



## CITY OF KIRKLAND

### Police Department

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[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Cherie Harris, Chief of Police *CH*

**Date:** January 4, 2019

**Subject:** Investigative Complaint #PO-0002

### FINDINGS:

In reviewing the contact that Corporal De Aguiar had with Mr. Bryon Ragland at Menchie's Frozen Yogurt in Totem Lake (Menchie's) on November 7, 2018, the Officer did not act out of racial bias but there was a missed opportunity to mediate the situation on his behalf with the employees, as they were unaware of the legitimacy of his presence when they contacted their boss, Mr. Cruz. Corporal De Aguiar did not determine why Mr. Ragland was present in the Menchie's before telling him that Mr. Cruz wanted him to leave. The practice of the Kirkland Police Department in handling unwanted subjects – asking them to leave without attempting to mediate the issue with the individual and business owners - not the responding Officers, created the feeling of being unwelcome in Kirkland.

This investigation found that Corporal De Aguiar and Officer Thomsson responded to Menchie's after being dispatched to a report of an "unwanted subject", who was making employees uncomfortable, had not purchased anything, and the employees were afraid to approach him. Nothing that was reported by the involved parties as to the conduct of Corporal De Aguiar and Officer Thomsson constitutes a violation of the Kirkland Police Department policy manual.

The Department has taken action to change this outdated practice and continues to examine the appropriate protocol surrounding unwanted subject calls in a manner that is respectful and engages the community to include Kirkland businesses and the NORCOM dispatch center. These changes and the implementation of a new protocol, are already having positive results.

### BACKGROUND:

The Department initiated an investigation after The Seattle Times published an article entitled "*Unwanted Subject: What led a Kirkland yogurt shop to call police on a black man*" on Friday, November 16<sup>th</sup>, 2018. The article, written by columnist Danny Westneat, identifies Byron Ragland as a court-appointed special advocate and visitation supervisor who was overseeing a visitation at the Menchie's on November 7, 2018. The article described two City of Kirkland Police Officers contacting Mr. Ragland, one asking for Mr. Ragland's identification and telling him that the owner of the store wanted him to leave even after being told he was there supervising a visit with a woman and her child. Mr. Ragland and his associates left the store shortly after being contacted by the Officers. The article may have given many in the

community the impression that Mr. Ragland was asked to leave solely because of his race, and that the Kirkland Police Department was involved in race-based profiling/harassment.

The Department immediately began an investigation to determine if the article was an accurate description of events. On the morning of Saturday, November 17<sup>th</sup>, 2018, Sergeant Goguen and Detective Brown began investigating the incident. They conducted interviews, gathered police and dispatch records, collected the store video and text messages pertinent to this call, and attempted to contact both Mr. Ragland and his attorney. Ultimately, neither Mr. Ragland nor his attorney responded to our requests for interviews, or otherwise participated in the investigation. At this point, the investigation is being completed without that participation. **Attachment A** includes the investigative report.

The Department also contacted the NORCOM dispatch center and requested they review their policy and protocols regarding 911 calls received from business owners reporting unwanted subjects. See **Attachment B** - NORCOM's Culture of Accountability report.

### **SUMMARY:**

The investigation included a thorough review of the Department's "Lexipol" policy manual to identify any possible violations. See **Attachment C** for applicable Policies, to include:

#### **Kirkland Police Department Mission, Vision and Values**

- **Kirkland Police Department Code of Ethics**
- **POLICY 320.6.3 Standards of Conduct – Discrimination, Oppression or Favoritism**
- **POLICY 320.6.9 Standards of Conduct (F)**
- **POLICY 400 Patrol Function**
- **POLICY 401 Biased-Based Policing**
- **POLICY 417.3 Field Contacts, Detentions and Pat Down Searches – Initiating a Field Interview**
- **POLICY 430.2 Civil Disputes – Policy**
- **POLICY 1024.2.1 Uniform Regulations – Department Issued Identification**

After carefully reviewing the investigative file, it is my determination that although the Officers involved missed an opportunity for mediating what clearly appears to have been a misunderstanding by Menchie's employees and ownership about Mr. Ragland's purpose at the establishment, those officers did not violate any formal policy or procedure of the Kirkland Police Department or act out of racial bias. My determination is based on the following facts and circumstances:

- On November 7, at approximately 1728 hours, the owner of Menchie's, Raymond Cruz, called 911 and reported that his staff were "scared" of a subject who had been sitting by

himself in a corner for over 30 minutes without making a purchase. Mr. Cruz did not mention the race of the individual until asked by NORCOM for a description. See **Attachment D** for the full transcript of the 911 call made by Raymond Cruz.

- The knowledge of the officers upon arriving at Menchie's was based solely on what the 911 call taker entered into the Computer Aided Dispatch (CAD) system; specifically:
  - RP IS OWNER CALLING FROM OFFSITE
  - EMPS CALLED HIM AND SAID MALE IS MAKING HIM UNCOMFORTABLE
  - HAS BEEN IN THE STORE FOR OVER 30 MINS AND HAS NOT BOUGHT ANYTHING
  - NO WEAPONS
  - BM BLK BONNET GRY JACKET JEANS
  - UNK HBD/VUCSA
  - RP WANTS HIM MOVED ALONG
  - EMP AFRAID TO APPROACH SUJB
- Corporal Michael De Aguiar and Officer Stephen Thomsson responded at approximately 1737 hours. Corporal De Aguiar entered the store, walked past the counter and contacted the only male subject in the store, sitting alone at a table in the corner, who was later identified as Byron Ragland.
- The video captured of the contact between Corporal De Aguiar and Mr. Ragland lasts less than approximately one (1) minute and thirty (30) seconds. The video also records Mr. Ragland, Tonya Clumpner and her juvenile son inside the Menchie's for approximately sixty (60) minutes.
- Corporal De Aguiar can be seen shaking Mr. Ragland's hand, and reports introducing himself before asking for identification. According to Corporal De Aguiar, "Byron informed me that he did not have any identification to show me". Corporal De Aguiar told Mr. Ragland that the owner wanted him to leave. Mr. Ragland asked what he did wrong and Corporal De Aguiar responded "I don't know, just management ask that I have you leave". Mr. Ragland asked if it was because "I'm black" and Corporal De Aguiar responded "not that I know of". When told by Ms. Clumpner that Mr. Ragland was with her for a supervised visit, Corporal De Aguiar said that was fine and again asked Mr. Ragland for his information. Corporal De Aguiar reports that Ms. Clumpner then stood up, stated "that this is wrong" and told Mr. Ragland "let's get out of here".
- Officer Thomsson entered the store after Corporal De Aguiar. While he greeted Mr. Ragland, he did not actively participate in the conversation. After Mr. Ragland, Ms. Clumpner and her son left Menchie's, Officer Thomsson contacted the employees and gathered their information, which he later included in a documented Field Interview Report ("FIR").
- Ms. Clumpner describes Corporal De Aguiar's contact as an "interrogation". She reports that Corporal De Aguiar told her that the owner wanted Mr. Ragland to leave. Ms. Clumpner said she asked one of the employees for the manager and that it appeared that Mr. Ragland was being racially profiled. Ms. Clumpner also said that Mr. Ragland asked for a business card but Corporal De Aguiar "wouldn't give one."
- Corporal De Aguiar believes it was Ms. Clumpner who asked for a business card, in response to which he took one out of his pocket intending to give it to her but did not, given their abrupt departure. The video appears to capture the movement of Corporal De Aguiar removing something from the area of his vest and or uniform pocket.

Informal interviews with a number of Patrol Officers have revealed a general Department practice in which patrons are asked to leave under the belief that a business owner or manager generally has "the right to refuse service to anyone for any reason." In the interest of time, Officers simply contact the patron and ask them to leave on behalf of the management. Except in special circumstances, two Officers are normally dispatched to an unwanted subject call. At

the time of this incident, there were five (5) Officers and one (1) Supervisor on duty, and Corporal De Aguiar was filling in on overtime.

As of November 27, 2018, the Department had responded to over six hundred and seventy-four (674) "unwanted subject" calls, involving eight hundred fifty-five (855) individuals, during the 2018 calendar year. This number does not include "trespass" or "suspicious person" calls. Further analysis is included in **Attachment E** - Unwanted Call Analysis.

NORCOM provided the Department with its own review of this incident, entitled a "Culture of Accountability Report". NORCOM identified the need for additional training and continual review of protocols when a call for service does not appear to involve a crime. Its findings included in part:

- *The call receiver followed standard protocol at NORCOM and 911 centers throughout the nation by asking the caller for a description of the person. It is standard procedure for the call receiver to ask for race, gender, and related factors. This procedure is for officer safety for officers to identify the subject of the call upon arrival on scene.*
- *The call receiver made a statement during the call that implied a specific result where they could have made a more neutral statement. It is not NORCOM policy to promise or imply any result with respect to reports of a crime. This matter did not involve a crime and the policy did not strictly apply. The call receiver's statement could have been more neutral and formal, and NORCOM and its law enforcement agencies need to evaluate whether to broaden the policy to include situations involving unwanted persons who have not committed a crime.*
- *The call receiver also should have documented exactly what the owner was reporting. The owner stated two times that the employees told him they were "scared;" however the dispatcher entered the call stating that the caller reported his employees were "uncomfortable". Responding officers relied on the call receiver's statement in responding to the call.*
- *The call receiver did not act out of racial bias. The call receiver asked the question about "moving along" before she knew the race of the person.*

The full report can be found in **Attachment B**.

The Department has reviewed the practice currently in place for civil situations involving unwanted subjects, and on November 27<sup>th</sup>, offered guidance to its employees via email and patrol briefings:

- Please continue to respond to these calls
- Find out if the owner/employee has asked the person to leave
- Attempt to determine why the owner/employee wants this person to leave
  - Is there a criminal basis for this request, i.e: theft, vandalism, trespass warning letter on file, etc.
  - If it is civil in nature, has the owner/employee made this clear to the unwanted person either in person or via a posted sign, i.e: establishment is for patrons only, no shirt-no shoes-no service, etc.
    - The owner/employee's reason cannot be discriminatory in nature
- If the owner/employee has not taken these steps, we will encourage them to do so as it is their place of business.



- If this does not work and/or they are not comfortable delivering this message due to safety concerns, we will attempt to mediate this conversation and determine if there is a valid reason for this person to be in the business.
- We will continue to complete trespass warning letters as long as the owner is willing to assist in future prosecution
- If someone refuses to leave after all the above steps have been completed, please call a supervisor to the scene prior to arresting someone for trespass.
- If there is not a valid reason for the owner/employee to ask someone to leave, explain this to the owner/employee, inform a supervisor, document it and clear the call.
- These can be challenging situations. We trust in your problem-solving skills, common sense, knowledge of the law and communication abilities.

## **CONCLUSION:**

In conclusion, this investigation found that Corporal De Aguiar and Officer Thomsson responded to Menchie's after being dispatched to a report of an unwanted subject. The dispatched call stated the subject who was making employees uncomfortable, had not purchased anything, and the employees were afraid to approach him. Nothing that was reported by the involved parties as to the conduct of Corporal De Aguiar and Officer Thomsson constitutes a violation of the Kirkland Police Department policy manual nor is there any evidence that they acted out of racial bias.

However, in reviewing the contact that Corporal De Aguiar had with Mr. Ragland, there is a missed opportunity to mediate the situation on his behalf with the employees, as they were unaware of the legitimacy of his presence when they contacted their boss, Mr. Cruz. Corporal De Aguiar lacked situational awareness as to why Mr. Ragland was present in the Menchies. The practice of the Kirkland Police Department in handling unwanted subjects – asking them to leave without attempting to mediate the issue with the resident and business owners - not the responding Officers, created the feeling of being unwelcome in Kirkland.

The Department has already taken steps to update the practice of how unwanted subject calls are handled in a manner that engages the community to include Kirkland businesses and the NORCOM dispatch center.

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Attachment B:	NORCOM's Culture of Accountability Report
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**From:** Michel St Jean  
**Sent:** Tuesday, November 27, 2018 9:42 AM  
**To:** Police - Sergeants; Police - Corporals  
**Cc:** Police - Command  
**Subject:** unwanted calls for service

Supervisors-

I wanted to give you a brief update on where we are at with the recent incident at Menchie's. The City is participating in a meeting tonight, hosted by Kirkland Safe, in order to listen to our community and continue in our efforts to build relationships with key members of Kirkland. There will be another "town hall" type event sometime in December to discuss this incident and how we can learn and improve from it. Please note that this is not focused on the police, but the community as a whole.

Internally, we are just about done with our administrative investigation (not an internal investigation). We plan on releasing the results of this to the department prior to its release to the public. The Chief has asked our City Attorney and Jeremy Culumber, a WCIA-appointed attorney with Keating, Bucklin & McCormack, to research and present to her what exactly our legal obligations are on unwanted/trespass cases. We hope to have this within the next two weeks and at that time we will review their recommendations and determine if we need to update our policies and/or procedures to offer better guidance on responding to these types of calls. We are not alone in asking this question, as all of our neighboring agencies have reached out to us and are eagerly awaiting our findings.

In the meantime, I wanted to offer some guidance for your officers when responding to these calls as I know that we continue to respond to these on a daily basis.

- Please continue to respond to these calls
- Find out if the owner/employee has asked the person to leave
- Attempt to determine why the owner/employee wants this person to leave
  - Is there a criminal basis for this request, i.e: theft, vandalism, trespass warning letter on file, etc.
  - If it is civil in nature, has the owner/employee made this clear to the unwanted person either in person or via a posted sign, i.e: establishment is for patrons only, no shirt-no shoes-no service, etc.
    - The owner/employee's reason cannot be discriminatory in nature
- If the owner/employee has not taken these steps, we will encourage them to do so as it is their place of business.
- If this does not work and/or they are not comfortable delivering this message due to safety concerns, we will attempt to mediate this conversation and determine if there is a valid reason for this person to be in the business.
- We will continue to complete trespass warning letters as long as the owner is willing to assist in future prosecution
- If someone refuses to leave after all the above steps have been completed, please call a supervisor to the scene prior to arresting someone for trespass.
- If there is not a valid reason for the owner/employee to ask someone to leave, explain this to the owner/employee, inform a supervisor, document it and clear the call.
- These can be challenging situations. We trust in your problem solving skills, common sense, knowledge of the law and communication abilities.

Please let myself or one of the Operations Lieutenants know if there are any questions.

Please know that we understand that 99.9% of these calls are handled without incident and we are trying not to overreact, but this is an opportunity to look at how we handle these calls and to put some of the onus back onto the owners of these businesses.

As soon as we hear back from the attorneys on this issue, I will let you know, but in the meantime, I hope the above list offers some guidance.

Thank you,  
Mike



***Captain Mike St. Jean #319***

Kirkland Police Department - Operations Division  
North Sound Metro SWAT – Team Commander  
425-587-3447

***The Mission of the Kirkland Police Department is to protect and serve our community with  
Honor, Integrity, and Courage.***




***FBINA #249***

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## MEMORANDUM

**To:** Captain Mike Ursino via Chain of Command  
**From:** Detective Sergeant Philip Goguen   
**Date:** November 17, 2018  
**Subject:** Incident 18-42006

Today, I was contacted by Lieutenant Haslip and informed of an incident that occurred on or about November 7<sup>th</sup> involving officers from the Kirkland Police Department. Officers had responded to a request by the owner to address an unwanted subject currently inside. Lieutenant Haslip advised the subject had apparently been inside the store for about 30 minutes without ordering anything making the female employees uncomfortable. In the end, officers arrived and asked the subject to leave.

Lieutenant Haslip said he became aware of the incident after Detective Carlson contacted him and brought his attention to a print article in the Seattle Times. Since that time, the story had blown up with the focal point being the police requesting an adult Black male to leave the store and their actions being described as racial profiling. Lieutenant Haslip asked that I have two detectives respond out to conduct a fact finding investigation into the incident.

A link to the story was sent to me for background. I read the story titled, 'Unwanted Subject: What led a Kirkland yogurt shop to call police on a black man. After doing so, I contacted NORCOM and requested they provide me with a copy of the original 911 call, the CAD notes and an un-redacted copy of the actual FIR. I reached out to Detective Brown, provided a short synopsis and asked that he meet me at the police station for further. All the requested information was provided by NORCOM and shared with Detective Brown.

When I arrived at the police department, Detective Brown advised he had reached out to the owner of Menchies, Ramon Cruz, via telephone for an initial inquiry. Cruz was agreeable to meeting with us for the purpose of conducting an interview and advised he was currently at work. The Menchies involved in this incident is located at 11308 NE 124<sup>th</sup> St.

Detective Brown and I responded to the store and met with Cruz. He advised that since the article was posted, lots of hateful posts had been made online and his store had been receiving multiple harassing phone calls from citizens. So much so, Cruz instructed his staff to stop answering the phones.

Cruz took us back into his office. We explained to Cruz the interview was voluntary and he was under no obligation to talk with us. Cruz acknowledged this and agreed to a recorded statement. The statement started at 12:40 hours and ended at 13:15 hours.

### **Summary of interview**

Cruz is the owner of this particular Menchies along with several other businesses in the area. Cruz wanted to provide some background on events that led him to making the call he did. He walked us through 3-4 different incidents that had occurred since August at his various businesses that created concern for him towards his employees. The most recent incident was a robbery involving a gun at a store outside of Kirkland, which occurred on Halloween.

Cruz pointed out to us that after the latest event, he told his staff if something or someone is making you uncomfortable to call the police. Cruz referenced the fact the staff at Menchies consists of all women, most of them high school age.

On this particular evening, November 7, 2018, Cruz was at home and began to receive text messages from his "Lead" about a person currently inside the store that was making her feel uncomfortable. The text message from the Lead did not give a description of the male other than, "there's this weird guy in the store..." Cruz told us the text indicated the guy had been sitting at the table for close to 30 minutes and had not purchased anything. He was described as looking at his phone and then looking at them.

Out of an abundance of caution, Cruz said he decided to call the police and texted back to let them know. Cruz said he made this decision before knowing anything about the race of the male. He made the decision because he wanted to keep his staff safe and they indicated they were uncomfortable approaching him. During the phone call to police, he was asked to describe the male at which point he had looked at the surveillance camera and noticed the subject was a Black male. He also noticed a White female with a child near by the male but it did not appear the parties were together. It was during the conversation with dispatch they asked him if he wanted Police to "move the guy along." Cruz said he interpreted the suggestion by the dispatcher since it was the only one offered to be the "best option" and agreed have him moved along. He monitored the camera until police arrived.

