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Declaration of Former BCSO Commander Tom Croskrey

I. Declaration

I make the following declaration:

1) I, Tom Croskrey 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 end of February 2020 as a Commander for the Benton County Sheriff's Office (BCSO) in a civil non certified position, and I am competent to testify to the facts set forth herein and make this declaration upon personal knowledge. I am making this statement of my own free will.

2) In 2019, I was hired to act as the Commander of the Benton County Jail.

3) I submitted my resignation in June of 2020. As a part of my resignation, I have outlined to the Benton County Commissioners and Benton County Personnel the concerns I have had with Sheriff Hatcher. Recently, in June of 2020 and early July of 2020 Sheriff Hatcher after being informed of my disclosures of his actions has publicly accused me of misuse of my timecard. The accusation by Sheriff Hatcher appears to be retaliatory in nature. The public accusations are false.

4) In the fall of 2019, when Sheriff Hatcher was accused of assaulting his wife and witness tampering, the Benton County Sheriff's Office took a turn for the worse. I met with Sheriff Hatcher the day the Tri-City Herald released the story. During our meeting Sheriff Hatcher admitted to me to grabbing Monica (his wife) by the neck. Sheriff Hatcher was later accused of witness tampering. Sheriff Hatcher admitted these crimes to several people in the department and subjected numerous employees in the Sheriff's Office to stories about "great" make up sex with his wife. The Sheriff's conduct surrounding these events in October 2020 created a lot of angst, stress and moral confusion among the staff and me. Central to these emotions was the fact that Sheriff Hatcher's discussion was an admission of witness tampering (a felony) and is a textbook pattern from our domestic violence training that I received in law enforcement and that those members in law enforcement received at the Benton County Sheriff's Department.

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- 5) In the fall of 2019, for approximately two weeks, Sheriff Hatcher took a leave of absence and placed me in charge of the Benton County Sheriff's Office. Upon Sheriff Hatcher's return to the office, sometime around November 2019, he started on a rampage of trying to find out who had been talking to his wife. It is my recollection that Sheriff Hatcher told me that, "When I find out who's talking to my wife, they're through!"

I interpreted this statement by Sheriff Hatcher as a direct threat to my employment because I was not a member of a collective bargaining unit and I was an "at will." Employee. Further, although I had talked with his wife per department policy, which provides that under the circumstances where a spouse of an employee is an alleged victim of domestic violence and is entitled to have a "safety plan" provided by the BCSO personnel, it was my impression or belief that Sheriff Hatcher was not going to take this into consideration. My belief is based upon my experiences with and observations of Sheriff Hatcher. Sheriff Hatcher is consumed with hostility, anger, and engages in the use of deception and lies when he sees the need for such action. It is clear from me being in law enforcement for over 27 years and because of her husband's affirmations that he did engage in an act or acts of domestic violence upon Mrs. Hatcher and that she was a victim of domestic violence.

- 6) On the 14th of February 2020, in the morning I was advised by Sheriff Hatcher that Lt. Jason Erickson had made a decision to resign as a Lt. and effectively self-demote by operation of the Civil Service Rules. I was not aware that Lt. Erickson had made the decision until after he had notified Sheriff Hatcher. On the 14th of February 2020, Sheriff Hatcher requested that I contact Sgt. Erickson approximately around the noon hour and ask him to return to the office. I did contact Sgt. Erickson and he returned to the office. When he arrived, he was ordered by Sheriff Hatcher to explain and discuss the contents of his resignation letter. The Sheriff had been clear with me prior to Sgt. Erickson's arrival that he believed the contents of the resignation letter related to ammunition located at his shared residence with Monica Hatcher.

After Sgt Erickson arrived and during his initial contact with Sheriff Hatcher, Sheriff Hatcher indicated to Sgt. Erickson that if he did not answer the questions, he would be subject to discipline. Sgt. Erickson requested that be allowed to have his attorney present. Mr. Harvey appeared approximately one-half hour later and consulted with Sgt. Erickson. Mr. Harvey inquired of Sheriff Hatcher if the request to provide information was voluntary or compelled. Sheriff Hatcher indicated initially that it was

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voluntary. Mr. Harvey and Sgt. Erickson took a brief time period to discuss Sgt. Erickson's options. Mr. Harvey indicated to Sheriff Hatcher that Sgt. Erickson was not inclined to engage in a voluntary interview.

Upon hearing this response Sheriff Hatcher ordered Sgt. Erickson to answer questions. Mr. Harvey highlighted that Sgt. Erickson was a member of the Benton County Deputy Sheriff's Guild and was subject to the protections provided in the Collective Bargaining Agreement. This included the provision relating to prior notice of allegations and a period of 48 hours prior to a compelled interview. Further, that any interview be digitally recorded. Sheriff Hatcher indicated that the interview could be recorded. Sheriff Hatcher was informed during the interview that Sgt. Erickson was uncomfortable answering questions pursuant to the fact that he was a whistleblower regarding the subject matter of the questions as it related to Sheriff Hatcher. Sheriff Hatcher in summary ignored this notice and concern and ordered Sgt. Erickson to answer his questions. Several the questions asked by Sheriff Hatcher surrounded the topic of whether Sgt. Erickson had engaged in contact with Monica Hatcher.

