Hatcher's belief or conclusion that there is mere "small nucleus" of members. On the 5th of February 2020, for approximately the first 2.5 hours of the meeting, Mr. Harvey interacted with Sheriff Hatcher on specific topics and issues. No individual members were placed in the position of having to address the Sheriff's continued inquiry. The topic of a labor management committee (LMC) was raised by Sheriff Hatcher during the meeting and Mr. Harvey and the BCDSG members

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indicated that an MOU could be drafted to specifically address an LMC. Sheriff Hatcher agreed he would entertain an MOU.

On the 5th of February 2020, during the meeting Sheriff Hatcher made multiple references to his Lieutenant's on the command staff failing to give him specific information on guild activity. Specifically, Sheriff Hatcher indicated that because the Lt.'s had failed to provide him information on guild activity he was going to remove the Lt.'s from his command staff meetings. During the meeting, the BCDSG executive committee members requested that Sheriff Hatcher use the LMC to communicate with the BCDSG on guild related matters as this wasn't the role of the Lt.'s. Sheriff Hatcher specifically focused on multiple references made to one specific Lt. during the meeting, Lt. Eric Magnuson. The references made by Sheriff Hatcher about Lt. Magnuson were negative and show a clear animus by Sheriff Hatcher toward Lt. Magnuson

On the 5th of February 2020, the separate subject of an independent domestic violence investigation was raised to Sheriff Hatcher by the BCDSG. Sheriff Hatcher indicated that he did not wish to have the investigation relating to an administrative review as everything was dying down. There was a brief discussion about the WSP investigation. At no time did anyone from the BCDSG disparage the WSP investigation or the Washington State Patrol. At the time of the meeting, it was understood that the investigation being conducted by WSP was still open matter.

I am aware of no individual BCDSG person who has expressed a feeling of being pressured by any other member of the BCDSG to act against Sheriff Hatcher. It has been my experience with both no confidence votes taken in October 2020 and in late January 2020 that all the individual members who participated, when voting "no confidence" did so willingly. I have heard no BCDSG member complain of any concern of retaliation by the BCDSG. On the contrary, I have only heard concerns by BCDSG members who were concerned about retaliatory action by Sheriff Hatcher.

- 3) After the meeting with Sheriff Hatcher that occurred on the 5th of February 2020, the BCDSG provided Sheriff Hatcher notice that all communications relating to pending guild matters, on topics which included: the new position in the Sheriff's Office being created for Benton County Corrections Officer Tim French; the issues relating to the letters of no confidence; and all the topics addressed at the meeting as to the vote of "no confidence."

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The BCSDG communicated directly with Sheriff Hatcher and requested, in writing and orally, that Sheriff Hatcher direct all future guild related inquires to the executive committee as a group, specifically stating that the BCSDG wanted no individual members to be subjected to one on one contact with Sheriff Hatcher on the above topics. This communication was intended as a gap filler until Sheriff Hatcher had signed an MOU which would provide more structure and protections for guild members.

Prior to my retirement from the Benton County Sheriff's office and after the above referenced communications by the BCSDG, it is my recollection that a Sgt. was contacted in a meeting scheduled by the Sheriff. Sheriff Hatcher's notice to the Sgt. as to the purpose of the meeting would have not provided any notice to a reasonable person that the meeting would have anything to do with the content of the "no confidence" vote or the letter voted on by the guild in late January 2020. The Sgt., whom Sheriff Hatcher scheduled the meeting was not a member of the BCSDG executive board at the time of the scheduled meeting. It was brought to the attention of the executive board that during the meeting with the Sgt., Sheriff Hatcher raised the topic as to who was the author of the late most recent letter of no confidence. Specifically, that during the one on one meeting with the Sgt. that Sherriff had directly inquired about the 2020 letter of "no confidence" during the meeting.

- 4) In late February 2020, prior to my retirement from the Benton County Sheriff's office and after the above the BCSDG sent the second letter regarding a vote of "no confidence", I had an opportunity to review a document filed in Benton County Superior Court under Superior Court Cause # 19-3-00868-03.

This document included attachments with photographs and a what appeared to be a true and accurate copy of K.P.D. Report Case Number: 19-40197. This 29-page report related to the Kennewick Police Department's efforts to serve Sheriff Hatcher with a Firearms Surrender Order. The report contains references to a contact on or about the 7th of October 2019 where Sheriff Hatcher was served with a lawful order preventing Sheriff Hatcher from controlling or possessing firearms.