When the incident was over, he received a text from the Lead to let him know the police had asked him to leave. It was at this moment he learned the Black male was in the store with the White female and White child as part of a supervised visit. Cruz said had this information been relayed to him by officers on scene, he would have asked the officers to allow the Black male to remain and offer an apology for the misunderstanding.

Phone calls were made to both female employees that went unanswered. Messages were left requesting a call back.

During our interview with Cruz, he mentioned that he had spoken with the female who was with the subject who was asked to leave. She was identified as Tonya C. Clumpner. Cruz provided her contact number to us so we could reach out for an interview.

I called and spoke to Clumpner on the telephone. I explained the reason for my phone call and asked if she would be willing to discuss the incident. Clumpner agree to speak to us but wanted to do it on the telephone. We explained to Clumpner the interview was voluntary and she was under no obligation to talk with us. Clumpner acknowledged this and agreed to a recorded statement. The statement started at 1400 hours and ended at 1430 hours.

### **Summary of Interview**

On November 7<sup>th</sup>, 2018, Clumpner had a scheduled supervised visitation with her son, 12 year old [REDACTED] 13.50.100. It was to be her last supervised visit. The agreed upon meeting place was Menchie's in Kirkland, which had been the spot of at least 3 other similar meetings. Clumpner said the supervisor, Byron Ragland, role was in an observation mode, which means he is not supposed to interject just observe. Clumpner described Ragland as being nicely dressed, looking very professional with a brief case. She said Ragland will sit near her and [REDACTED] 13.50.100 and take notes using his cell phone.

All three of them entered the store at the same time. No other customers were present. Clumpner said Ragland sat at a table while she and [REDACTED] 13.50.100 went to grab some yogurt. When they had finished they sat down at a separate table. Clumpner said they had been inside for about 20 minutes when police arrived.

According to Clumpner, Officers walked in and immediately made contact with Ragland and told him he needed to leave. She heard Ragland ask the officer why and thought she heard him say something about the manager watching him on the camera and he was suspicious. Clumpner said she turned around and told the officer (based on description believed to be Deaguier) Ragland was with her. She elaborated and informed the officers he was there supervising her court appointed visitation with her son.

Clumpner described the interaction between Corporal Deaguier and Ragland as an "interrogation." She said "he kept demanding his ID and other information" from Ragland. At some point, Ragland commented he did not have his ID and did not feel he needed to provide it considering he had done nothing wrong. Officers continued to question him to which Clumpner replied that this was wrong and told Ragland we should leave. Two customers who had come in prior to police arrival observed the interaction and upon walking out commented out loud how this (being asked to leave) was wrong.

Clumpner and Ragland left. She said Ragland looked "sad" and when asked, he said it was not the first time this had happened to him. When asked how this incident made her feel, Clumpner answered, "Vulnerable" and believed the police created a "threatening atmosphere."

Clumpner confirmed she had contact information for Ragland but would not provide his personal phone number without his consent. Mark and I supported that decision and asked that she reach out to Ragland and share our contact information with him. We asked that she encourage him to reach out to us, but emphasized it was purely voluntary.

Employee [REDACTED] 42.56.240(2) called Detective Brown back around 1545 hours. She agreed to speak with us but asked that the interview take place on Monday prior to her starting work at 1700

hours. [REDACTED] also said she spoke to [REDACTED] who wanted to be interviewed on Monday as well.

Officer Thomsson was called in and asked to provide an officer's report detailing his involvement in this incident.

### **Thomsson Summary**

Officer Thomsson was not initially dispatched to the call but jumped the call for Officer Klein because he was closer. Thomsson noted the information provided by dispatch was the owner (Cruz) was offsite and had been alerted by his staff of a suspicious male currently in the store making them feel uncomfortable. The subject had been inside for 30 minutes and not purchased anything.

Officer Thomsson arrived on scene almost simultaneous as Corporal Deaguiar. He indicates Corporal Deaguiar entered the store first (estimates about 60 seconds prior). Upon entering the store, Officer Thomsson states he made eye contact with what he describes as a high school aged female working behind the counter who directed him toward his right with her eyes where Corporal Deaguiar was in the midst of a conversation with a male customer (Ragland). Officer Thomsson notes the female employee looked "concerned and worried." Officer Thomsson indicates in his report Ragland was sitting at his own table, angled towards another table occupied by an adult female (Clumpner) and a young boy. Two customers were at the register paying for their merchandise. Officer Thomsson took a position off to the side of where Corporal Deaguiar was located talking to Ragland. Officer Thomsson noted Ragland looked in his direction, which prompted a greeting from Officer Thomsson.

Officer Thomsson states his involvement in the incident was minimal, indicating Corporal Deaguiar handled about "98%" of the contact. Officer Thomsson states he took the role of cover officer while Corporal Deaguiar spoke with Ragland. Officer Thomsson could not recall many specifics about dialogue or topics, however, he does remember Corporal Deaguiar asking for Ragland's identification, explaining the reason why KPD was on scene and remembers hearing someone mention Ragland was there as part of visitation.

During the conversation between Corporal Deaguiar and Ragland, Officer Thomsson noticed that Ragland appeared annoyed and describes how Ragland's body language and demeanor clearly changed, shifting in his chair and not maintaining eye contact with Corporal Deaguiar. Officer Thomsson stated Ragland's tone of voice changed as the conversation progressed and described him as being agitated or frustrated by what was happening. As the conversation continued, Ragland stood up and gathered his things and began to walk out of the store with Clumpner and her son. On his way out, Ragland and Clumpner made several comments about how this (incident) was not over and how Ragland felt he was targeted because of his race.

After Ragland and Clumpner left the store, Officer Thomsson made contact with the employees and identified each of them. The employees shared information regarding recent criminal and suspicious incidents at this and other stores owned by Cruz. The employees informed Officer Thomsson they had been instructed to contact police or contact Cruz to report suspicious behavior. Today, they elected to contact Cruz who decided to call police.



When they were preparing to leave, Officer Thomsson documents a conversation that took place between he and Corporal Deaguiar. Officer Thomsson said he was asked to complete a FIR and was told by Corporal Deaguiar to notify his supervisor (Deaguiar was working overtime on the squad) of the situation based on the comments made by Ragland as he exited the store. Officer Thompson said he notified Corporal Ouimet and was told he would review the FIR.

Corporal Deaguiar was contacted upon his arrival and asked to provide an officers report. He indicated he had written on that night in anticipation this would happen.

### **Deaguiar Summary**

Corporal Deaguiar was working overtime on D squad and was dispatched to a call of an unwanted subject at Menchies on NE 124<sup>th</sup> St. Dispatch put out a Black male (Ragland) had been in the store for 30 minutes without buying anything. The subject was making the employees nervous and called the owner (Cruz) to report the incident. Cruz notified dispatch and asked that the male be asked to leave.

Corporal Deaguiar arrived and observed just one male in the store who just happened to be Black. He confirmed with the employee this was the male in question. Ragland was sitting in the corner with his back to a women (Clumpner) and her child surfing the internet on his telephone. Corporal Deaguiar contacted Ragland and asked to see his ID. Clumpner turned around and looked at him. Corporal Deaguiar indicates Ragland stated he did not have any ID to provide him and asked him what the contact was all about. Corporal Deaguiar states that he informed Ragland the owner of the business called the police to have him removed from the premises.

Ragland asked if it was because of the color of his skin? Clumpner then commented that Ragland had not done anything wrong and this interaction was wrong. She then informs Corporal Deaguiar Ragland is there to supervise her visitation with her son. Corporal Deaguiar acknowledges this point and tells Clumpner he will talk to her after getting Ragland's information. He also documents that two other customers who were inside the store make the comment, "that's absolutely wrong" on their way out.

Before he is able to confirm Ragland's ID, Clumpner stands up and states again, "this is wrong" and tells Ragland we should go, which they do. Clumpner refers to the contact as "racial profiling."

Corporal Deaguiar says they contacted the employees and gathered their information. He says he asks the employees to save the video of the incident just in case.

After I reviewed his initial report, I asked him if he notified anyone above the rank of corporal about his concerns with this call. Corporal Deaguiar indicated he had not but mentioned it to Corporal Ouimet about possibly generating a complaint. Corporal Deaguiar indicated this was overheard by Lieutenant Saloum who stepped out of his office where a quick verbal exchange occurred. He indicated he did not recall what was said. He later added this to the end of his report.

On 11/19/18, Detective Brown met with employee [REDACTED] at Menchies for the purpose of gathering her account of events. [REDACTED] was one of two female employees who were at work during this incident. [REDACTED] a college student, has worked for Menchies and owner Cruz for 4 ½ years. [REDACTED] indicated she enjoyed working for Cruz and the hours worked around her school schedule.

[REDACTED] had prepared several documents for Detective Brown ahead of time. One of those documents was a time line where she highlighted different subjects under the headings of: "Previous Incidents", "Accounts of the Incident", "What went wrong" and "What needs to be cleared up". She also provided Detective Brown a print out of text communication between her and Parinda (Cruz' wife) her and Cruz and her with her coworker [REDACTED]

### Summary

[REDACTED] started her interview by wanting to go over a number of previous incidents that had occurred over time that led up to the concern regarding Ragland being in the store for such a long time. These incidents included:

- Receiving repeated sexually harassing phone calls from men over the past 3 years, which include guys masturbating on the phone. Lee said the most recent such call occurred last week.
- During cleaning of the bathroom, discovering used hypodermic needles in the trash.
- In October, a homeless couple came into the store and began sampling items. They ended up vandalizing the bathroom and were arrested by KPD.
- Stolen tips from the register area.
- Cat calls from men, "nice ass!"
- A male subject has been in a number of times and was caught taking pictures of her without her permission or knowledge. The same man was caught taking extra yogurt without paying, when she confronted him he began to yell and curse at her. He was asked to leave.
- The Sally's Beauty Supply was robbed and an employee injured last year.
- Reoccurring homeless people coming inside, sampling yogurt and not paying.

[REDACTED] was at work with another employee [REDACTED] age 17) when she observed a women (Clumpner) and child walk into the store followed by a male subject (Ragland). [REDACTED] first impression were they were at the store together. [REDACTED] said when Ragland took a seat at a table by himself, Clumpner and her son went to select their yogurt. [REDACTED] stated when Clumpner sat down at another table she questioned her earlier impression and believed they were there separately. [REDACTED] indicates Ragland arrived around 1645 hours.

After about 15 minutes, [REDACTED] comes upfront and [REDACTED] points out Ragland and tells her he has been sitting there for 15 minutes and not purchased anything or spoken to anyone. She described him as having his head down and frequently looking up. [REDACTED] was scheduled to get off work, but [REDACTED] (age 17) was uncomfortable being in the store by herself and asked [REDACTED] to stay a little longer. [REDACTED] indicates at this point neither of them were scared or uncomfortable. She described her actions as "cautious."

Another 15 minutes go by and Ragland continues to sit in his chair interacting with nobody.

42.56.240(2) said she did not see him speak to anyone and purchase anything. She decides to text Parinda, who is Cruz' wife about the situation. She then sends the text originally provided by Cruz to Detective Brown, which was sent at 1716 hours. The text talks about the weird guy in the store at a table with his head down. She mentions that he has not moved from the table, purchased anything or spoken to anyone. She says that she believes he must be charging his phone. 42.56.240(2) tells Parinda she decided to stay a little longer so 42.56.240(2) is not alone. A little later in the text string 42.56.240(2) tells Parinda she is going to give him 10 more minutes before contacting him. Parinda responds, "Ramon took care of it."

Around 1731 hours, some 45 minutes after Ragland had entered the store, 42.56.240(2) received a text from Ramon, which she says is the first time she has heard from him all day, saying the police are in route. 42.56.240(2) says the first officer arrives around 1745-1800 hours, almost an hour after Ragland had entered the store. 42.56.240(2) says Ragland was still sitting at his table, had not purchased anything or spoken or interacted with anyone.

When the police arrive they immediately make contact with Ragland. She cannot hear all the dialogue, but hears the officers say something like, "the manager has been watching you and wants you to leave." 42.56.240(2) says she then hears Clumpner tell the officer, "he is with me."

42.56.240(2) said she walks to the back of the store realizing Ragland and Clumpner were together and made the comment to Detective Brown that she remembers saying, "Oh shoot they were together. We messed up." 42.56.240(2) said 42.56.240(2) was upfront and was present for the rest of the conversation, but she was not. When she came back out, the parties were leaving and the police were approaching them.

According to 42.56.240(2) one of the officers, described as older, bigger, Asian or Hawaiian made the comment to her, "This is Kirkland, we just kicked a black man out of the store. People are going to see this as a race thing." 42.56.240(2) was adamant the incident had nothing to do with race.

42.56.240(2) discussed what she believed went wrong. She pointed out that she had listened to the 911 call and believes the dispatcher should have provided a third option to Cruz. She said the dispatcher only gave him the option of "move along" or "trespass." 42.56.240(2) said she believed the dispatcher should have offered Cruz the option for police to check out why he was there and assess the situation. 42.56.240(2) said, "I know Ramon, he would have chosen that option."

42.56.240(2) also pointed out that she wishes Ramon would have contacted her first before calling the police. She would have told him not to call the police. 42.56.240(2) told Detective Brown that once police learned why he was there they should have asked someone if we were okay if he stayed. We would have said it was okay.

With regards to thing that needed clearing up. 42.56.240(2) wanted to point out that they never felt unsafe. They never told the officers they were "thankful" as the report indicates. His race was never mentioned until dispatch asked the question. She wanted it addressed that the business is not a lounge where people typically tend to sit and relax for extended periods of time. Customers come in, get their yogurt and leave. 42.56.240(2) was emphatic that the police have put words into their mouths that are false. She said they will not take the wrath for this because our feelings were assumed.

The text strings provided by [REDACTED] show communication with Cruz after the fact. She talks about not knowing Ragland and Clumpner were together and how they never spoke during their visit. She texts, "Awkward" and mentions the fact Ragland was a supervisor for the lady's visitation. Cruz is reassuring that "safety comes first." [REDACTED] mentions that she just did not want this to be looked at as a "race thing." She then posts, "I'm sure that's what they think tho. I feel bad."

In the text communication with [REDACTED] later that evening, [REDACTED] once again mentions that she had no idea they were together. She writes, "I TOTALLY didn't know that guy was with those people!!! They never said a word to each other! Like to sit there for over an hour and not buy anything what do they expect! I feel so bad I really hope that guy didn't take it as a race thing." At a point in the conversation, [REDACTED] asks [REDACTED] if the police asked her (Clumpner) to leave (Clumpner had called back to ask why they were kicked out). [REDACTED] responded, "They asked the guy to leave. Nothing to her."

At 17:30 hours on 11/20/18, Detective Brown responded and re-contacted Cruz for the purpose of getting a complete video, which included the arrival of police.

I reviewed the video and observed the following:

- 17:59:42 Corporal Deaguiar arrives at the store.
- 17:59:53 Corporal Deaguiar makes contact with Ragland and shakes his hand.
- 18:00:13 [REDACTED] is seen retreating to the back of the store texting. This is presumably when she hears Clumpner tell Corporal Deaguiar "he is with me."
- 18:00:20 Officer Thomsson arrives. [REDACTED] is in the back texting. [REDACTED] is out front tending to what appears to be two 16-22 year old females.
- 18:01:00 Corporal Deaguiar is speaking with both Ragland and Clumpner.
- 18:01:21 Clumpner stands up to leave. Other customers stop at the door to watch interaction.
- 18:02:11 Ragland and Clumpner leave the store.
- 18:03:39 Officers contact employees.

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**From:** Phil Goguen  
**Sent:** Wednesday, January 2, 2019 8:44 AM  
**To:** John Haslip  
**Subject:** FW: request for an interview

Here is the email I sent out to Mr. Bible requesting contact.

---

**From:** Phil Goguen  
**Sent:** Monday, November 26, 2018 12:18 PM  
**To:** 'diezbible@hotmail.com' <diezbible@hotmail.com>  
**Subject:** request for an interview

Mr. Bible,

Chief Harris has tasked me and Detective Brown with conducting a fact finding exploration into the events surrounding the contact between Mr. Ragland and members of the Kirkland Police Department at Menchie's on November 7<sup>th</sup>. To date, we have interviewed all parties involved in the incident except for Mr. Ragland. We reached out to him through Ms. Clumpner (she declined provide his contact information) on Saturday, November 17<sup>th</sup>, inquiring if he would be willing to meet to discuss this matter. Ms. Clumpner later confirmed she had shared our interests and contact information with Mr. Ragland and was told he wanted an opportunity to talk with us.

We have not heard back from Mr. Ragland regarding his interest, or lack thereof, therefore I am reaching out again in hopes of determining our next course of action. It goes without saying Mr. Ragland is under no obligation to meet or discuss this incident with us or anyone else associated with the Kirkland Police Department and doing so would be purely voluntary on his part. I would certainly appreciate the opportunity to meet with Mr. Ragland and hear from him firsthand how the events of that day took place. It is our interest to gather all the information from all parties so we can present a comprehensive and detailed summary of the event.

I can be reached via email or at the phone numbers below. I look forward to hearing back from you.

Detective Sergeant P. Goguen  
Kirkland Police Department  
Desk (425) 587-3506  
Cell (425) 864-4540

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.



## **Culture of Accountability Report – Kirkland Police Unwanted Subject**

**NORCOM Culture of Accountability Risk Management:** *NORCOM follows other high-consequence industries including healthcare, aviation, rail, nuclear power, and emergency response in its approach to managing risk and preventing adverse outcomes. Human Factor experts have concluded that there will be five human failures for every 100 actions. Human failures can be the result of a mistake, system design, and/or reckless behavior. The Culture of Accountability approach recognizes that all humans are destined to make mistakes and that some will drift into at-risk behavioral choices regardless of how well a system is designed. Incidents are analyzed by focusing on system design and behavioral choices as opposed to focusing on errors and outcomes. This methodology has yielded outstanding improvements in safety in high consequence industries by encouraging employees to self-report mistakes, identifying system issues that create bad outcomes, and reducing at-risk behavior.*

### **Scope:**

This Culture of Accountability Report details the events surrounding an Unwanted Subject incident that occurred at Menchie's Frozen Yogurt in Kirkland. While this report is purposefully clinical and grounded in clarifying fact, NORCOM's primary concern is always the safety of all persons at the scene and that of the officers responding to the incident.