At the conclusion of the interview, Sgt Erickson was informed that Sheriff Hatcher was going to initiate a criminal and administrative investigation related to Sgt. Erickson's concerns as to the ammunition located at Sheriff Hatcher's residence. Sheriff Hatcher indicated that he was going to have this investigation conducted outside of the Sheriff's Office.

Sheriff Hatcher did contact the Franklin County Sheriff's Office for the purpose of conducting an administrative review. Sheriff Hatcher informed me that I was to be the liaison between Benton County and Franklin County for the investigation. Sheriff Hatcher informed that this matter involved simply a few boxes of training ammunition. It is my understanding that as of the date of my resignation that no criminal investigation has been initiated.

Franklin County Sheriff's Office (FCSO) Captain Monty Huber and Captain Adam Diaz contacted me in late February 2020 to begin the process of the investigation. I had a meeting with FCSO Capt. Huber and FCSO Capt. Diaz for an initial interview which took approximately four hours. During this initial contact with FCSO Capt. Diaz and FCSO Capt. Huber I took them to the location where the ammunition inventoried by the Kennewick Police Department (K.P.D.) was being stored. It was clear from the statements and reactions of Capt Diaz and Capt Huber that they were

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as shocked by the volume as was I. There were 14 cases of ammunition, which consisted of all varieties of calibers. There was entire an case of .308 caliber ammunition that wasn't "practice" ammunition. Prior to being in my current position at the sheriff's office I had been a member of SWAT in the Tri Cities area. I am aware that .308 caliber ammunition is used almost without exception by members of SWAT, specifically those who are SWAT snipers. It was my understanding that SWAT doesn't use "practice" ammunition, as all ammunition for SWAT is duty ammunition. Given my knowledge of Sheriff Hatcher and of local SWAT, I have no memory or knowledge that Sheriff Hatcher had been involved or had any background as a SWAT sniper.

In summary, at first glance when I saw a case of .308 caliber ammunition it was extremely troubling based upon Sheriff Hatcher's explanation to me that it was a "few boxes" of "practice" ammunition. All ammunition used by SWAT is "duty" ammunition. Therefore, when I saw that there was an entire case of .308 ammunition, I was shocked by this alone. Further, there was an entire case of .22 caliber ammunition, which contains thousands of rounds. There was a case of 9 mm ammunition for a sidearm. It was my understanding that all duty sidearms weapons at BCSO have 40 caliber for a number of years. It is also my understanding that the distribution of practice ammunition to the average deputy/corporal/ Sgt./ Lt./ Commander at BCSO would be in quantities of a box or maybe boxes. This would relate to ammunition for weapons that the individual was assigned to use as a duty weapon or weapons. Finally, the possession of ammunition in "case" quantities was also troubling.

After the first contact between FCSO Capt. Huber, Captain Diaz and I had occurred, Sheriff Hatcher contacted me and asked me about my interaction. During the conversation I informed him that the conversation had gone on for a number of hours. Sheriff Hatcher appeared annoyed with the duration of time that had occurred and expressed concern and his dissatisfaction with me about the amount of time.

On the 2nd of March 2020, FCSO Capt. Huber and FCSO Diaz contacted me for a second contact and part of that interaction resulted in a digitally recorded interview. During the interview with Capt. Huber and Capt. Diaz, I was asked questions relating to my role in the department and background over the last few months, I answered these questions and also provided them with information surrounding Sheriff

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Hatcher's admission to me to grabbing Monica (his wife) by the neck. At the time of the digital interview Capt. Huber and Capt. Diaz had already gone out to the location where the ammunition was stored and viewed the ammunition. Given, that prior to my recorded interview with both Capt. Huber and Capt. Diaz, they had express surprise at the sheer volume of the ammunition I was surprised at the direction of the subject matter of the questions relating to Sgt. Erickson during the initial part of the interview. To be specific, during the first portion of my digital audio, given the posture of the facts before Capt. Diaz and Capt. Huber I was surprised that they began to ask me questions relating to Sgt. Erickson's performance during the time he had been a Lt. During the first part of my digital interview it appeared that Sgt. Erickson was the focus of the investigation as opposed to determining issues surrounding Sheriff Hatcher's possession of 14 cases of ammunition.