It is my understanding from review of the K.P.D. Report # 19-40197 that during the contact on the 7th of October 2019, as between a K.P.D. Cmdr., Sheriff Hatcher in response to a lawful inquiry informed the K.P.D. Cmdr. about the firearms located at

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his common residence with Monica Hatcher. From the report it appears that Sheriff Hatcher indicated that he only had 2 firearms at that location. Sheriff Hatcher indicated that these were department owned firearms (AR style rifle and shotgun) and that these were the firearms that were located at his shared residence with Monica Hatcher located at 98303 E. Ridgeview Dr. in Kennewick, Washington. There is no evidence in the report that indicates that Sheriff Hatcher provided any information to the K.P.D. officer about any Benton County Ammunition. There is no evidence that Sheriff Hatcher indicated that there were any other firearms.

I have also had an opportunity to review the K.P.D. inventory list created on the 13th of January 2020, associated with K.P.D. Report Case Number: 19-40197. Based upon review of the statement made by Sheriff Hatcher on the 7th of October 2020, relating to the number of firearms located at his shared residence with Monica Hatcher at 98303 E. Ridgeview Dr. in Kennewick, Washington, it appears his statement was a false or misleading statement provided to law enforcement in response to a lawful inquiry made by law enforcement in the enforcement of the terms of a lawfully entered order to surrender firearms and contrary to RCW 9A.76.175. This is based upon the fact that it appears that 8 other firearms were located at that location.

On the 15th of October 2019 at approximately 9:17 a.m. Sheriff Hatcher appeared with his attorney and Ms. Monica Hatcher appeared with her attorney in open court on Benton County Superior Court Cause # 19-3-00868-03. I have reviewed a transcript of the hearing 15th of October 2019 with respect to Benton County Superior Court Cause # 19-3-00868-03. A review of the transcript of that proceeding provides that Ms. Hatcher's attorney informed the court that there were at least 7 firearms belonging to Sheriff Hatcher. Sheriff Hatcher did not respond in open court or inform the court of his statement to K.P.D. on or about the 7th of October 2019 as to only having 2 firearms at his shared residence with Monica Hatcher.

From review of the 29-page K.P.D. Report # 19-40197, Sheriff Hatcher contacted a K.P.D. Commander on the 15th of October 2019 at 10:40 a.m. It is clear this was after Sheriff Hatcher's court hearing relating to Benton County Superior Court Cause # 19-3-00868-03 was completed. According to the content of K.P.D. Report # 19-40197 Sheriff Hatcher, informed the K.P.D. Commander on the 15th of October 2020 that he had "several" firearms located at his shared residence. There is no record in the report that Sheriff Hatcher indicated to the K.P.D. Commander that the

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disclosure of number of more than "2" occurred in open court. There is no record in the report that Sheriff Hatcher indicated to the K.P.D. Commander that the disclosure of number of more than "2" was not due to his actions or efforts in open court.

As indicated above I have had an opportunity to review the K.P.D. inventory list created on the 13th of January 2020, associated with K.P.D. Report # 19-40197. Based upon review of the statement made by Sheriff Hatcher on the 15th of October 2020, relating to the number of firearms located at his shared residence with Monica Hatcher at 98303 E. Ridgeview Dr. in Kennewick, Washington. It appears his statement was a false or misleading statement provided to law enforcement in response to an lawful inquiry made by law enforcement in the enforcement of the terms of a lawfully entered order to surrender firearms and contrary to RCW 9A.76.175. The above conclusion is based upon the fact that it appears that 10 firearms were located at that location on or about the 13th of January 2020 and this doesn't meet a common understanding of the term "several".

Additionally, there was no reference or comment made at all by anyone with respect to Benton County ammunition located within the 29-page K.P.D. Report # 19-40197, until Monica Hatcher referenced in an email. It is my understanding that on or about the 13th of January 2020, two K.P.D. Commanders located 2 Department firearms and also located at least 8 additional firearms at Sheriff Hatcher's shared residence with Monica Hatcher at 98303 E. Ridgeview Dr. in Kennewick, Washington, as has been document in K.P.D. Report #19-40197. Additionally, the K.P.D. Commanders located 14 cases (over 13,000 rounds) of ammunition, property belonging to Benton County at the 98303 E. Ridgeview Dr. in Kennewick, Washington. There is no record in the 29-pages of the K.P.D. Report #19-40197 where Sheriff Hatcher indicated to anyone in law enforcement that he had 14 cases of ammunition (over 13,000 rounds of ammunition) of Benton County property.