### **Subject:**

The report below presents NORCOM's preliminary fact-finding regarding the handling of an Unwanted Subject incident at 11308 NE 124<sup>th</sup> Street on Wednesday, November 7, 2018 at 1727 hours.

### **Agencies and Units Involved:**

Kirkland Police Patrol Units: 4K3, 4K4, 4K7

### **Bottom Line:**

NORCOM processed a 911 call from a business owner regarding an unwanted person. NORCOM's call receiver did not act of racial bias in handling the call. NORCOM's call receiver followed standard procedures in asking the caller to give a description of the person. These standard procedures require the call receiver to ask the race, gender, and general description of the person. The call receiver implied a suggested outcome, i.e., moving the subject along. When a caller reports a crime, NORCOM policy directs call receivers not to imply or guarantee an outcome to the caller. The policy is not clear on incidents, such as this, where the caller does not report a crime. The NORCOM call receiver did not accurately relay the caller's exact language that his employees were "scared." Instead the call receiver relayed that the caller's employees were "uncomfortable." Responding police officers relied, at least in part, on the call receiver's description.

### **Summary:**

Calls from the public reporting an Unwanted Subject or Trespass are quite common and occur with great frequency in all the police jurisdictions we serve. From January 1, 2017 to November 20, 2018, NORCOM processed a total of 5,704 Unwanted Person calls and 1,704 trespass calls for its 6 police agencies.



Preliminary analysis shows that 42.50 percent of these calls were people reporting unwanted or trespassing white males or white females, and 15.46 percent of calls involved black males or black females. The balance of other calls involved a wide range of races and, in some cases, there was insufficient data within the research documentation to determine race and/or gender.

At 1727 hours on November 7, 2018, the owner of Menchie's called NORCOM to report a suspicious person at their store in the Totem Lake area of Kirkland. The owner stated the person seemed suspicious because he was sitting in the corner, was at the location for over 30 minutes without buying anything, and kept looking at the phone and employees, scaring them.

NORCOM obtained the address and details about what was occurring. At that point, the call receiver offered, *"we can have officers there and tell him to move along."* The call receiver then appropriately asked for a description of the person including his race, physical characteristics, and a brief clothing description. The call receiver also asked the business owner *"do you want him trespassed or do you just want them to tell him to move along?"*

NORCOM policy states *"When answering a call for a theft complaint (shoplifting) or other crimes at a business, please refrain from asking if the Reporting Party would also like the subject trespassed."* Menchie's business owner did not report a specific crime, only that a suspicious person was in their store. NORCOM does not have a specific policy or directive that addresses trespass questioning when the caller is not reporting a crime. On a technical level, the call receiver did not violate this policy. The call receiver could have worded this more neutrally as it implied that police would remove the subject regardless of the circumstances they discovered on scene. More importantly, NORCOM's policy follows sound principles. Those principles may apply even when there is no report of a crime. NORCOM will work with its law enforcement agencies to consider the principles on which the policy is based and whether to change the scope of the policy.

#### **Findings:**

1. The call receiver followed standard protocol at NORCOM and 911 centers throughout the nation by asking the caller for a description of the person. It is standard procedure for the call receiver to ask for race, gender, and related factors. This procedure is for officer safety for officers to identify the subject of the call upon arrival on scene.
2. The call receiver made a statement during the call that implied a specific result where they could have made a more neutral statement. It is not NORCOM policy to promise or imply any result with respect to reports of a crime. This matter did not involve a crime and the policy did not strictly apply. The call receiver's statement could have been more neutral and formal, and NORCOM and its law enforcement agencies need to evaluate whether to broaden the policy to include situations involving unwanted persons who have not committed a crime.
3. The call receiver also should have documented exactly what the owner was reporting. The owner stated two times that the employees told him they were "scared;" however the dispatcher entered the call stating that the caller reported his employees were "uncomfortable". Responding officers relied on the call receiver's statement in responding to the call.
4. The call receiver did not act out of racial bias. The call receiver asked the question about "moving along" before she knew the race of the person.



**Conclusion:** NORCOM will provide more training and coaching to address these areas of concern, and will check the call receiver's future performance for compliance with procedure in all respects. NORCOM has a Quality Assurance Specialist who routinely reviews calls for policy compliance. The Quality Assurance Specialist will include review of Unwanted Subject calls in future reviews. NORCOM will counsel the call receiver to present comments in a professional and neutral tone.

NORCOM Training will develop more training on Unwanted Subject and Trespass calls that will be presented to all NORCOM Telecommunicators. NORCOM's Training Coordinator and NORCOM's Police Liaison will work with Police Operations to review all policies and procedures related to Unwanted Subject calls. NORCOM will work with participating police agencies to evaluate whether to make an amendment to NORCOM's procedures for Unwanted Subject calls.

## **Incident Chronology – Kirkland Police Unwanted Subject**

The following is a report in detail regarding an Unwanted Subject call at 11308 NE 124<sup>th</sup> Street occurring at 1727 hours on Wednesday, November 7, 2018.

### **CALL ANSWERED AT 0:00:00 INTO THE CALL**

- |          |  |
|----------|--|
| 17:27:45 | NORCOM receives a call from the owner of the Menchie's Frozen Yogurt.  |
| 17:28:02 | The owner reports that he is not on site. He explains that there is a male, in the store who has been sitting in a corner for at least 30 minutes and has not made any purchases. He also states that his employees are scared because the male looks suspicious.  |
| 17:28:38 | Call Receiver asks if the male has any weapons.<br><i>This is the correct first question to ask according to NORCOM training, as weapons are a safety issue and of paramount importance to the safety of responding officers and citizens involved.</i>  |
| 17:28:54 | Call Receiver enters into the Computer Aided Dispatch (CAD) call that the employees called the owner and said the male is making them "uncomfortable." The owner had stated twice that the employees were "scared" and did not use the word "uncomfortable" in describing his concerns.  |
| 17:29:13 | Call Receiver says, "We can have the officers there and tell him to move along."<br><i>The only things known about the male's description at this point are his sex and he does not appear to have any weapons.</i>  |
| 17:29:15 | Call Receiver asks for a description and the race of the male.<br><i>This is the correct next question in obtaining a subject description according to NORCOM training. NORCOM asks about characteristics in the order of most obvious or recognizable and most permanent and therefore hardest to change. Sex and race come first, and then age, then height and weight. By contrast, clothing is a lower priority because a subject can remove or cover up their clothing.</i> |
| 17:30:21 | Call Receiver asks, "do you want him trespassed or do you just want them to go there and tell him to move along?"  |





17:30:25      The owner responds to the question with “Just tell him to move along.”

**POLICE PATROL UNITS RESPOND AT 00:04:20 INTO THE CALL**

17:32:05      4K4 announces on the NCPOL2 radio channel that he will “head over to the Unwanted.”  
*NCPOL2 is the main radio channel assigned for Kirkland Police. 4K4 is “self-dispatching” or assigning to himself the Unwanted Subject call. NORCOM protocol on self-dispatched incidents is to refrain from giving call details over the radio unless extenuating circumstances exist.*

17:32:34      4K3 states on NCPOL2 to “put mine in pending and I’ll head that way as well.”  
*4K3 is asking the Telecommunicator to put his current call in pending and instead show him responding to the Unwanted Subject call with 4K4. A pending call is one awaiting completion and may be waiting for an officer to start handling or to finish writing a report. It is common practice for officers to place lower priority calls in pending to respond to a higher priority call.*

17:33:13      4K7 states he is wrapping up and will respond in place of 4K3. 4K3 acknowledges and the Telecommunicator makes the appropriate changes in the computer system.

17:36:22      4K3 states he is closer to the Unwanted Subject call than 4K7 and requests the Telecommunicator assign him back onto the call. The Telecommunicator complies.

17:36:28      4K7 was cleared off the call.

17:37:26      4K3 states he is in the area.

17:37:51      4K4 arrives.

17:41:20      4K3 switches from the NCPOL2 radio channel to the NCDATA channel to run a name.  
*The NCDATA channel is for non-emergency radio traffic used to ask NORCOM to assist searching various databases for information. 4K3 is indicating that he has a name and wants the NORCOM NCDATA Telecommunicator to check the name in the FBI’s National Crime Information Computer (NCIC) system, the Washington Crime Information Center (WACIC) as well as the Department of Licensing (DOL) to see if there are any warrants, court-issued protection orders, or anything else connected with the name he has. This is standard procedure for police contacts.*

17:42:38      4K3 asks the Telecommunicator on the NCDATA channel to run the name, giving only a first and last name.  
*Typically, an officer will run a name using a last name, first name, middle initial, and date of birth. In this case, the officer did not provide all that information and acknowledged that fact. The Telecommunicator, in response, replies “I’ll take a look,” indicating that she intends to check all the databases she has available to find the middle initial and date of birth. This is a common interaction between officers and the NCDATA channel.*



- 17:46:12      The Telecommunicator on the NCDATA channel informs 4K3 that she found information matching the information provided, and that person is clear. 4K3 tells NCDATA that the male has left, and he just wanted the information for the call.  
*"Clear" means that the databases such as NCIC, WACIC, and DOL do not have any warrants, orders, or anything creating a safety issue or necessitating further investigation.*
- 18:03:54      4K3 states on the NCPOL2 radio channel he is "code four" and clear of the scene.  
*4K3 is indicating he is safe and no longer on the location. He is still not clear of the call because he is writing a report. This is routine and normal.*
- 18:55:59      4K3 clears the call FF and closes the call out.  
*Clearing the call FF, or "frank" indicates that the officer took a Field Interview Report or FIR. A FIR is a record of a police officer's stop of an individual or vehicle used to document the parties involved and nature of police contact. FIRs are routine with these types of incidents.*

## Kirkland Police Department

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#### **KIRKLAND POLICE DEPARTMENT MISSION AND VISION STATEMENT, VALUES**

##### **Mission Statement**

The Mission of the Kirkland Police Department is to protect and serve our community with honor, integrity and courage.

##### **Values**

**Honor:** We live and die by our obligations to fulfill our duty and commitment to justice.

**Integrity:** We do the right thing for the right reason, even when no one is looking.

**Courage:** We choose to face challenges or adversity even when others will not or cannot.

##### **Vision Statement**

The Vision of the Kirkland Police Department is to proactively reduce crime through partnerships and teamwork.

# Kirkland Police Department

## Kirkland PD Policy Manual

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### **CODE OF ETHICS**

#### **Law Enforcement Code of Ethics**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.

#### **Kirkland Police Department Code of Ethics**

As a law enforcement employee, my fundamental obligation is to protect the constitutional rights and freedoms of the citizens of Kirkland.

While I consider the way I choose to conduct my private affairs a personal freedom, I accept the responsibilities for my actions, as well as inactions, while on duty or off duty, when those actions bring disrepute on the public Image of my employer, my fellow employees, and the law enforcement profession.

I vow to perform all my duties in a professional and competent manner. I consider the abilities to be courageous in the face of danger and to exercise restraint in the use of my powers and authorities to be the ultimate public trust. I accept that I must consistently strive to achieve

# Kirkland Police Department

## Kirkland PD Policy Manual

### *CODE OF ETHICS*

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excellence in learning the necessary knowledge and skills associated with my duties. I will keep myself physically fit and mentally alert so that I am capable of performing my duties according to the standards of quality expected of my position.

I vow to be truthful and honest in my dealings with others. I deplore lies and half-truths that mislead or do not fully inform those who must depend upon my honesty. I will obey the very laws that I am committed to uphold. I will seek affirmative ways to comply with the standards of my department and the lawful directions of my supervisors.

I vow to treat others with courtesy at all times. I consider it to be a professional weakness to allow another's behavior to dictate my response. I will not allow others' actions or failings to be my excuse for not performing my duties in a responsible and expected manner.

I vow to empathize with the problems of people with whom I come into daily contact. However, I cannot allow my personal feelings, prejudices, animosities, or friendships to influence the discretionary authorities entrusted to my job. I will affirmatively seek ways to avoid conflicts and potential conflicts of interest that could compromise my official authority or public image.

I hold the authority inherent in my position to be an affirmation of the public's trust in me as a law enforcement employee. I do not take this trust lightly. As long as I remain in this position, I will dedicate myself to maintaining this trust and upholding all the ideals of the law enforcement profession.

### **320.6.3 DISCRIMINATION, OPPRESSION OR FAVORITISM**

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

320.6.9

## CONDUCT

Best Practice

MODIFIED

- a. **1.** Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
  - 1. This includes any violations of departmental policies, neglect of duty and/or illegal conduct by any member of this department.
- b. Unreasonable and unwarranted force to a person encountered or a person under arrest.
- c. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- d. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- e. Engaging in horseplay that reasonably could result in injury or property damage.
- f. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- g. Use of obscene, indecent, profane or derogatory language while on-duty, or in uniform.
- h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- i. Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- j. Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- k. Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- l. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without notifying the Chief of Police of such action in a timely manner.
- m. Seeking restraining orders against individuals encountered in the line of duty without notifying the Chief of Police of such action in a timely manner.
- n. Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

#### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Kirkland, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, the discovery of hazardous situations or conditions and on view activities.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other units within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic enforcement, direction and control.

#### 400.1.2 TERRORISM

It is the goal of the Kirkland Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism related reports are forwarded to the Investigation Unit Supervisor in a timely fashion.



# Kirkland Police Department

## Kirkland PD Policy Manual

### *Patrol Function*

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#### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Kirkland Police Department.

##### **400.2.1 CRIME ANALYSIS UNIT**

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports will be distributed by the Crime Analysis Unit through e-mails, bulletins and shift briefings to all divisions within the Department.

##### **400.2.2 CRIME REPORTS**

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the Records Unit for filing and retention. After supervisor review, the report may also be forwarded to the Investigations Unit for additional follow-up if necessary.

##### **400.2.3 PATROL BRIEFING**

Patrol supervisors, Investigation supervisors, and special unit supervisors are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily Patrol Briefings as time permits.

##### **400.2.4 INFORMATION CLIPBOARDS**

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, KPD bulletins, outside agency bulletins, wanted person information and Teletypes.

Personnel Orders will be distributed via e-mail and posted on the bulletin board of the Chief's Administrative Assistant.

#### **400.3 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

# Kirkland Police Department

## Kirkland PD Policy Manual

### Patrol Function

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#### 400.3.1 SCENE SUPERVISION

A supervisor will respond and take command of all situations relating to or involving any civil unrest. Officers will ensure that a supervisor is notified.

Any officer in charge of a situation may request the presence of a Sergeant/Shift Supervisor. The supervisor will assess the situation and assume command, as they deem necessary. The supervisor may further request the assistance and/or response of command personnel.

#### 400.3.2 MASS ARREST PROTOCOL

Occasionally, public gatherings turn into unlawful or unsafe public disturbances. The Kirkland Police Department has the responsibility to maintain the peace, and protect life and property during these disturbances. All alternatives should be explored prior to using force and/or initiating mass arrests. Mass arrests are those incidents having a likelihood of more than ten (10) arrests at one time.

- In the event of a possible mass arrest situation, local hospitals and King County Jail will be notified as necessary.

#### Command and Control

- (a) At any scene where mass arrests are contemplated, the first objective is to establish a command post in a secure area.
- (b) The on-scene supervisor will assign personnel to pick up the field arrest processing kit.
- (c) The field supervisor will assign personnel to pick up the Kirkland Police Jail Transport Vehicle.
- (d) The same, or another, officer will be assigned to pick up another jail transport vehicle from another jurisdiction or the Kirkland Parks Department senior citizens van, or other assigned vehicle, and return it to the command post.
- (e) If the incident involves more than twenty-five (25) arrests, the field supervisor may consider using a Metro bus as a transport vehicle. A metro bus may be requested via the on call Metro Supervisor, or the King County Jail may be contacted for a jail bus and personnel.
- (f) The on-scene supervisor will contact the Operations Lieutenant and:
  1. Apprise the Corrections Lieutenant, Corrections Sergeant, and the on-duty corrections supervisor of the situation, the location of the command post, and request authorization to open a temporary detention/release facility if needed.
  2. If authorized, the Corrections Lieutenant or his/her designee shall designate a temporary detention/release facility.
  3. Assign Corrections and Patrol officer(s) to staff the temporary detention/release facility.
  4. If the on-scene supervisor feels that mutual aid is necessary he/she may request personnel or other resources from other jurisdictions, upon approval of the Operations Lieutenant, Operations Captain, or the Chief of Police and pursuant

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to mutual aid agreements. If additional personnel are requested, the supervisor will ensure that unity of command is maintained with all police action under the control of the command post.

5. Designate a staging area and assign an officer to be a liaison at this staging area.

#### Guide to resources available and the procedures to be followed in mass arrest situations

- (a) Arrests Procedures - Persons arrested will be handcuffed and removed as soon as possible from the scene to a nearby holding area for initial processing and to await transportation to jail or a temporary detention area.
    1. A Corrections Officer may be assigned as booking officer at the jail or the temporary detention area to complete the required paperwork for the arrest procedure. Upon completion of the booking process, the prisoners may be released on bail, taken for court appearance (if during hours of court operation), confined in a jail cell, or transported to the county jail or other nearby jail facility for confinement.
  - (b) Juvenile offenders will be kept separate from other arrestees and handled according to policy.
  - (c) Transportation arrangements will be made by the person in charge, or his/her designee. Phone numbers for mass transportation are maintained by NORCOM.
  - (d) Detention Facilities - Arrangements will be made for the use of a relatively large and conveniently located facility should the need arise for a temporary detention area.
  - (e) Evidence Collection - During the police operation at the incident scene, an officer will be assigned to provide evidence collection work, in addition to other duties, as determined by the on-scene supervisor.
  - (f) Each arresting officer is to search their prisoner for weapons or items of evidentiary value. Property to be held as evidence will be sealed in an evidence collection bag or envelope, identified and secured. Property to be returned will be marked with the prisoner's name and attached to the prisoner's paper work.
  - (g) Security - The appropriate number of officers shall be assigned to maintain exterior and interior security of the field booking facility. The security detail shall provide assistance to arresting officers and those working in the field booking facility.
  - (h) Identification - Upon arrival at the holding area each arresting officer will do the following;
    1. Fill out a prisoner ID bracelet with the officer's ID number, prisoner's name and date of birth, and attach it to the prisoner's wrist.
    2. Fill out the photo/ID slate with the prisoner's name, date of birth, current date and time, and citation number and/or case number.
    3. Have the prisoner and officer photographed together using a digital camera.
    4. Complete the appropriate charge forms.
- (a) Misdemeanor - Ensure time, date, location, and charge portion of citation is complete. Then sign and date it.