It should be made clear that during the early part of the investigation FCSO Capt. Huber and Capt. Diaz had requested access to the I-leads data base. This is the BCSO report data base. I went to Sheriff Hatcher and communicated this request. Specifically, after my initial interaction with Diaz and Huber Sheriff Hatcher said to me, "I'm going to fix that" meaning he didn't want everyone interviewed, didn't want them "paraded around the office". The next day I asked Captain Diaz if the scope of the investigation changed since our first meeting and he said "yes" and now needs copies of dv reports from I/leads and copy of hatcher's restraining order. Additionally, I was informed by Sheriff Hatcher that if Capt. Huber and Capt. Diaz wanted access to I-leads they would have to contact him themselves and discuss their request. This caused me some confusion as I was provided the task of liaison in the investigation by the Sheriff, but early in the process he was requiring direct interaction with the FCSO investigators on a basic request. I documented this interaction in an email between myself and Capt. Huber and Capt. Diaz. and they were informed of Sheriff Hatcher's direction on the access to the I-leads database.

During the investigative process, the cases of ammunition inventoried were connected to invoices through the examination of the labels on the cases of ammunition. My initial concerns were confirmed as it became apparent that the case of .308 ammunition was SWAT duty ammunition purchased by invoice. On the 19th of March 2020, I sent an email to follow-up on their inquiry by invoices and provided Capt. Diaz and Capt. Huber an invoice regarding the case of .308 TAP Ammunition showing code 80925 on the outside of the case packaging. This ammunition was purchased out of the SWAT Ammunition line item and was part of the annual SWAT Ammunition order for members of the SWAT Team. It was also

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clear that the ammunition other than the .308 ammunition, through searching through invoices, that the majority of the ammunition, thousands of rounds, collected and inventoried by KPD came from a single invoice order in 2015. This information was also provided to Capt. Diaz and Capt. Huber.

At the close of the investigation I had a conversation with Capt. Diaz regarding the investigation. The investigation was not a criminal investigation, however, I asked Capt. Diaz about his impressions. Capt. Diaz indicated that there appeared to be probable cause on a number of criminal acts with respect to Sheriff Hatcher.

- 7) In summary during this time of the FCSO investigation I saw Sheriff Hatcher obstruct his own investigation and secretly change the course of the investigation. Sheriff Hatcher used the investigation of ammo as a cover story to find out who was talking to his wife. I believe this is corruption and Malfeasance of Office. I also believe that I am a witness to a Whistleblower and being intentionally targeted by Sheriff Hatcher. I have also witnessed Sheriff Hatcher committing violations of the Whistleblower Act as to on other employees. Some of these acts have been documented in Ms. Blatt's report dated the 24th of March 2020. I have reviewed Ms. Blatt's report.

After Sheriff Hatcher returned to work in the late fall of 2019, he became very focused on the first "no confidence" votes by the guilds and unions. Over the next several months things rapidly declined, and tension became worse especially when the stolen ammo was located at Sheriff Hatcher's house was located. During this time period the Sheriff Deputies Guild filed their second vote of "no confidence." Once the second vote of "no confidence" was posted Sheriff Hatcher became enraged and entirely focused on finding out who was behind all of this, he believes there is someone instigating his troubles and has never realized that he is the cause behind the issues.

During this time period Sheriff Hatcher was grasping at straws and trying to get the Benton County Sheriff's Deputy Guild to retract their letter or write a different letter showing support for him. That is when Sheriff Hatcher said that he was going to line up every deputy and interview them and make "Brady cops" out of them.

Making Brady Cops is the kiss of death for a police officer, the sheriff was basically saying he would ruin everyone's career. This was especially upsetting for me since my son is employed as a Deputy at the department. I interpreted this as an indirect

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threat to my sons career and livelihood.

In another conversation since his return in the fall of 2019, Sheriff Hatcher told me that he was going to call my son into the office and investigate him. Generally when an employee is investigated, the employee will be provided a complaint or accusation, but there was none, he just said he was going to start an Internal Affairs case on my son for what appeared to be no reason. I interpreted this as a direct threat to me and my son. Right after saying he was going to start an I/A on my son he asked me to call the Tri-City Herald and give them a positive supporting for him. I took this whole conversation as a threat and an attempt to coerce me into supporting him. I refused to do this.

- 8) As a retired law enforcement officer, I am familiar with the laws of the State of Washington. I am familiar with RCW 40.16.020 and RCW 42.20.070. As a retired law enforcement officer in the State of Washington it is within the scope of my employment to understand RCW's that apply to criminal activity. In my review of RCW 40.16.020 and/or RCW 42.20.070, one or both of these statutes have application to Sheriff Hatcher's action or inaction regarding his knowledge of the location of thousands of rounds of ammunition that he could not legally use. He made no efforts to provide the ammunition to those who could legally use and/or possess the ammunition, in short employees of Benton County. His possession of the 14 cases of ammunition prior to losing his rights to control or possess firearms also appears to constitute criminal activity due to the facts already set out in this declaration. It appears clear to me that Sheriff Hatcher has committed acts that are malfeasance, misfeasance and/or a violation of his oath of office under the recall statute.

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 7th of July 2020.



Tom Croskrey
Signed at

Benton County, WA