There is no record in the 29-pages of K.P.D. Report #19-40197 where Sheriff Hatcher made any attempt between the 7th of October 2019 to the 13th of January 2020 to facilitate the transfer of 14 cases of ammunition (over 13,000 rounds of ammunition) of Benton County property to allow lawful use of it by Sheriff's employees. This is important as from the 7th of October 2019 until the 13th of January 2020, Sheriff Hatcher could not lawfully posses and/or control a firearm, much less use ammunition to fire a weapon.

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It is my understanding that on or about the 13th of January 2020 that the total of the vast majority of the amount of ammunition taken from the Sheriff's Hatcher's residence was in **case** quantities. A case contains many boxes, the number of rounds in a case depends on the caliber of the ammunition. In my time in law enforcement at the Benton County Sheriff's Office I have been provided with duty ammunition and practice ammunition. In my experience of decades as a deputy at Benton County Sheriff's office it is very rare that ammunition is distributed to individuals in the quantity of a case as "practice" ammunition.

Generally, in my experience a Deputy, Detective, Corporal, Sergeant, Lt. and/or Commander will be provided a box of practice ammunition for his or her assigned side arm and/or assigned rifle. The assigned side arm for all law enforcement in my last years and up until my date of retirement required .40 caliber ammunition. In the last 10 years up to the date of my retirement in 2020, the assigned rifle for the vast majority of law enforcement at the Benton County Sheriff's Office (except for SWAT team members) is a .223 caliber. In my experience at the Benton County Sheriff's Office generally "practice" ammunition is not provided for a caliber /weapon for which the given member of law enforcement is not assigned.

In my experience, under any circumstances, it would be highly questionable if the majority of the 14 cases of Benton County ammunition collected by K.P.D had come from a **single** invoice order for ammunition. When I referenced "ammunition" in the last sentence I was referring to the ammunition collected by Kennewick Police Department from Sheriff Hatcher's shared residence with Monica Hatcher on or about the 13th of January 2020. In indicating "highly questionable" above it is my opinion that if an person associated with the Benton County Sheriff's Department, regardless of rank, had in their possession and control, thousands of practice ammunition that derived from a single invoice order, it would be presumptive evidence of criminal activity in the absence of a very specific justification. I should note that I have no recollection of Sheriff Hatcher having been on the SWAT team in the past decade since his return to the Sheriff's office. I reference this as members of the SWAT team received ammunition on average in greater quantities than non-SWAT team members.

I am aware of no reasonable basis for Sheriff Hatcher to have been in possession of such an enormous amount of county ammunition prior to the court order served upon him on the 7th of October 2019. Sheriff Hatcher recently stated in a publicly broadcasted radio interview that he possessed the ammunition at his shared home as "practice" ammunition and that others in the department had quantities in their possession.

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From the review of the reports, it is clear that 14 cases of ammunition, are not the personal property of Sheriff Hatcher. Given, the location of the ammunition in Ms. Hatcher's garage it is clear that they were not readily accessible by the Corrections Department or Sheriff's department personnel at any time. Further, given, the location of the ammunition in shared garage of Sheriff and Ms. Hatcher's it is clear that they were not readily accessible by the Corrections Department or Sheriff's department personnel from October 2019 to January 13, 2020.

However, it appears from the labels on the 14 cases that they have been taken or purchased by those with authority with public funds (on account of the people of the state) and have been appropriated for the use of others not the true owners or by an individual who is legally incapable of use of the ammunition, i.e. Sheriff Hatcher. The ammunition has not been used or been available to the employees of the Benton County Corrections Department or the Benton County Sheriff's department. It is apparent that they have been in the exclusive possession and control of Sheriff Hatcher to the exclusion of Benton County employees.

It appears that RCW 40.16.02 and/or RCW 42.20.070 would have direct application to the circumstances surrounding the ammunition located at Sheriff Hatcher's shared residence based up the current known facts. In short, there is absolutely no evidence, either in the KPD report or any other documents I have been provided or have knowledge of that support the conclusion that the 14 cases of ammunition were lawfully in Sheriff Hatcher's possession, i.e. were there as a matter of right and/or for a legitimate purpose relating to their purchase on or about the 13th of January 2020.

It is my belief that under circumstances described in this paragraph and those set out in paragraph 4, above generally, there are facts that would constitute a duty per RCW 42.20.100 for a public officer, which includes law enforcement, to report concerns related to potential violations of RCW 40.16.020 and/or RCW 42.20.070 among other statutory violations. Based upon all of the above information requesting and/or instituting a criminal investigation would be reasonable and most likely required by statute for any public officer who became aware of the described conduct.