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- (b) Felony - The arresting officer will complete the time, date, location, charge portion, and signature portion of any paperwork required. In this instance, the transporting officer will be completing the prisoner identification portions of all paperwork accompanying the prisoner.
  - 5. Juveniles - The arresting officer will complete the time, date, location, charge portion, and signature portion of any paperwork required.
  - 6. The arresting officer will remove their handcuffs and re-secure the prisoner with flex-cuffs.
  - 7. The arresting officer will staple the photograph to the citation or report form and take it with the prisoner to the van or bus for transportation to a temporary detention/release facility.
- (i) Interagency Agreements - Mutual Aid, Chapter 89, Washington Laws of 1985, Section 7 makes provision for the Kirkland Police Department to enter into interagency agreements for "consent to the full exercise of peace officer powers". The intent of Mutual Aid Agreements, see Mutual Aid and Outside Agency Assistance Policy, includes provisions for those situations where the nature and size of the incident require assistance from other law enforcement agencies. In civil disturbance situations requiring outside agency assistance, those officers will be assigned first to provide security at the holding area, the temporary detention area, and the designated medical facility when any prisoner is taken there for treatment.
- 1. If feasible, Mutual Aid agencies shall be contacted prior to the event/incident to ascertain extent of aid available to the Kirkland Police Department.
  - 2. Officers from other agencies will be assigned additional duties as needed. Consideration should be given to using them primarily where detailed knowledge of the City's geography and departmental policies and procedures are not essential.
  - 3. Any use of outside agencies will be consistent with the state and federal laws, as well as current mutual aid agreements. Authorization to request mutual aid assistance or to grant assistance shall come from the Chief of Police or his/her representative only.
- (j) Defense Counsel Visits - The arresting officer(s) will advise all prisoners of their constitutional rights. During a mass arrest incident the first opportunity for a detained person to consult legal counsel is after the booking process has been completed at the jail.
- (k) Court and Prosecutorial Liaison - When a mass arrest situation is anticipated; the City Attorney or designee, or in the event that those persons are not available, then the County Prosecutor or their designee shall be contacted for legal guidance. An officer will be selected as a liaison and the liaison officer will solicit legal advice from the attorney who will be available to give advice for the duration of the incident.
- (l) All media and public relations will be handled by assigned department personnel. As time permits, the on-scene supervisor may handle press relations if a PIO (Public Information Officer) is unavailable.

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- (m) Food, Water, and Sanitation - If transportation to jail is not immediately available, the temporary detention facility chosen must have shelter, warmth, water, sanitation facilities, and be a place where food can be served if the detention extends through normally recognized meal times.
- (n) Medical evaluation will be provided as needed by Fire Department Aid Units and/or Medics. Any prisoner needing treatment beyond the capability of the Aid Units will be transported to a medical facility.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Kirkland Police Department's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 401.2 POLICY

The Kirkland Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 401.3.1 OTHER PROHIBITIONS

The Kirkland Police Department also condemns the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (2018 Laws, Ch. 303 § 3,4):

- (a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.

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### *Bias-Based Policing*

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- (b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.
- (c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

#### **401.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

##### **401.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

##### **401.4.2 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall report any demographic information required by the Department (RCW 43.101.410).

##### **401.4.3 BUSINESS CARDS**

Officers shall provide a business card upon request. The business card shall contain identifying information including, but not limited to, the officer's name, title, personnel number, and a telephone number.

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner and should document these discussions in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy. Investigations may include review of portable audio/video recordings, MCT data and any other available resource used to document contact between officers and the public.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

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### *Bias-Based Policing*

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#### **401.6 STATE REPORTING**

Subject to any fiscal constraints, the Operations Division Captain should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

#### **401.7 ADMINISTRATION**

The Operations Division Captain should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

#### **401.8 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Sergeant (RCW 43.101.410).



# Field Contacts, Detentions and Pat Down Searches

## 417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches. Due to a variety of situations confronting the officer, the decision to FI a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

## 417.2 DEFINITIONS

**Detention** - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Frisk or Pat-Down Search** - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable Suspicion** - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

## 417.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.

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### *Field Contacts, Detentions and Pat Down Searches*

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- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

#### 417.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Kirkland Police Department to strengthen our community involvement, community awareness and problem identification.

#### 417.3.2 USE OF MOBILE FINGERPRINT IDENTIFICATION DEVICES

Review attachment: [BIOMETRIC HANDHELD FINGERPRINT IDENTIFICATION POLICY ISSUED BY KING COUNTY AFIS.pdf](#) This policy applies to the use of mobile fingerprint identification devices by Department employees.

King County's regional AFIS (Automated Fingerprint Identification System) program has initiated a Mobile ID project, involving the use of wireless remote fingerprint identification throughout the county. The project is designed to assist in identifying persons whose identities are in question, while the fingerprint verification process already exists in King County, Mobile ID moves this function to law enforcement first responders in the field, resulting in a more timely identification process. King County AFIS has provided several handheld Mobile ID devices to Kirkland Police Department for this purpose.

Kirkland Police Department has adopted the attached BIOMETRIC HANDHELD FINGERPRINT IDENTIFICATION POLICY ISSUED BY King County AFIS. The policy stipulates the legal parameters and procedures for the use of the device.

Only officers trained by King County AFIS program staff and operating under the guidelines of the Mobile ID project/policy may use the device. Training includes a review and signed acknowledgement of the adopted policy.

#### 417.3.3 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.

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### *Field Contacts, Detentions and Pat Down Searches*

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1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where a statement may be obtained. Such witnesses, if willing, may be transported by department personnel.
1. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

#### **417.4 PAT-DOWN SEARCHES**

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.



## Civil Disputes

### 430.1 PURPOSE AND SCOPE

This policy provides members of the Kirkland Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

### 430.2 POLICY

The Kirkland Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 430.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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#### **430.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

##### **430.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items (RCW 26.50.080). Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or he/she may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **430.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

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### *Civil Disputes*

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#### **430.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

##### **430.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION**

Officers possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (Chapter 284 § 1, 2017 Washington laws):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The officer reasonably believes he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

An officer should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

#### 1024.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty. All commissioned officers are required to be in possession of their department issued identification card while off duty, if they are choosing to carry a concealed weapon under the commissioned officer RCW exemption. (RCW 9.41.060)

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Captain.
- (c) No person shall possess an identification card not specifically issued to them.
- (d) Identification cards shall be surrendered to the Chief of Police or his designee upon promotion, suspension, retirement or separation from service.

**911CALL**  
**Q=Dispatcher**  
**A=Ramon Cruz**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12 Q: 911 emergency.  
13  
14 A, Oh, um, I'm tryin' to- tryin' to get ahold of the Kirkland Police.  
15  
16 Q: We screen all our calls for emergencies. What are you reporting?  
17  
18 A: Okay, I'm sorry, I didn't catch what you said.  
19  
20 Q: What are you reporting?  
21  
22 A: Oh. I- I own (unintelligible) over at Kirkland. In Washington. And, um, my  
23 staff just called me and I'm lookin' at the camera. There's this, uh, one guy  
24 who's been sitting at the corner, hasn't bought anything, just been sitting there  
25 for over 30 minutes. Um, I- I'm just - they're- they're kinda scared because he  
26 looks suspicious. He just keeps...  
27  
28 A: Okay. So what...  
29  
30 Q: ...lookin' at the phone...  
31  
32 A: ...the address...  
33  
34 Q: ...and lookin' at them.  
35  
36 A: ...in Kirkland (unintelligible).  
37  
38 Q: Uh, 11308 East 124th Street.  
39  
40 A: Okay. Do you know if he has any weapons?  
41  
42 Q: Uh, no. He just- he just - like I said, I have - all my staff are women and  
43 they're kinda just scared. Um, there was- there was multiple incidents in our  
44 store before, um, of homeless, ya know, shooting drugs in the- in the restroom  
45 and also, um, we got robbed before. So they're just very cautious.



46  
47 A: Yeah.  
48  
49 Q: Um, so I- I'm just curious if we could have somebody...  
50  
51 A: Yeah, we can...  
52  
53 Q: ...ya know, police come out.  
54  
55 A: ...have some officers there and- and tell him to move along. Um, do you know  
56 what he looks like, what race he is?  
57  
58 Q: Um, he's African American from what I can see from the camera. He's got a  
59 bonnet on and a- a gray or black jacket. Jeans and then, uh, looks like sneakers  
60 - black sneakers.  
61  
62 A: You said he was wearin' - wearin' like a hat? Like a knit hat?  
63  
64 Q: Yeah.  
65  
66 A: What color?  
67  
68 Q: Like a bonnet. Um, it looks black from- from the camera.  
69  
70 A: Okay. And did- when you spoke to your employees did they say if he seemed  
71 like he was under the influence of anything at all? Like any drugs or...  
72  
73 Q: They didn't say anything.  
74  
75 A: (Unintelligible).  
76  
77 Q: Um, so one employee was supposed to leave but the other employee said, ya  
78 know, just stay for a while.  
79  
80 A: Okay. Okay, yeah. And- and they're afraid to go and speak to him and tell him  
81 to leave.  
82  
83 Q: Oh, well they- they didn't really approach him.  
84  
85 A: Okay, yeah. Yeah. If they're- if they don't feel safe doing that, that's okay.  
86  
87 Q: Yeah.  
88  
89 A: And- and is he by himself or is there anyone there with him?  
90

91 Q: He's- he's by himself.

92  
93 A: Okay.

94  
95 Q: Like I said, all he does is he- he kinda look at his phone and then looks at  
96 them, looks at his phone, looks at them.

97  
98 A: Okay, yeah. Um, do you want him trespassed or do you just want 'em to go  
99 there and tell him to move along?

100  
101 Q: Um, just- just tell the- yeah, tell him to move along.

102  
103 A: And what's your name?

104  
105 Q: Uh, Ramon. I own the store. R-A-M-O-N. Last name, Cruz, C-R-U-Z.

106  
107 A: I'm sorry. Can you spell your last name again?

108  
109 Q: Cruz, C-R-U-Z.

110  
111 A: Okay. And your phone number?

112  
113 Q: 425-239-1966.

114  
115 A: Okay. We- we've notified the officers for you. If anything changes at all, if he  
116 starts getting aggressive or anything just call us back right away so we can  
117 update the officers.

118  
119 Q: Fantastic. 'Preciate it. Thank you.

120  
121 A: You're welcome. Bye.

122  
123 Q: Okay. Bye-bye.

124  
125  
126 The transcript has been reviewed with the audio recording submitted and it is an accurate  
127 transcription.

128 Signed LT. J. Lashley #204

**Norcom Dispatch Radio Traffic tape.**

4K3-Ofc. Colins-Thomsson

4K4-Cpl. DeAguiar

01:14 4K4 "I'll head over to the unwanted.

01:30 4K3 "You can put mine in pending and I'll head that way also.

04:50: 4K3 "In the area"

04:43 4K4 "I have arrived".

05:40 4K3 "I'll be switching to data from main".

07:43 4K3 "Code 4, Clear Sam, I'll put some notes in the call".

08:04 4K4 "Clear Xray"

The first radio traffic heard regarding the call is Cpl. DeAguiar advising dispatch that he will head over to the unwanted. There is no communication between the officers or dispatch regarding details of the call other than that noted above, that they were responding, they arrived and they cleared. There is a short conversation where they cancel 4K3 to send 4K7 but shortly after 4K3 comes on the air and states he is closer so they reattach 4K3 to the call.

Lt. Haslip



**CITY OF KIRKLAND**  
**Police Department**  
 11750 NE 118th Street  
 Kirkland, WA 98034-7114 · 425.587.3400  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

## MEMORANDUM

**To:** Chief Harris via the Chain of Command

**From:** Kristina Shull

**Date:** December 14, 2018

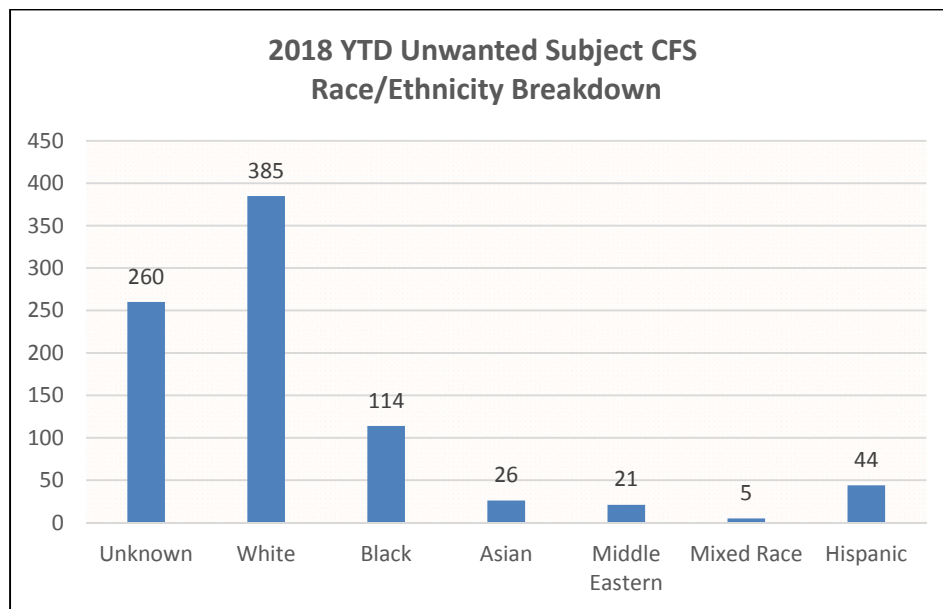
**Subject:** Updated “Unwanted Subject” Call Analysis

This is an update to my Dec. 4 memo with additional analysis on “Unwanted Subject” calls for service.

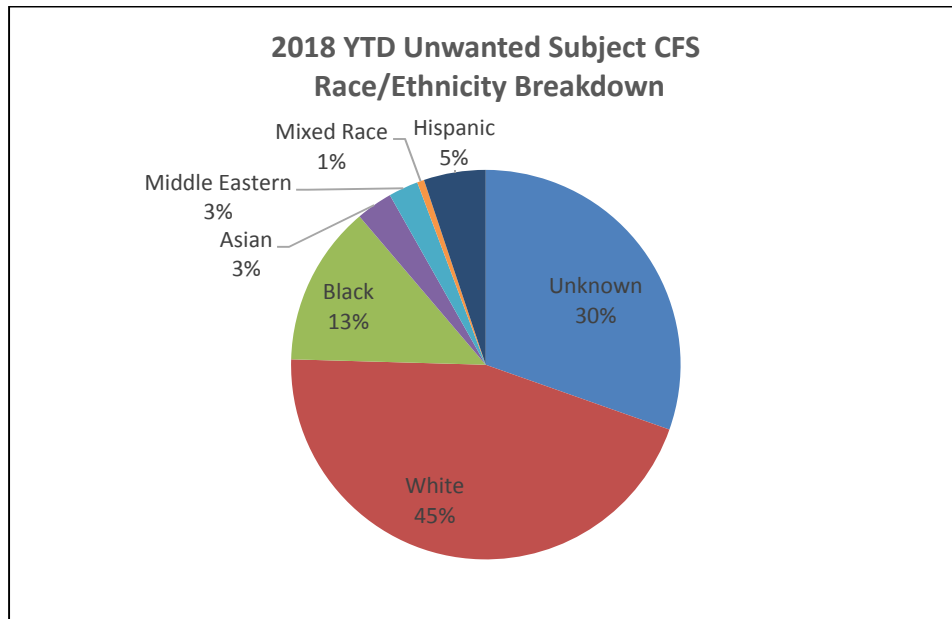
Year-to-date (through 11/27/18) KPD has responded to 674 calls for service with a call type of “Unwanted Subject”. Analysis shows that of these 674 calls, case reports were written for 57 calls, or roughly 9%.

Analysis of the calls for service shows that there was a total of 855 subjects who were “unwanted” in the 674 calls. This is due to calls where there were two or more unwanted subjects within the same incident.

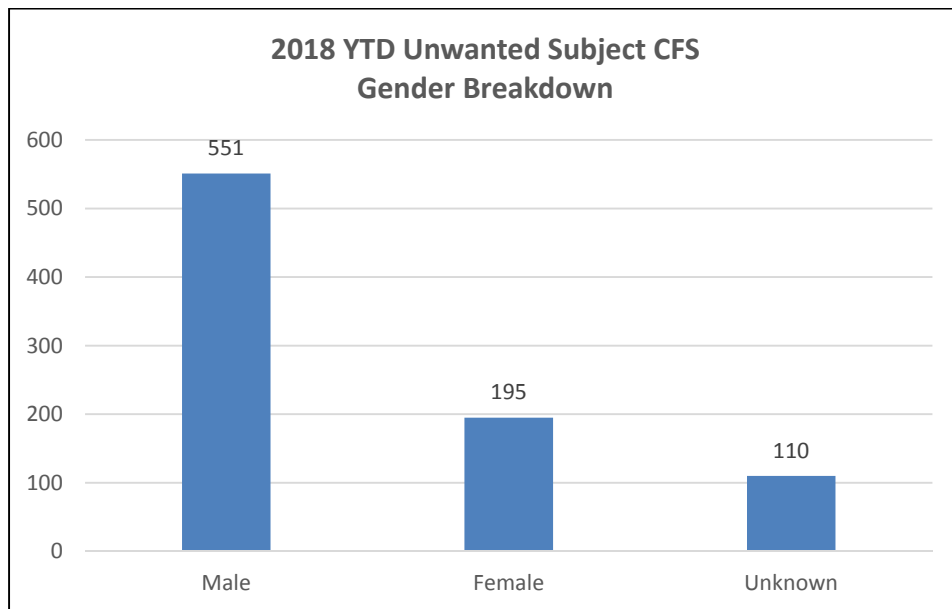
Analysis of these 855 subjects shows the following racial/ethnic breakdown:

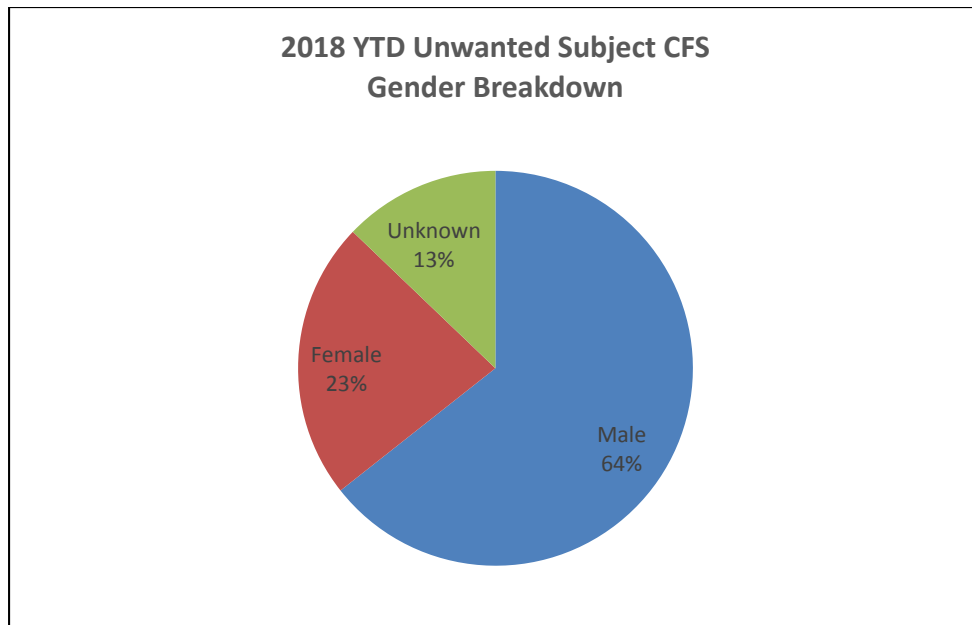


The racial/ethnic breakdown is shown by percentage in the below chart:



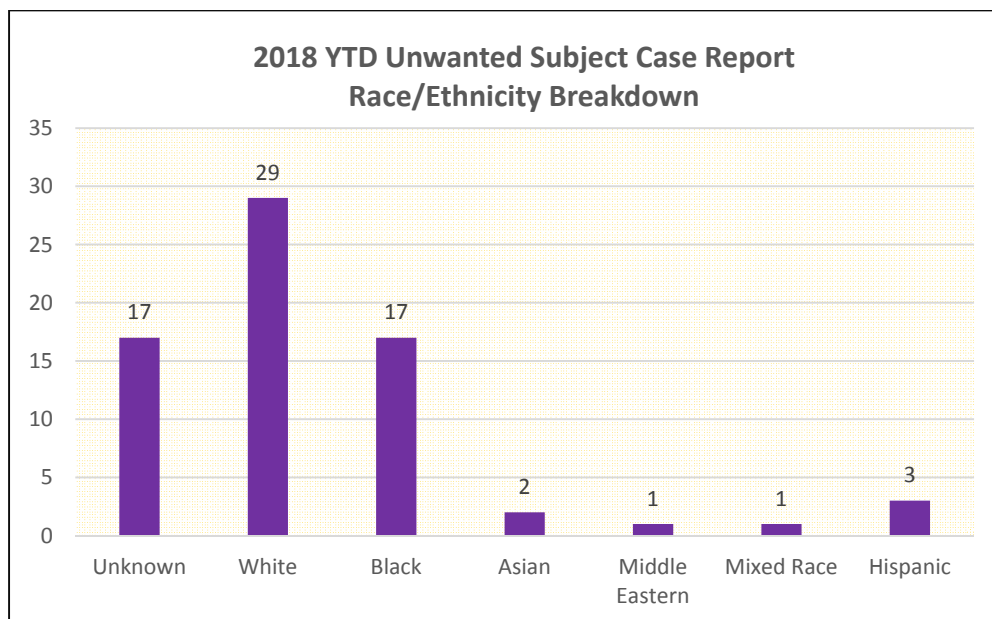
The gender breakdown is as follows:

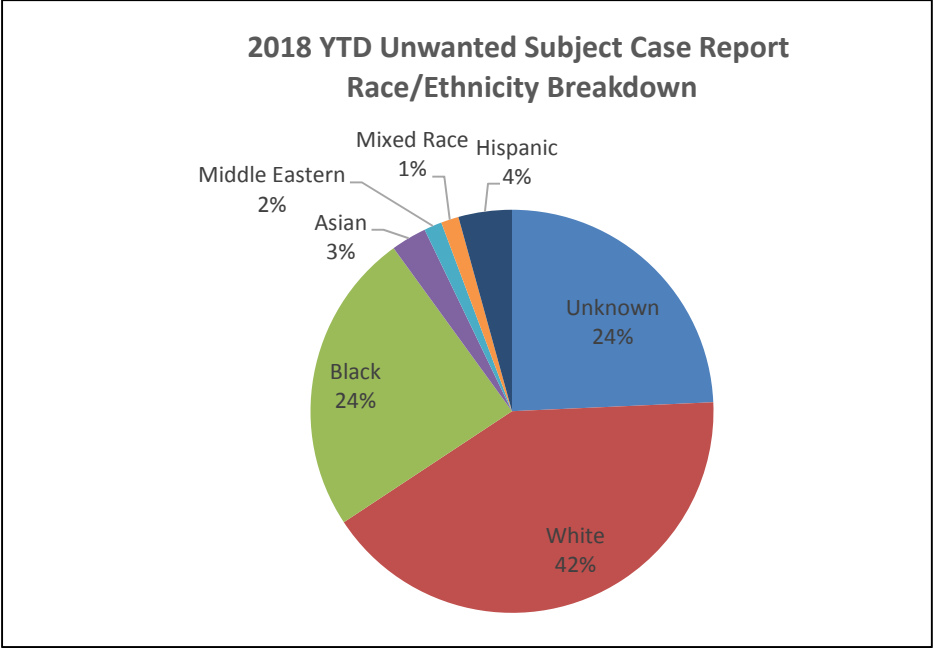




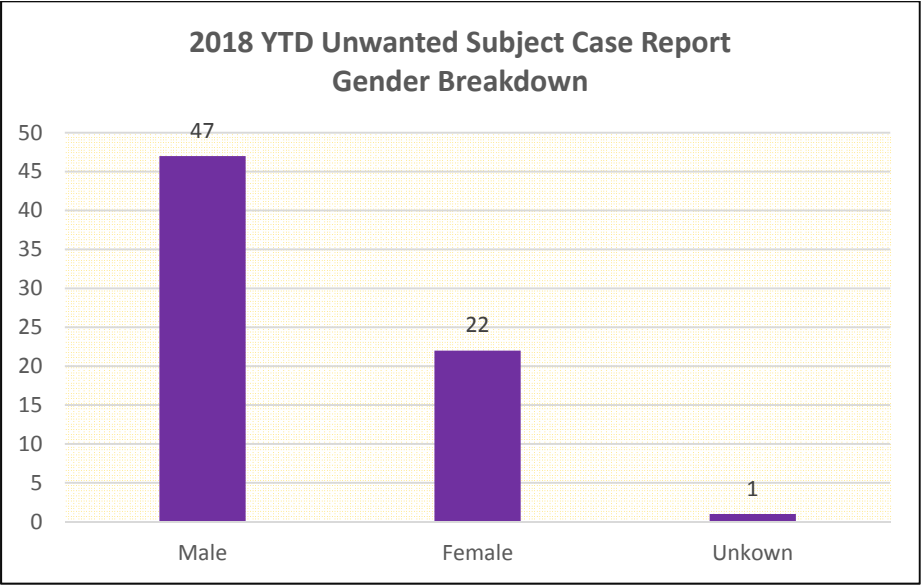
Analysis of the **case reports** shows that there were a total of 70 subjects who were “unwanted” in the 57 cases.

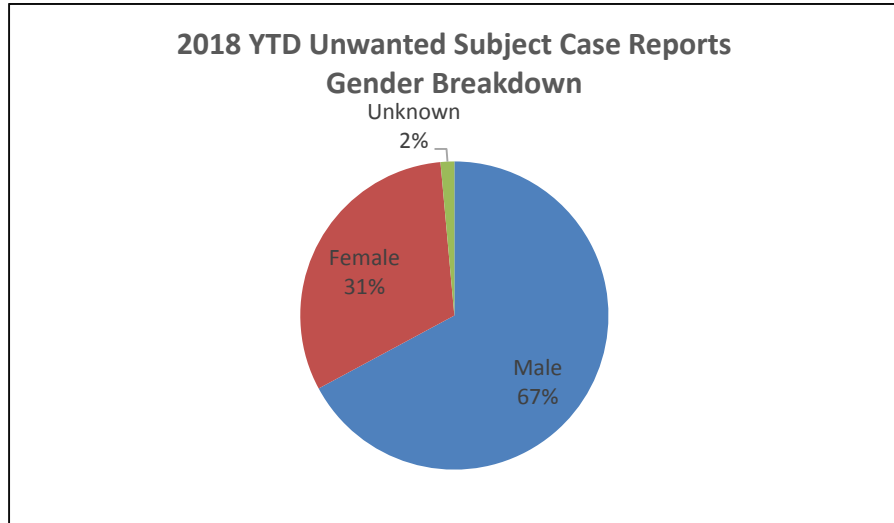
Analysis of these 70 subjects shows the following racial/ethnic breakdown:



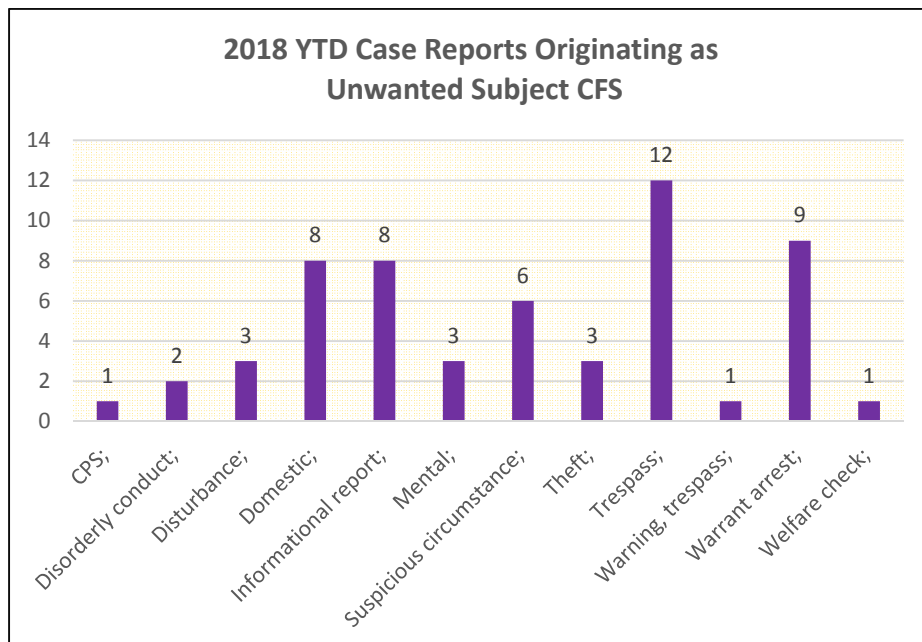


The gender breakdown is as follows:





It is worth noting that the 57 “Unwanted Subject” calls that became cases were associated with a wide variety of case incident types (i.e., what the case was “titled” by the reporting officer). There is no case type of “Unwanted Subject” so the case must be given a new incident type. The below chart shows the breakdown of case incident types that resulted from “Unwanted Subject” calls.



Please let me know if you have any questions or need further analysis.



**CITY OF KIRKLAND****Police Department****11750 NE 118<sup>th</sup> ST, Kirkland, WA 98034 425.587.3400****www.kirklandwa.gov****MEMORANDUM****To:** Michael Ursino, Captain: chain of command**From:** Michael De Aguiar, Patrol Corporal *MD***Date:** November 17, 2018**Subject:** Citizen Complaint 18-42006

On 11-07-18, I was dispatched to an unwanted subject at Menchie's Frozen Yogurt located at 11308 NE 124<sup>th</sup> St. Dispatch described the subject as a black male subject who has been in the store for about 30 minutes. The reporting party is the owner Ramon Cruz, who was off site calling in to NORCOM.

Dispatch notes related that the employees told the reporting party that the male subject is making them uncomfortable and has been in the store for 30 minutes and has not bought anything. The reporting party described the male subject as a black male with a black bonnet, gray jacket and blue jeans. The reporting party asked that the male subject be removed.

Upon my arrival, I observed just one male subject in the establishment. He was a black male wearing a black jacket and pants. He was sitting at the table located at the south east corner by himself with the chair facing away from the table and appeared to be surfing the internet using his cell phone. Just in front (north) of his table was a white female with a 5 to 7 year old white male child. They were engaged in conversation and had a cup of yogurt on the table in front of them.

There were two other subjects in the store at the cashier paying for their items. There were two employees behind the counter servicing the customer.

As I approached the counter, I asked the employees if the lone male subject was the male in question. Both female employees acknowledged yes with a positive up and down motion of their head.

I turned and walked toward the male subject and introduced myself to him. He in turn introduced himself as Byron. I asked if he had an identification I may see. (The female with the child turned around and looked at me). Byron informed me that he did not have any identification to show me. He then asked what the problem was. I informed him that the management of the establishment called police to have him leave the store. Byron asked what he did wrong! I responded that I did not know, just management ask that I have you leave. Is it because I'm black? I responded "Not that I know of". The female subject interjected and said, "That's wrong, he didn't do anything and he is with me. He is here for a supervised visitation."

I acknowledge the female and told her that it was fine that she was with him. Let me get his information first and then I can get hers. I then asked Byron his last name, he stalled for a little then verbally provided the name of Ragland.

The two other customers from the counter were headed out the door of the establishment and heard the female's comments. They chimed in and said "That's absolutely wrong" as they left the store.

Before I could ask Byron for his birthdate, the female stood up and again said this is wrong and told Byron "let's get out of here" she then said "I will never come back here, this is just wrong" All three subjects; female, male and child left the establishment with no further comments.

I heard a female voice, say "This is racial profiling". I could not say who made the comment since I was focusing on Byron Ragland.

After Byron, the female and the child left the store. There was no one else in the store except police and employees.

I approached the employee's, they were appreciative of Officer Thomsson and I for coming to help them. Officer Thomsson obtained their names for documentation purposes.

I asked the employees to have their manager make a copy of the security video of this incident.

I returned to the station later and met with Acting Sergeant Ouimet, I informed him of this incident and explained that a citizen's complaint may be generated. Lt. Saloum was in his office and stepped out when I mentioned a complaint may be forthcoming. We exchanged comments (I do not recall what was said) then went our separate ways.



## CITY OF KIRKLAND

Police Department


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### MEMORANDUM

To: Captain Ursino via Chain of Command

From: Patrol Officer S. Thomsson 

Date: 11/17/2018

Subject: 18-42006 Unwanted Subject (11/07/2018)

On 11/07/2018 at approximately 1730 hours, while on patrol in the City of Kirkland as 4K3, I was dispatched to an unwanted subject at Menchies Totem Lake, 11308 NE 124<sup>th</sup> ST. 4K7 was originally attached to the call, but due to his location in the city, I attached myself and took his position. The only information we had from NORCOM was the owner of Menchies (Ramon Cruz) called police after his employees contacted him to say there was a subject in the store making them feel uncomfortable. Cruz was at a different location watching the subject via his security cameras. The employees also mentioned that the subject had not made any purchases and had been in the store for approximately 30 minutes.

I arrived on scene about the same time as Cpl. Deaguair (4K4), but due to where we parked he entered the business about 1 minute before I did. When I entered Menchies, I made eye contact with a high school aged female employee behind the counter, who used her eyes to direct me to the subject; Cpl. Deaguair was already involved in a conversation with him. She appeared concerned and worried, but was also cashing out two customers. The subject in question was sitting in the front right corner of the store. He was sitting at a separate table angled toward a woman and a young boy, speaking to Cpl. Deaguair. I stood behind and off of Cpl. Deaguair right shoulder, acting as a cover officer. The male subject did turn and look at me momentarily, so I greeted him verbally, but I do not recall what I specifically said.

During the interaction between Cpl. Deaguair and Ragland, I remained in a cover officer position; Cpl. Deaguair handled about 98 percent of the interaction with Ragland and the woman adjacent to him. Several topics were talked about, but I do not remember exact quotes or the timing of the statements. In a vague sense, I remember topics being brought up along the lines of Ragland being at the store for visitation was covered, the reason for police being at the store and contacting Ragland was discussed and the fact that Cpl. Deaguair requested Ragland's name and ID. I observed Ragland's body language, tone of voice and demeanor. I remember that he rolled his eyes several times, he broke eye contact with Cpl. Deaguair during the conversation, his tone of voice changed as the conversation progressed and he began shifting his weight and position in his chair as though he was agitated or frustrated. At the end of the conversation Ragland collected his belongings and began walking out of the store. On his way out he and the woman made several comments about how this was not over, and how

he was targeted for his race. I do not recall their exact statements. Ragland left on his own with the woman and child. At no point was he forced to do so.

After Ragland left the store, I contacted the two employees to get their names and contact information. They told me this store specifically and other stores that Cruz owned, had been robbed recently. They have also had issues with people using the bathroom to use drugs. They stated they did not feel comfortable talking to Ragland, they were instructed by their boss to call police or their boss when they did not feel comfortable with a patron. They told me they did call their boss and that he made the decision to call police.

Cpl. Deaguair and I discussed the incident after we walked outside the store. I told him I would write a FIR. Cpl. Deaguair agreed and also recommended I speak with my supervisor, due to the comment Ragland made as he left, and his overall demeanor. After I completed my FIR, I spoke with Cpl. Ouimet and informed him about the incident. Cpl. Ouimet said he would review the FIR.

This concluded my involvement with this incident.



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## **MEMORANDUM**

**To:** John Haslip, Lieutenant

**From:** Michael De Aguiar, Patrol Corporal *MD*

**Date:** December 20, 2018

**Subject:** Follow up to Memo 18-42006

On 12-20-18, I was requested by Lieutenant Haslip to elaborate on this incident regarding Tanya Clumpner's request for my identification.

While I was talking to Byron and trying to obtain his last name, Byron stalled for a little before giving me his last name of Ragland. It was when Ragland stalled before providing his last name that Clumpner chimed in and asked for my business card, I responded to her that I will provide her and Byron with my business card as soon as I complete my investigation.

I then turned my focus back to Byron and he verbally provided me his last name of Ragland. Before I could ask Ragland for his birthdate, Clumpner stood up to leave the store, saying "Let's get out of here" "I'm never coming back" and "This is wrong" I took a few steps away from Ragland so that I did not block his path, assuming he was going to follow Clumpner. Ragland grabbed his bag and got up and followed Clumpner and her child out of the establishment.