- 5) In my employment as a Detective and/or Deputy with the Benton County Sheriff's Department, I have come to know former Lt. Jason Erickson professionally. In my

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role as BCDSG Treasurer and a member of the executive committee I became familiar with the facts and circumstances that led up to Jason Erickson's decision to engage in self demotion on or about the 14th of February 2020. I have direct knowledge that former Lt. Jason Erickson's decision to self-demote was directly related to the facts set out in the 29-pages of K.P.D. Report #19-40197 and his concerns of violations of law and policy. As indicated, I shared then and continue to share Lt. Erickson's concerns relating to multiple violations of law and policy related to Sheriff Hatcher's known actions with respect to domestic violence, actions of a public officer, and his treatment of witnesses' identified as whistleblowers in relation to his own actions.

- 6) In my career in law enforcement, I have been engaged by the Benton County Sheriff's Office and other law enforcement agencies on many occasions to investigate allegations relating to public employees violating county policy. These are commonly referred to as "internal affairs" or administrative internal investigations. Specifically, Sheriff Hatcher has engaged me in this capacity in the past regarding employees of the Benton County Sheriff's Office. I have never received any negative commentary from Sheriff Hatcher relating to my work in this area.

In my career in law enforcement I have also been tasked as a detective to investigate public officials suspected of misconduct in their respective role as a public officer.

I have reviewed Ms. Blatt's investigation dated the 24th of March 2020 relating to Sheriff Hatcher's action against Lt. Magnuson, Commander Jon Law and/or Commander Steve Caughey. I reviewed the sections of Ms. Blatt's report where Sheriff Hatcher informed Ms. Blatt he would "let the interviews proceed if he could have his own representative sit in." (page 10 of 22 of Ms. Blatt's report dated 24th of March 2020).

In my experience as a Detective conducting a criminal and/or an internal investigation Sheriff Hatcher's request to have his own "representative" present when a complainant or witness is questioned is essentially unprecedented at this stage of an investigation. This is an investigation regarding a complaint or complaints of the Sheriff's failure to comply with County Policy. Sheriff Hatcher, under the circumstances provided to Ms. Blatt is the suspect in essence. By comparison the Sheriff's request is comparable to having the suspect in a domestic

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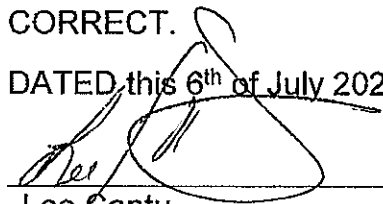
violence matter in the room when the victim is interviewed and/or the suspect alleged to have committed crimes against a child present when the child is interviewed. Sheriff Hatcher's request is not just outside "best practices" it is not practiced at all in my experience at this stage of any internal or criminal investigations.

Further, Sheriff Hatcher's actions, set out in Ms. Blatt's report, regarding Det. Todd Carlson and the interaction regarding disparaging material witnesses, specifically Cmdr. Jon Law and Cmdr. Steve Caughey done under the color of authority, causes great concern. (page 13 of Ms. Blatt's report indicating the contact occurred on or about the 7th of April 2020). This action on its face in any situation where the witness is subject to a future official proceeding or a criminal action appears to be an attempt to cause damage to the witness or witnesses. This conduct directly surrounded the issue of ammunition. It is a fact that the Benton County Internal Affairs investigation (IA 19-001) was an open investigation on the 7th of April 2020 relating to the ammunition, and Sheriff Hatcher had the meeting with Det. Todd Carlson. Specifically, Sheriff Hatcher engaged in discussion of a subordinated providing information to Todd Carlson about witnesses (Cmdr Jon Law and /or Cmdr Steve Caughey) that Sheriff Hatcher knew or had reason to know may provide statements that were not supportive of him in a future action, criminal proceeding or official proceeding. In my experience the facts set out in Ms. Blatt's report support a conclusion that Sheriff Hatcher's conduct applied to these facts appears to implicate RCW 9A.72.110(2) and (3)(a)(ii) and RCW 9A.04.110(28)(d)(e)(h)(j).

- 7) For the reasons set out above and other reasons I believe there is sufficient evidence and/or a basis to conclude that Sheriff Hatcher has committed more than 2 acts that would constitute misfeasance, malfeasance, and/or a violation of his oath of office.

I CERTIFY AND DECLARE UNDER PENALTY OF PERJURY AND THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT.

DATED this 6th of July 2020.



Lee Cantu
Signed at Benton County, WA