I did not stop them to provide my business card because my contact with Ragland ended abruptly and I had not completed my investigation.



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## **MEMORANDUM**

**To: Captain Ursino**

**From: Lieutenant Haslip**

**Date: December 14, 2018**

**Subject: Follow-up 2018-40026**

On 12/14/2018 at 1020 hours I telephoned Cpl. DeAguiar at home for the purpose of clarifying an allegation made by Tanya Clumpner to Detectives in her recorded statement regarding the officers who responded to this call for service not identifying themselves. She was asked by Detectives in the interview if the officer's identified themselves, which is depicted below in the insertion of that portion of the transcript of her recorded statement.

*Q: Did those officers identify themselves?*

*A: They never said their names.*

*Q: Okay.*

*A: And in fact, (Byron) even said, you know, "Do you have any identification?"*

*Q: Mm-hm.*

*A: "Do you have a card?" And he wouldn't give him one.*

I advised Cpl. DeAguiar of this and asked if he recalled that. He stated he came in and introduced himself to Mr. Raglund, shook his hand and asked for his name. He asked me if Clumpner was the woman with the child. I told him that she was. He stated that after asking Mr. Raglund for his name Ms. Clumpner interjected and asked him (DeAguiar) if he had a business card. Cpl DeAguiar stated that he told her he would get her one as soon as he was finished talking to Mr. Raglund. Cpl. DeAguiar stated that he had planned on giving her his card and even had it in his hand with his notebook when Ms. Clumpner got mad and walked past him with her son followed out the door by Mr. Raglund. He stated that as she walked past him he didn't have the opportunity to hand her his card.



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## **MEMORANDUM**

**To: Captain Ursino**

**From: Lieutenant Haslip** *JH*

**Date: December 20, 2018**

**Subject: Follow-up 2018-42006**

On 12/20/2018 around 1600 hours I met with Corporal DeAguiar. I requested that he provide an addendum to his original officer's report detailing the previous information he had told me regarding being asked for identification during this incident at Menchies. He reiterated that it was Ms. Clumpner that asked him for a card and that Mr. Ragland never did so. He had previously told me that he had told Ms. Clumpner that he would provide her a card when he was done with his investigation and had stated he had a card in his hand. We spoke about that and Corporal DeAguiar, who was working and in uniform with his external vest on opened his pocket and removed a small notebook which he opened to reveal several of his business cards wrapped with a rubberband. He stated during the call he had the notebook and business cards out. He thumbed through the pages stating that he probably still had Mr. Ragland's name but then recalled he had ripped that page out and handed it to Officer Thommson at the time of the call. I asked Corporal DeAguiar why he did not provide a business card to Ms. Clumpner. He stated that he was still speaking to Mr. Ragland when Ms. Clumpner said they were leaving and got up and started walking out with her son and he was focused on Mr. Ragland as he gathered his belongings and followed them out. He stated he did not stop them to provide his business card because his contact with Mr. Ragland ended abruptly and he had not completed his investigation. I took photographs of Corporal DeAguiars notebook and business cards which are attached to this memorandum. As requested, Corporal DeAguiar submitted an addendum to his original officer's report.





M. DEAGUIAR  
CORPORAL

**KIRKLAND POLICE DEPARTMENT**

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CASE # \_\_\_\_\_

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md@kirklandwa.gov  
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M. DRAGHAR  
CORPORAL

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CASE # \_\_\_\_\_ VOICE M. (253) 587-80 ext 8300

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mdraghar@kirklandwa.gov



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## **MEMORANDUM**

**To:** Cherie Harris, Chief of Police  
**From:** Michael J. Ursino, Professional Standards Captain  
**Date:** December 7, 2018  
**Subject:** Investigation PO2018-0002

### **Call History/Background**

On November 7, 2018 at 1728 hours Kirkland Police Department officers were dispatched to Menchie's Yogurt shop at 11308 NE 124<sup>th</sup> St, Kirkland (Totem Lake) to a reported, "unwanted Subject". The call ended with the subject, later identified as Byron Ragland, leaving the shop. On November 16<sup>th</sup>, 2018 an article was published by the Seattle Times titled: "Unwanted subject": "What led a Kirkland yogurt shop to call police on a black man."

On Saturday, November 17, 2018 at approximately 0815 hours I received a phone call from Chief Harris inquiring about an incident which occurred on November 7, 2018 at the Menchie's Yogurt Shop in Kirkland. Chief Harris explained she wanted further investigation into the incident. I contacted Detective Lieutenant John Haslip and asked him to call in a team to immediately investigate the incident and to identify all of the people that were involved. Detective Sergeant Phil Goguen and Detective Mark Brown were called in to conduct the investigation.

Possible Policy Violations:

- **Kirkland Police Department Mission, Vision and Values**
- **Kirkland Police Department Code of Ethics**
- **Policy 320.6.3 Standards of Conduct-Discrimination, Oppression or Favoritism**
- **Policy 320.6.9 Standard of Conduct (F)**
- **Policy 400 Patrol function**
- **Policy 401 Biased Based Policing**
- **Policy 417.3 Field Contacts, Detentions and Pat Down Searches-Initiating a Field Interview Report**
- **Policy 430.2 Civil Disputes- Policy**
- **Policy 1024.2.1 Uniform Regulations-Department Issued Identification**

### **TimeLine:**

Wednesday, November 7, 2018 at 1728 hours Kirkland Police Department officers were dispatched to Menchie's Yogurt shop at 11308 NE 124<sup>th</sup> St, Kirkland (Totem Lake) to a reported, "unwanted Subject".

Friday, November 16, 2018 at 2004 hours Seattle Times publishes article titled; "Unwanted subject": What led a Kirkland yogurt shop to call police on a black man. Subject identified as Byron Ragland.

Friday, November 16, 2018 at approximately 2230 hours City Manager Kurt Triplett contacts Chief Harris by phone to find out about the incident and alert her to the new article.

Saturday, November 17, 2018 at about 0800 hours I received a phone call from Chief Harris inquiring about the incident after she was notified by Kirkland City Manager Kurt Triplett about the incident.

Saturday, November 17, 2018 at about 1100 hours, Detective Sergeant Goguen/Detective Mark Brown begin an investigation into the incident.

- Menchie's Owner identified as Raymond Cruz and contacted for a statement
- Interview with Tonya Clumpner (person in store with Ragland)
- Officer Thomsson provided an officers report for review
- Corporal DeAguiar provided an officers report for review
- Interview of store clerk 42.56.240(2) and statement taken
- Video of contact obtained from Menchie's and reviewed.
- NORCOM dispatch contacted and requested:
  - 911 audio
  - CAD notes
  - Un-redacted copy of the Field Interview Report

Attempted contact with Bryon Ragland through Tonya Clumpner no response.

Two (2) other attempts to contact Bryon Ragland through various means including through his attorney went unanswered.

### **Policy Review:**

I reviewed the entire investigation completed by Detective Sergeant Goguen, and all attachments to the case. My focus was adherence to Kirkland Police Department Policy. Here is a synopsis of what the investigation revealed during my review.

Two young female clerks who work at the Menchie's yogurt shop were concerned about a lone male sitting at a table in the store for over a half hour without purchasing anything. The staff texted the owner because they said, "he's acting weird", the owner then called 911. A 31-year-old African-American man who reportedly works as a court-appointed supervisor was watching a visitation between a mother and son at the Menchie's yogurt shop. At the time of contact by

the officers he had been sitting by himself, at a table, without buying anything, for over an hour.

I first reviewed the original call made to 911 by Ramon Cruz.

During the 911 call Ramon says that there is one guy sitting in the corner who has not bought anything for over a 30 mins, he is watching him on the camera. He says, "They are 'kinda' scared because he looks suspicious because he keeps looking at the phone and then looking at them". He talks about prior multiple incidents that have occurred at the store including, homeless staying for lengths of time, shooting drugs up in the restroom and about a prior robbery. Cruz relays that, " I'm being very cautious and am curious" at which time the dispatcher interrupts and says, "we can have an officer go by and have him move along". The dispatcher then asks, "do you know what he looks like?" "Do you know what race he is?" Cruz then says, "I believe he's African-American from what I can see from the camera." He then goes on to describe his clothing. Prior to ending the conversation the dispatcher asks, "Do you want him trespassed, or do you just want them to tell him to move along. He finishes his request by saying, "just tell him to move along".

I then reviewed the CAD dispatch report.

The call was sent to mobile computers in the vehicles, without voice dispatch, and picked up by Corporal Mike DeAguiar (4 King 4 and seconds later by Officer Stephen Thomsson ( 4 King 3).

In the CAD report the call is described as an "Unwanted Subject" and goes on to a lined narrative that includes the following pertinent information:

- RP IS OWNER CALLING FROM OFFSITE
- EMPS CALLED HIM AND SAID MALE IS MAKING HIM UNCOMFORTABLE
- HAS BEEN IN THE STORE FOR OVER 30 MINS AND HAS NOT BOUGHT ANYTHING
- NO WEAPONS
- BM BLK BONNET GRY JACKET JEANS
- UNK HBD/VUCSA
- RP WANTS HIM MOVED ALONG
- EMP AFRAID TO APPROACH SUJB

I reviewed the FIR made by Officer Thomsson and then the officers' reports by Corporal DeAguiar and Officer Thomsson. I then reviewed the video obtained from the Menchie's store recorders. The time on the camera view does not exactly match the time of the dispatched CAD of events, but is close.

16:56.37 A young boy walks into Menchie's followed by Byron Ragland and then Tanya Clumpner. It does not appear that there was any conversation. Mr. Ragland walks to a table and removes his shoulder pack and sits down. He is by himself at the table and appears to be looking at a cell phone. He sits the entire time often with his head down and then back up again. Clumpner appears to be helping the young boy, (later identified as her son), get yogurt and they sit together at a table just in front of Ragland. They appear to be engaged in conversation while eating yogurt.

17:57.31 Two unidentified white females walk in and go over to the yogurt machines.

17:59:37 Corporal DeAguiar walks in and walks toward the counter and appears to say something but continues walking toward Mr. Ragland.  
17:59:54 Corporal DeAguiar shakes hands with Mr. Ragland and appears to engage in conversation.  
18:00:15 Officer Thomsson walks in the door and immediately takes up a secondary position to Corporal DeAguiar.  
18:00:30 Clumpner turns and appears to be talking with Corporal DeAguiar. Corporal DeAguiar also appears to be talking with Clumpner. His attention turns back to Ragland seconds later.  
18:01:30 Clumpner and her son get up to leave followed by Ragland  
18:02:12 Clumpner her son and Ragland walk out the door

I also reviewed the statement by Tonya Clumpner.

Ms. Clumpner was seated at the table about three feet away from Corporal DeAguiar and when the contact began she interjected and told Corporal DeAguiar that Byron Ragland was with her and her son as a court appointed supervisor. She also said it was like he was interrogating Ragland. She said that Ragland asked Corporal DeAguiar for identification and that he did not provide any. It was at the suggestion of Clumpner that they get up and leave. Shortly after contact by the officers they all left.

During a follow up conversation with Corporal DeAguiar by Lt. Haslip he stated that when Clumpner interjected in the conversation, she is actually the one that asked for his identification. Corporal DeAguiar stated he would get Ragland's information first and then he would get hers. Corporal DeAguiar stated he had his business card in his hand ready to give to her when he was done with the contact. The video is unclear as to what he has in his hand, but he clearly has something.

See Chief Harris's conclusion.

# Call for Service Detail Report

CFS Number: **485**  
 Incident Status: **Closed**  
 Call Date: **11/07/2018 17:28:23**  
 Last Updated: **11/07/2018 18:56:10**

## CFS Information

**Incident Type:** Unwanted Subject

**Priority:** 4

**Agency:** Police

**Taken By:** Limehouse, Elizabeth

**Disposition:** Assisted other unit

**Closed Time:** 11/07/2018 18:56:10

**Latitude:** 47.7115810750000000

**Longitude:** -122.1902014270000000

**Incident Status:** Closed

**Call Type:** Unwanted Subject

**Problem:** Non Emergency

**Jurisdiction:** KIRPD

**Venue:** Kirkland Police Department

**Beat:** KI-5

**Police ORI:** WA0170800

**Call Number:** 485

## CFS Location

**Common Name:** MENCHIES TOTEM LAKE

**Address:** 11308 NE 124TH ST

**Apartment:**

**City, State, Zip:** KIRKLAND, WA 98034

**Location Name:**

**Location Type:** Address

**Cross Street:** 113TH AVE NE / 120TH AVE NE, 116TH AVE NE

## Caller Information


**Caller Name:** CRUZ, RAMON

**Caller Role:** Reporting party

**Phone:** (425) 239-1966

**Call Source:** 911 call

## Person Information

Name	Phone	Role	Primary Caller
CRUZ, RAMON	(425) 239-1966	Reporting party	

## Call Timestamps

**Call Created:** 11/07/2018 17:28:23

**1st Unit Dispatched:** 11/07/2018 17:32:14

**1st Unit Enroute:** 11/07/2018 17:32:14

**1st Unit Arrived:** 11/07/2018 17:37:37

**Call Closed:** 11/07/2018 18:56:10

## Elapsed Times

**Call Create to Dispatch:** 00:03:51

**1st Dispatch to Enroute:** 00:00:00

**1st Enroute to Arrived:** 00:05:23

**Call Duration:** 01:27:47

## Resources Assigned

Unit	Dispatch	Enroute	Staged	Arrived	Cleared	At Patient	Transport	At Hospital	Depart Hospital
4K4	17:32:14	17:32:14		17:37:50	18:09:08				
4K7	17:34:27	17:34:27			17:36:28				
4K3	17:36:23	18:34:43		17:37:37	18:56:10				

## Personnel Assigned

Unit	Name
4K3	Collins-Thomsson, Stephen
4K4	DeAguiar, Michael
4K7	Klein, John

## Call Narrative

Timestamp	User	Comment
11/07/2018 17:28:46	elimehouse	RP IS OWNER CALLING FROM OFFSITE
11/07/2018 17:28:54	elimehouse	EMPS CALLED HIM AND SAID MALE IS MAKING HIM UNCOMFORTABLE
11/07/2018 17:29:07	elimehouse	HAS BEEN IN THE STORE FOR OVER 30 MINS AND HAS NOT BOUGHT ANYTHING
11/07/2018 17:29:08	elimehouse	NO WEAPONS
11/07/2018 17:29:42	elimehouse	BM BLK BONNET GRY JACKET JEANS
11/07/2018 17:29:52	elimehouse	UNK HBD/VUCSA
11/07/2018 17:30:30	elimehouse	RP WANTS HIM MOVED ALONG
11/07/2018 17:31:21	elimehouse	EMP AFRAID TO APPROACH SUBJ
11/07/2018 17:37:37	mwood	4K3 IN THE AREA
11/07/2018 17:41:24	mwood	4K3 ON DATA
11/07/2018 17:44:19	jklein	42.56.230(5)
11/07/2018 17:46:35	dolson	RAGLAND, BYRON TYRONE 42.56.240(2) 986 CLEAR/INVALID DO CLIC/ TACOMA
11/07/2018 18:03:54	mwood	4K3 CODE 4 - CLEAR OF THE SCENE
11/07/2018 18:55:49	sthomsson	Manager requested that Ragland leave the store. Ragland and a white female and child left with Ragland. Clear F.

## Call Logs

Timestamp	User	Device	Type	Comments
11/07/2018 17:28:23	mwood		Incident Created	Added Incident Number, ORI: WA0170800, Number: 2018-00042006
11/07/2018 17:28:23	elimehouse	NW-5633	Call Created	New call created. Call Type: <NEW CALL>, Location: <UNKNOWN>
11/07/2018 17:28:38	elimehouse	NW-5633	Location	Call Location Changed from <UNKNOWN> to 11308 NE 124TH ST, KI (Menchie's Totem Lake)
11/07/2018 17:28:38	elimehouse	NW-5633	Address Verified	Call Location Changed from Unverified To Verified
11/07/2018 17:28:38	system	SRVTYCAD	Alerts Retrieval	Alerts Were Successfully Gathered For Location At Address 11308 NE 124TH ST
11/07/2018 17:28:40	elimehouse	NW-5633	Call Type	Police Call Type Changed From <NEW CALL> To CallType: Unwanted Subject, Status: New, Priority: New
11/07/2018 17:28:41	elimehouse	NW-5633	Call Updated	Police Priority changed from New to 4
11/07/2018 17:28:41	elimehouse	NW-5633	Call Updated	Police Call Status Changed from New to 4
11/07/2018 17:28:46	elimehouse	NW-5633	Narrative Added	RP IS OWNER CALLING FROM OFFSITE
11/07/2018 17:28:49	afrancois	NW-5602	Alerts Accessed	Viewed Alerts Tab
11/07/2018 17:28:54	elimehouse	NW-5633	Narrative Added	EMPS CALLED HIM AND SAID MALE IS MAKING HIM UNCOMFORTABLE
11/07/2018 17:29:07	elimehouse	NW-5633	Narrative Added	HAS BEEN IN THE STORE FOR OVER 30 MINS AND HAS NOT BOUGHT ANYTHING
11/07/2018 17:29:08	elimehouse	NW-5633	Narrative Added	NO WEAPONS
11/07/2018 17:29:09	elimehouse	NW-5633	Alerts Accessed	Viewed Alerts Tab
11/07/2018 17:29:12	afrancois	NW-5602	Alerts Accessed	Viewed Alerts Tab
11/07/2018 17:29:42	elimehouse	NW-5633	Narrative Added	BM BLK BONNET GRY JACKET JEANS
11/07/2018 17:29:52	elimehouse	NW-5633	Narrative Added	UNK HBD/VUCSA
11/07/2018 17:30:30	elimehouse	NW-5633	Narrative Added	RP WANTS HIM MOVED ALONG
11/07/2018 17:30:40	elimehouse	NW-5633	Person Added	Name: CRUZ, RAMON
11/07/2018 17:30:47	elimehouse	NW-5633	Person Updated	Name: CRUZ, RAMON , Contact Phone: (425) 239-1966
11/07/2018 17:30:47	elimehouse	NW-5633	Call Updated	Caller Phone Changed To (425) 239-1966
11/07/2018 17:31:21	elimehouse	NW-5633	Narrative Added	EMP AFRAID TO APPROACH SUBJ
11/07/2018 17:32:14	mwood	NW-5642	Call Ready for Dispatch	Call marked ready for dispatch
11/07/2018 17:32:14	mwood	NW-5642	Unit Status Action	Unit 4K4 Enroute (Status Override)
11/07/2018 17:32:14	mwood	NW-5642	Unit Location	Unit 4K4 Secondary Location: Secondary Location Cleared
11/07/2018 17:32:17	mwood	NW-5642	Alerts Accessed	Viewed Alerts Tab
11/07/2018 17:32:36	mwood	NW-5642	Unit Status Action	Unit 4K3 rerouted from call 476 (Status Override)
11/07/2018 17:32:36	mwood	NW-5642	Unit Status Action	Unit 4K3 Enroute
11/07/2018 17:33:11	mwood	NW-5642	Unit Status Action	Unit 4K3 rerouted to call 476
11/07/2018 17:34:27	mwood	NW-5642	Unit Status Action	Unit 4K7 Enroute (Status Override)
11/07/2018 17:34:27	mwood	NW-5642	Unit Location	Unit 4K7 Secondary Location: Secondary Location Cleared
11/07/2018 17:36:23	mwood	NW-5642	Unit Status Action	Unit 4K3 rerouted from call 476 (Status Override)
11/07/2018 17:36:23	mwood	NW-5642	Unit Status Action	Unit 4K3 Enroute
11/07/2018 17:36:28	mwood	NW-5642	Unit Status Action	Unit 4K7 Available for calls
11/07/2018 17:37:37	mwood	NW-5642	Narrative Added	4K3 IN THE AREA
11/07/2018 17:37:37	mwood	NW-5642	Unit Status Action	Unit 4K3 Arrived
11/07/2018 17:37:50	mwood	NW-5642	Unit Status Action	Unit 4K4 Arrived
11/07/2018 17:41:24	mwood	NW-5642	Narrative Added	4K3 ON DATA
11/07/2018 17:44:19	jklein	MDC-8452	Narrative Added	42.56.230(5)
11/07/2018 17:46:35	dolson	NW-5644	Narrative Added	RAGLAND, BYRON TYRONE 1986 CLEAR/INVALID DO CLIC/ TACOMA
11/07/2018 18:03:54	mwood	NW-5642	Narrative Added	4K3 CODE 4 - CLEAR OF THE SCENE
11/07/2018 18:03:54	mwood	NW-5642	Unit Status Action	Unit 4K3 Code 4
11/07/2018 18:03:54	mwood	NW-5642	Unit Location	Unit 4K3 Secondary Location: FIELD
11/07/2018 18:03:58	mwood	NW-5642	Unit Status Action	Unit 4K4 Code 4
11/07/2018 18:03:58	mwood	NW-5642	Unit Location	Unit 4K4 Secondary Location: FIELD
11/07/2018 18:09:08	mwood	NW-5642	Unit Status Action	Unit 4K4 Available for calls
11/07/2018 18:22:35	mwood	NW-5642	Unit Status Action	Unit 4K3 Available for calls
11/07/2018 18:22:45	mwood	NW-5642	Call Updated	Nature Of Call Changed To 4K3 SUSPEND
11/07/2018 18:34:43	mwood	NW-5642	Unit Status Action	Unit 4K3 Enroute (Status Override)
11/07/2018 18:34:43	mwood	NW-5642	Unit Location	Unit 4K3 Secondary Location: Secondary Location Cleared
11/07/2018 18:34:47	mwood	NW-5642	Unit Location	Unit 4K3 Secondary Location: FIELD
11/07/2018 18:55:49	sthomsson	MDC-8467	Narrative Added	Manager requested that Ragland leave the store. Ragland and a white female and child left with Ragland. Clear F.
11/07/2018 18:56:10	mwood	NW-5642	Disposition Changed	Added: FF Count 1
11/07/2018 18:56:10	mwood	NW-5642	Unit Status Action	Unit 4K3 Available for calls
11/07/2018 18:56:10	mwood	NW-5642	Disposition Changed	Added: XX Count 1, CC Count 1
11/07/2018 18:56:10	mwood	NW-5642	Call Cleared	Close Call

## Incident Numbers

Incident	Agency	ID	Call Type
2018-00042006	Kirkland Police Department	WA0170800	Unwanted Subject



# Field Investigation Detail Report

**Print Date/Time:** 01/10/2019 08:54  
**Login ID:** iboswellki  
**Officer:** All

**From Date:**  
**To Date:**  
**Location:** All

Kirkland Police Department  
**ORI Number:** WA0170800

**Field Investigation Number:** 180588

**Case Reference Number:**

**Incident Reference Number:** 2018-00042006

## Contact Information

**Date/Time:** 11/07/2018 17:28  
**Info Source:** Call for service  
**Contact Location:** 11308 NE 124TH ST  
 KIRKLAND WA 98034

**Contact Type:** In person  
**Evaluation:** Reliable

**Contact Reason:** Suspicious activity

**Name:** 42.56.240(2)  
**Address:** UNKNOWN  
 Bellevue WA 98000  
**Cell Phone (Personal)** 42.56.240(2)

**Race:** White  
**Sex:** Female  
**Height:** 5ft 6 in  
**Weight:** 130 lbs.

**Name:** RAGLAND, BYRON TYRONE  
**Address:** 42.56.240(2)  
 TACOMA WA 98404

**Race:** Black  
**Sex:** Male  
**Height:** 5ft 10 in  
**Weight:** 150 lbs.

**Name:** 42.56.240(2)  
**Address:** KENMORE WA 98028

**Race:** White  
**Sex:** Female  
**Height:** 5ft 7 in  
**Weight:** 155 lbs.

## Vehicle Information

## Associated Officers

631-Collins-Thomsson





## KIRKLAND POLICE DEPARTMENT

11750 NE 118th St, Kirkland, WA 98034

## FIELD INVESTIGATIONS REPORT

EVENT	CONTACT DATE/TIME	CONTACT TYPE	CONTACT REASON	INCIDENT #
	11/07/2018 17:28	In person	Suspicious activity	2018-00042006
	EVALUATION		BUREAU	CASE #
	Reliable	Patrol Division	2018-	INFORMATION SOURCE
	LOCATION Menchies Totem Lake			
	11308 NE 124TH ST			
	KIRKLAND, WA			

CONTACT	CONTACT ROLE	NAME (LAST, FIRST, MIDDLE SUFFIX) Adult					
	Subject	RAGLAND, BYRON TYRONE					
	DOB 42.56.240(2)	AGE	42.56.240(2)				ACOMA, WA 98404
	1986	31					
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
	Black	Male	5'10	150	Black	Brown	
	42.56.230(5)		PRIMARY PHONE				
	/ WA						

CONTACT	CONTACT ROLE	42.56.240(2) Adult					
	Witness						
	DOB 42.56.240(2)	AGE	42.56.240(2)				ENMORE, WA 98028
	22						
	RACE	HEIGHT	WEIGHT	HAIR	EYE		
	White	Female	5'7	155	Brown	Blue	
	42.56.230(5)		42.56.240(2) Personal)				
	WA						

## FIELD INVESTIGATION NARRATIVE

KIFI; S. Thomsson  
18-42006; Unwanted Subject  
11/07/2018

On 11/07/2018 at 1730 hours, the owner of Menchies, Ramon Cruz (42.56.240(2) 973), called Kirkland Police after one of his employees called to tell him there was a subject in the store making her uncomfortable. Cruz requested that Police ask him to leave the store; he did not request a trespass.

I contacted the subject at the store, who 42.56.240(2) identified himself as Byron Ragland, which was later confirmed to be Byron T. Ragland (42.56.240(2) 1986) using police databases. I told Ragland that the manager had been watching him on the cameras, and requested that he leave the property. Ragland felt that the request was not necessary. Ragland had two associates (Female adult and male juvenile) with him, who stated they were there with him for visitation.

After I requested Ragland's full information and the names of his associates they told me they were leaving and would not give me any more information. After Ragland left the store,

ADDITIONAL CONTACTS AND VEHICLES MAY BE PRINTED ON FOLLOWING PAGES

INVESTIGATING OFFICER	DATE	REVIEWED BY
631 Collins-Thomsson	11/07/2018	Ouimet, Ian

**KIRKLAND POLICE DEPARTMENT**

11750 NE 118th St, Kirkland, WA 98034

**FIELD INVESTIGATIONS REPORT****FIELD INVESTIGATION NARRATIVE (continuation)**

employee **42.56.240(2)** and **42.56.240(2)** told me that he had been in the store for a while and did not buy anything, and he was not making them feel comfortable. They were both thankful that Ragland was gone.

INVESTIGATING OFFICER

**631 Collins-Thomsson**

DATE

**11/07/2018**

REVIEWED BY

**Ouimet, Ian**



# KIRKLAND POLICE DEPARTMENT

11750 NE 118th St, Kirkland, WA 98034

## FIELD INVESTIGATIONS REPORT

### ADDITIONAL CONTACTS

CONTACT	CONTACT ROLE <b>Witness</b>		NAME (LAST, FIRST, MIDDLE, SUFFIX) <b>42.56.240(2)</b>					
	DOB <b>42.56.240(2)</b>		AGE <b>17</b>		ADDRESS (STREET, CITY, STATE, ZIP)			
	RACE <b>White</b>		SEX <b>Female</b>		HEIGHT <b>5'6</b>	WEIGHT <b>130</b>	HAIR <b>Brown</b>	EYE <b>Brown</b>
	DL NUMBER/STATE		PRIMARY PHONE <b>42.56.240(2)</b> (personal)					

CONTACT	CONTACT ROLE		NAME (LAST, FIRST, MIDDLE, SUFFIX)					
	DOB		AGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	RACE		SEX		HEIGHT	WEIGHT	HAIR	EYE
	DL NUMBER/STATE		PRIMARY PHONE					

CONTACT	CONTACT ROLE		NAME (LAST, FIRST, MIDDLE, SUFFIX)					
	DOB		AGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	RACE		SEX		HEIGHT	WEIGHT	HAIR	EYE
	DL NUMBER/STATE		PRIMARY PHONE					

CONTACT	CONTACT ROLE		NAME (LAST, FIRST, MIDDLE, SUFFIX)					
	DOB		AGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	RACE		SEX		HEIGHT	WEIGHT	HAIR	EYE
	DL NUMBER/STATE		PRIMARY PHONE					

CONTACT	CONTACT ROLE		NAME (LAST, FIRST, MIDDLE, SUFFIX)					
	DOB		AGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	RACE		SEX		HEIGHT	WEIGHT	HAIR	EYE
	DL NUMBER/STATE		PRIMARY PHONE					

INVESTIGATING OFFICER <b>631 Collins-Thomsson</b>	DATE <b>11/07/2018</b>	REVIEWED BY <b>Ouimet, Ian</b>
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INTERVIEW WITH 42.56.240(2)

Interviewer: Det. Mark Brown

11-19-18/4:34 pm

Case # 2018-42006

Page 1

INTERVIEW WITH 42.56.240(2)

Q=DET. MARK BROWN

Q1=DET. PAUL MADES

A=42.56.240(2)

Q: All righty this is Detective Mark Brown with the Kirkland Police Department. Today's date is November 19, 2018. The time is 1634 in the afternoon. We are at Menchie's in Kirkland and we're with...

A: 42.56.240(2)

Q: 42.56.240(2) And 42.56.240(2) I have a recorder going. Do I have your permission to record you?

A: Yes.

Q: And can I get your full name and date of birth?

A: 42.56.240(2)

Q: And we're also here with Detective Paul Made's.

Q1: I am here as well.

Q: Do I have your permission - do I have your permission to record you?

Q1: Yes you do.

Q: Right on. Um, we're here to talk about the incident that occurred here the other day. Um, prior to turning on the recorder we discussed a little bit but like I said, this is recording's for you and for nobody else. And I know that you wanted to remain anonymous.

A: Yeah.

Q: Correct?

A: I would like a full disclosure.

46  
47 Q: So you want - you want non-disclosure.  
48  
49 A: Non-disclosure.  
50  
51 Q: Right? Non-disclosure.  
52  
53 A: Non-disclosure.  
54  
55 Q: Right. Um...  
56  
57 A: Okay.  
58  
59 Q: I'll attempt to do full disclosure but non-disclosure for you.  
60  
61 A: Yes.  
62  
63 Q: Um, so I - just real quick how long have you worked here?  
64  
65 A: 4-1/2 years.  
66  
67 Q: 4-1/2 years. Okay, and has (Ramon) been the boss?  
68  
69 A: Yep.  
70  
71 Q: Full time?  
72  
73 A: Mm-hm.  
74  
75 Q: Uh, you've enjoyed your employment here?  
76  
77 A: Yeah.  
78  
79 Q: Um, has it worked out with your schedule in life and all that kind of stuff?  
80  
81 A: Yeah. That's why I've been here...  
82  
83 Q: Right.  
84  
85 A: ...as long as I have 'cause I'm, you know, a college student. So...  
86  
87 Q: Okay.  
88  
89 A: ...it's really helped me complete...  
90

91 Q: Um...

92

93 A: ...school and work as much as I can so...

94

95 Q: You bet.

96

97 A: Yeah.

98

99 Q: You do a little bit of both.

100

101 A: Yeah.

102

103 Q: Okay.

104

105 A: I can work, like, you know, almost 30, 40 hours a week and still do full time

106 school.

107

108 Q: Oh, 'cause you...

109

110 A: 'Cause that's how easy it is to work here...

111

112 Q: Okay.

113

114 A: ...and with - work with (Ramon), so...

115

116 Q: Okay. Well, y- you say you got some prepared notes.

117

118 A: Yeah.

119

120 Q: Um, go ahead and...

121

122 A: So, um, I just kinda wanna start off and say, you know, previous experiences

123 that I've had in this, um, working here as long as I have 'cause there's been a

124 lot of stuff.

125

126 Man: You know that door's not that great.

127

128 Q: No.

129

130 A: Um, I've witnessed a lot of things that are kinda s- you know, alarming.

131

132 Q: Yes.

133

134 A: Um, so I - there's been a lot of inappropriate sexual phone calls. People over

135 the phone masturbating and the last one was just last week.

136  
137 Q: Unbelievable.  
138  
139 A: Like, right before this incident happened.  
140  
141 Q: Mm-hm.  
142  
143 A: And then I found heroin needles in the bathroom, which I printed the picture  
144 off, last year - last October.  
145  
146 Q: Mm-hm.  
147  
148 A: Um, and I almost put my hand into it...  
149  
150 Q: Mm-hm.  
151  
152 A: ...because I was cleaning the bathrooms and, you know, if I have gloves on I'll  
153 just kind of push the trash down a little bit...  
154  
155 Q: Mm-hm.  
156  
157 A: ...and it's, like, okay...  
158  
159 Q: Whoa - whoa.  
160  
161 A: ...there's somethin' in there.  
162  
163 Q: Mm-hm.  
164  
165 A: Um, and then just last October - last month, uh, we had a homeless couple  
166 come in here and they're sampling and, um...  
167  
168 Q: Mm-hm.  
169  
170 A: ...the man - the guy ended up vandalizing our bathroom and we did call the  
171 police on them.  
172  
173 Q: Mm-hm.  
174  
175 A: For that one I wasn't there when that happened but I obviously heard about it.  
176 Um, last summer, our tips were stolen many times.  
177  
178 Q: Mm-hm.  
179  
180 A: Police were called for that. Um, I've been cat-called just outside. I'm wiping

181 the tables or the windows down...

182

183 Q: Mm-hm.

184

185 A: ...and this group of men in a white truck said, "Oh, nice ass," or whatever.

186 Um, and then a couple weeks before this last incident happened I had a man

187 sitting in the store and I kinda noticed he was taking pictures of me.

188

189 Q: Mm-hm.

190

191 A: I didn't say anything 'cause, you know...

192

193 Q: Yeah.

194

195 A: ...call a man out like that, you know...

196

197 Q: Who knows...

198

199 A: Who knows if he's gonna explode on you, right?

200

201 Q: Right.

202

203 A: And so then, um, actually let me back up. Before he came in this - on this  
204 incident I'm gonna explain, he came in. I went int- paid for his yogurt. I went  
205 to the back to do stuff and then I came out and he, like, had left a dollar on the  
206 table and said, "Oh, I just added a little bit more to my cup." Was, like, okay  
207 whatever, you know. And then, um, the customer that was in here was a lady  
208 and her son was like, "That guy, you know, I told 'em he's not allowed to do  
209 that, you know, that's stealing." I was like, "Okay." You know? "Thank you."

210

211 Q: Sure.

212

213 A: What ya gonna do, right? So then he came in the week af- a week later or the  
214 next week.

215

216 Q: Mm-hm.

217

218 A: And then this happened where he's taking pictures and so I was, like, okay  
219 now this guy now.

220

221 Q: Mm-hm.

222

223 A: Just let me stay up front, see if he's gonna do that again. Sure enough, he  
224 does. He pulls out his wallet and he's like, "I'm just gonna add more." And I  
225 was like, "No that's how this works. You have to go get another cup, weigh



226 it," you kn...

227

228 Q: Purchase it.

229

230 A: Right. And so, uh, he did. And then he went back to the topping bar. It was,  
231 like, Cool Whip or whatever that is over there and, um, grabbed the spoon,  
232 which again, that's adding more to it...

233

234 Q: Right.

235

236 A: ...and scooped what he had purchased onto his other cup. And I was like, "Sir  
237 you can't do that." And he just blew up on me. He's like, "Can't you just chill  
238 the hell out," and blah - blah - blah and I was like, "I'm sorry but you've done  
239 this before and you've been called out on it before and you're doing it again."

240

241 Q: Right.

242

243 A: And then he's like, "Did it hurt you the first time I did it," and blah - blah -  
244 blah and I asked him to leave, which he did and I've never seen him again.  
245 But if he were to have stayed in the store after I've asked him to left...

246

247 Q: Mm-hm.

248

249 A: ...that's when I would have called the police.

250

251 Q: Sure.

252

253 A: No question.

254

255 Q: Sure.

256

257 A: And I still haven't seen him since that day.

258

259 Q: Sure.

260

261 A: So - and if he were to come back in again I would call the police.

262

263 Q: Mm-hm.

264

265 A: So that happened, um, this last October. And then I can't remember the  
266 specific date. I think it was the end of last year, beginning of this year.

267

268 Q: Mm-hm.

269

270 A: Sally's, just a couple of doors down...

271  
272 Q: Yep.  
273  
274 A: ...was robbed and a employee was beaten up.  
275  
276 Q: Mm-hm.  
277  
278 A: And it ended up being a gang related thing.  
279  
280 Q: Mm-hm.  
281  
282 A: And then that's when we - I kept, you know, saying, "Hey...  
283  
284 Q: Right.  
285  
286 A: ...we need a lock on these bathrooms 'cause you never know."  
287  
288 Q: Yeah.  
289  
290 A: Um, and then just of course there's reoccurring homeless people. I had this  
291 one guy. He had kept coming in and sampling and I'm, like, okay, you know,  
292 whenever he's full and let him do his thing and leave. And then I was working  
293 by myself one day and he came in and he had a shovel. And that's when I was  
294 like, "Okay you need to leave 'cause I know you're just gonna sit here and  
295 sample and you're not buying anything." And then every time he would see  
296 me in here he wouldn't come in or he'd kinda look for me to see if I was  
297 there.  
298  
299 Q: Hm.  
300  
301 A: And then, um, just these last few months I've seen him in here and there's  
302 been other people in the store so I'm just, like, you know...  
303  
304 Q: Yeah, whatever.  
305  
306 A: ...what's there to do?  
307  
308 Q: But still...  
309  
310 A: You know, um, and then the man who attempted to rob the store, uh,  
311 (Ramon)'s Subway down in Seattle...  
312  
313 Q: Mm-hm.  
314  
315 A: ...had the next day after that robbed - or almo- no he did rob - maybe he

316 didn't. I don't know but did rob at gunpoint the Domino's over in Kenmore  
317 and I live kinda over in that area.  
318  
319 Q: Right there? Yeah.  
320  
321 A: And so, you know, obviously he's travelling up this way. So all those  
322 instances, it's, like, it just kinda puts you in high alert over the years working  
323 here.  
324  
325 Q: Mm-hm.  
326  
327 A: And when we just put bath- locks on the bathroom this last year.  
328  
329 Q: Mm-hm.  
330  
331 A: Er and when people - our customers ask oh why d- did you lock the  
332 bathrooms and I tell 'em...  
333  
334 Q: Mm-hm.  
335  
336 A: ...then they're all just kinda, like, oh wow, you know, I didn't realize this area  
337 was like that.  
338  
339 Q: Mm-hm.  
340  
341 A: So I think that just kinda goes to show that, like, people may not know who  
342 roams these streets if they've never worked retail...  
343  
344 Q: Right.  
345  
346 A: ...in this area.  
347  
348 Q: Right.  
349  
350 A: And so, that's just kind of, you know, previous incidences that's made me...  
351  
352 Q: Mm-hm.  
353  
354 A: ...on high alert.  
355  
356 Q: That makes sense so you're kinda givin' a little context to why this specific  
357 event here the other day made you feel uneasy.  
358  
359 A: Really still a little...  
360

361 Q: ...uneasy.  
362  
363 A: Yeah, yeah.  
364  
365 Q: Okay.  
366  
367 A: And so - and then before I, you know, tell what happened, I just wanna say  
368 that I was never scared during this incident. I never felt uncomfortable like it's  
369 being said. Um, to the media, you know, (Ramon), he thought I was scared  
370 but - and I'll get to that too. Um, I was just, you know, cautious.  
371  
372 Q: Mm-hm.  
373  
374 A: I was being cautious because I think also people aren't understanding that this  
375 isn't like a store where you come and you just sit and relax and, you know,  
376 read the paper and just...  
377  
378 Q: It's not a Starbucks.  
379  
380 A: Like, it's not a lounge. Yeah.  
381  
382 Q: Right?  
383  
384 A: Exactly. This is a place where you come in. You serve yourself. You buy our  
385 product and then you sit and you sit however long you want but just...  
386  
387 Q: Right.  
388  
389 A: ...to sit there and not do anything and have your head down...  
390  
391 Q: Mm-hm.  
392  
393 A: ...that's a little out of the ordinary for...  
394  
395 Q: Mm-hm.  
396  
397 A: ...you know, our store.  
398  
399 Q: Mm-hm.  
400  
401 A: And so when I see that, you know, I just, you know, I become aware that okay  
402 this man's just sitting here. No big deal. He hasn't done anything. I just...  
403  
404 Q: Right.  
405

406 A: ...don't turn my back.

407  
408 Q: Right.

409  
410 A: And so, um, with that said I'll go into how this all started. Um...

411  
412 Q: Sure.

413  
414 A: It was around 4:45-ish.

415  
416 Q: Mm-hm.

417  
418 A: Sometime then, um, the woman and the child walked in.

419  
420 Q: Mm-hm.

421  
422 A: And then the man walked in behind her and at first I thought okay, you know,  
423 maybe they are together. I don't know but they went to go get their yogurt and  
424 then the man just went and sat down.

425  
426 Q: Mm-hm.

427  
428 A: So it's, like, okay, you know, he doesn't want anything. Whatever.

429  
430 Q: Mm-hm.

431  
432 A: But then once the lady sat at a different table from the - from the guy...

433  
434 Q: Mm-hm.

435  
436 A: ...I was, like, okay maybe they aren't together.

437  
438 Q: Sure.

439  
440 A: You know, and they never said a word to each other walking in or once they  
441 sat down.

442  
443 Q: Okay.

444  
445 A: Like ever. So I was, like, who knows.

446  
447 Q: Right.

448  
449 A: Right? So then it com- he's been sitting there 15 minutes. It's 5 o'clock. My  
450 shift's ending, um, (42.56.240(2)), the other girl that was with me...

451  
452 Q: Mm-hm.  
453  
454 A: Um, she's starting and I told her like, "Hey, you know just heads up he's been  
455 sittin' there for a while," um just...  
456  
457 Q: Don't know who he is...  
458  
459 A: Yeah.  
460  
461 Q: Hasn't bought anything.  
462  
463 A: Hasn't - exactly and so I was, like, just be aware.  
464  
465 Q: Mm-hm.  
466  
467 A: Um, nothing to worry about. She's like, okay like, "Do you mind just staying  
468 a couple more minutes just in case? You know, I don't want to be alone if  
469 anything happens."  
470  
471 Q: Right.  
472  
473 A: I was like, "Sure." And she's a minor too, so, um, that's that. And so I was,  
474 like, I stayed another 15 minutes and I texted (Perinda), (Ramon)'s wife...  
475  
476 Q: Mm-hm.  
477  
478 A: ...which I have here - the text, um, saying - here I'll read it. "There's this  
479 weird guy in the store just sitting at one of the tables with his head down.  
480 Hasn't (boughten) anything. Been here for about half an hour. I think he's just  
481 charging his phone. I'm gonna stay here until he leaves so (42.56.240(2)) isn't  
482 alone, just in case."  
483  
484 Q: Mm-hm.  
485  
486 A: I never said his race, ever.  
487  
488 Q: Mm-hm.  
489  
490 A: Okay?  
491  
492 Q: Mm-hm.  
493  
494 A: So then she sent that to - forwarded it to (Ramon) and then (Ramon) called the  
495 police and then (Ramon) - oh I - I had texted (Perinda) at 5:15 so...

496  
497 Q: Mm-hm.  
498  
499 A: ...that was an- that's 30 minutes now he's been sittin' in there.  
500  
501 Q: Mm-hm.  
502  
503 A: So then (Ramon) called the police and then he texted me. This is the first time  
504 I have heard from (Ramon) all day. Police are on their way. And I have that  
505 text message too. Um, police are gonna drop by to make sure everything's  
506 okay. I was, like, okay, you know, you're the...  
507  
508 Q: Okay.  
509  
510 A: ...you're the boss.  
511  
512 Q: Sure.  
513  
514 A: You own the place.  
515  
516 Q: Sure.  
517  
518 A: I - I trust your judgment.  
519  
520 Q: Sure.  
521  
522 A: Whatever. Um, and then the police come and then they say oh you know, uh,  
523 "The manager's been watching you. You've been sitting here for a while not  
524 buying anything." And then the lady he was with - was with like, "He's with  
525 us," you know. And then, I was, like, oh you know, shoot we messed up. And  
526 so then I went to the back and, um, talked to (Ramon). I was, she's, like,  
527 they're together, you know.  
528  
529 Q: Mm-hm.  
530  
531 A: And then, um, so I didn't hear what else was said to - but...  
532  
533 Q: (Unintelligible).  
534  
535 A: ... (42.56.240(2)) was out there so she can...  
536  
537 Q: Okay.  
538  
539 A: ...really speak on that.  
540

541 Q: Okay.  
542  
543 A: Um, but yeah that was pretty much it and they just kinda left on their own and,  
544 um, another thing I wanna say is too is, um, if I - I told (Ramon) I was, like, if  
545 I had - if you had called me before you called the police I would have said  
546 don't call the police. Like, if I ever felt like I was in danger I will...  
547  
548 Q: Right.  
549  
550 A: ...call. I will make the call.  
551  
552 Q: Mm-hm.  
553  
554 A: And he's, like, you know, he's, like, even if you had said don't call I would  
555 have called.  
556  
557 Q: Mm-hm.  
558  
559 A: Because of what had happened th- two weeks prior...  
560  
561 Q: Mm-hm.  
562  
563 A: ...with these two Subways. He's, like, you know, that's fair. And he's, like,  
564 you've worked for me for a long time. You're family to me. I - and same with  
565 the lady that experienced the robbery or the attempted robbery. You know  
566 she's going through all this counselling and she's, like, 35 years old and is  
567 traumatized by this and he's, like, I just couldn't imagine you guys going  
568 through that if anything were to happen given that we're so much younger.  
569  
570 Q: Sure.  
571  
572 A: So, I was, like, okay, you know, that makes sense. And then I think, too, like,  
573 maybe the 911 operator should have given a third option. 'Cause I listened to  
574 the call and she said, "Do you want us to tell him to move along or do you  
575 want a no trespass?" If maybe she had said or would you like us to just, you  
576 know, check out why he's there and then assess if he should be removed or  
577 not.  
578  
579 Q: Mm-hm.  
580  
581 A: And I'm pretty sure that's what (Ramon) - I know for sure, knowing (Ramon)  
582 for as long as I have, he would have chose that third option.  
583  
584 Q: Mm.  
585



586 A: And then in the police report, uh, they got this wrong. They said at the very  
587 end, "They were both very thankful that (Ragland) was gone." They, as in  
588 (42.56.240(2)) and I.  
589

590 Q: Mm-hm.  
591

592 A: We were not thank- we never said that.  
593

594 Q: Okay.  
595

596 A: Never said that.  
597

598 Q: Is there any other way it was put?  
599

600 A: No.  
601

602 Q: Okay so that - so being thankful was not in...  
603

604 A: He's - he's...  
605

606 Q: Th- that - that part of the statement is nonexistent.  
607

608 A: Correct, yeah.  
609

610 Q: Okay.  
611

612 A: So he had - once they had left, he came and talked to us - the police and he's,  
613 like, you know, this is Kirkland and we just kicked a black man out of the  
614 store. People are gonna see this as something of racism and I was, like, no,  
615 you know, that is not our inten- intentions here. We did not know they were  
616 together and, you know, it's a shame this even happened and...  
617

618 Q1: Which - was that a police officer that sa- one of the police officers said that to  
619 you?  
620

621 A: Yes.  
622

623 Q1: You know which police officer that was?  
624

625 A: Um, he was the bigger one. I don't know his name.  
626

627 Q: That your guy?  
628

629 A: There was...  
630

631 Q1: Older or younger?  
632  
633 A: Older. It was a bigger older man. I think he was - could be Asian or of Asian...  
634  
635 Q: Mm-hm.  
636  
637 A: Hawaiian maybe, I don't know.  
638  
639 Q: Mm-hm.  
640  
641 A: And then kind of a skinnier younger guy.  
642  
643 Q: Okay.  
644  
645 A: And so, like, when he said that, it was, like, no, you know. That's not what  
646 happened here. It was just a mistake. We thought he was just sitting there, you  
647 know, just loitering or whatever and...  
648  
649 Q1: So out - outside of the contact - I mean so you described, um, what the  
650 gentleman was doing, what the - what the gal and the kid were doing and then  
651 you're saying is when - when exactly did she say that...  
652  
653 Man: I didn't even know that you guys were here.  
654  
655 Q1: We're almost - we're almost done. Hang tight. See ya in a minute. Um, when  
656 did - when did she say that he's with me?  
657  
658 A: The minute the police said, you know, the manager's been watching you...  
659  
660 Q1: Uh huh.  
661  
662 A: ...and she spoke up, "He's with me."  
663  
664 Q1: Uh huh.  
665  
666 A: So...  
667  
668 Q1: Okay. And did - did you hear - I mean did you stay out there long enough to  
669 hear the police officer address that comment?  
670  
671 A: No. I - the minute I said - I heard she's - he's with us I was like no.  
672  
673 Q1: And - and so for the - for...  
674  
675 A: And I...

676  
677 Q1: ...purpose of the recording you're kinda hangin' your head like...  
678  
679 A: Yeah.  
680  
681 Q1: ...kinda aw crap.  
682  
683 A: Yeah. Awkward.  
684  
685 Q1: Like...  
686  
687 A: Right?  
688  
689 Q1: Yeah. Awkward.  
690  
691 A: And I have that in that text to (Ramon) too after this incident 'cause I went  
692 back here to save...  
693  
694 Q1: And then is it by the time you went back out everybody was gone.  
695  
696 A: Maybe.  
697  
698 Q1: Okay. Um, and then did the police - did the police officers ever, um, ask to  
699 speak to (Ramon) or and/or manager or anything like that?  
700  
701 A: Um, yeah. So he took our names and we're, like, we weren't the ones that  
702 called and then I said (Ramon) called. And he's, like, can I have his info? And  
703 that was when.  
704  
705 Q1: Which officer do you remember took that information from you?  
706  
707 A: Um, the younger one took the - took our info.  
708  
709 Q1: Okay.  
710  
711 A: Or the old- the older one's, like, he's, like, you gonna take their info? He was,  
712 like, hey...  
713  
714 Q1: Yeah.  
715  
716 A: ...hello.  
717  
718 Q1: Give 'em a prompt.  
719  
720 A: Yeah.

721  
722 Q1: That guy.  
723  
724 A: Yeah. And so we're - and then we clarified, you know, like, we weren't the  
725 ones that called and he's, like, can we have that info of who called? And that's  
726 when we gave (unintelligible).  
727  
728 Q1: Okay. Um, did they come back - did the police officers come back later and  
729 check up on you or anything like that, or...  
730  
731 A: No. I left and they were still just kinda standing outside...  
732  
733 Q1: Okay.  
734  
735 A: ...talking and...  
736  
737 Q1: All right.  
738  
739 A: And then the lady - (42.56.240(2)) did say, um, that, uh, the lady had called right  
740 afterwards and asking why we were kicked out and stuff and it's, like, you  
741 weren't kicked out you just left on your own, so. Maybe if, you know, I mean  
742 I didn't hear the conversation but from the police report, you know, maybe if  
743 she had listened and they assessed that, you know, why they were there...  
744  
745 Q: Mm-hm.  
746  
747 A: ...then, like, okay, you know, just continue. No big deal that they were just  
748 kinda told where they belong so - so...  
749  
750 Q: Okay.  
751  
752 A: Yeah.  
753  
754 Q: Um, you have some of these things printed out?  
755  
756 A: Yeah, I have all...  
757  
758 Q: Can...  
759  
760 A: ...the text messages so I have...  
761  
762 Q: Can I - can I take those for...  
763  
764 A: Yeah.  
765

766 Q: ...the case?  
767  
768 A: Yeah.  
769  
770 Q: Is that - I assume that's why you printed them out...  
771  
772 A: Yeah.  
773  
774 Q: ...so I could can look...  
775  
776 A: Yeah exactly.  
777  
778 Q: ...and include them.  
779  
780 A: So I have the first one. Th- this was the very first one...  
781  
782 Q: Mm-hm.  
783  
784 A: ...to (Perinda).  
785  
786 Q: Mm-hm.  
787  
788 A: Um, that started it all.  
789  
790 Q: Okay.  
791  
792 A: And, like - like, you know, these people are sayin' that we are racist. His race  
793 was never mentioned.  
794  
795 Q: Mm-hm.  
796  
797 A: His race was not mentioned until the 911 operator asked for it.  
798  
799 Q: Mm-hm.  
800  
801 A: Right? And then, um, this one's (Ramon) right after the police - he called the  
802 police and said the police are gonna drop by and make sure everything is okay  
803 and I was, like, right.  
804  
805 Q: Mm-hm.  
806  
807 A: Right? And then, um, and then this - it just kinda continues me telling him  
808 what the situation was.  
809  
810 Q: And these are all text messages that went to and from your cell phone.

811  
812 A: Yes.  
813  
814 Q: Okay - okay.  
815  
816 A: And then I print- I also printed off, um, what (42.56.240(2)) and I - it's not all of  
817 it, just kinda - 'cause it just kinda goes on and on about the kinda same stuff.  
818  
819 Q: Sure.  
820  
821 A: Where we were kinda discussing the same, like, we did not know he was with  
822 them and, like, we don't want him to take this the wrong way...  
823  
824 Q: Right.  
825  
826 A: ...like the race thing. So I said - I - w- when I got home I texted her. I was,  
827 like, I totally did not know that this guy was with those people. They never  
828 said a word to each other. To sit there for over an hour and not buy anything,  
829 what do they expect. I feel so bad. I really hope that guy didn't take it as a  
830 race thing. I think that lady is too crazy to file a report 'cause she doesn't have  
831 custody of her kid or whatever 'cause the police responding had said - or she  
832 had told, um, on her way out, to (42.56.240(2)) and (42.56.240(2)) should, um, call to  
833 say this too, um, that she was going to file a report against us so I was just  
834 saying, like, no she can't. That (unintelligible) her kid I don't think...  
835  
836 Q: And - and just - just for recording sake, when the - when the police officer -  
837 what - what - not exactly but what - what did he say to you about after the  
838 contact - the contact with these people?  
839  
840 A: About, like...  
841  
842 Q: That something might come up or...  
843  
844 A: Yeah, or he said she s- or (42.56.240(2)) said, like, they mention - there was a  
845 mention of that she said she's gonna file a report.  
846  
847 Q: Mm-hm.  
848  
849 A: And I was just like, you know, how long is this gonna take or is she really  
850 gonna do this and he's, like, I wouldn't worry about it.  
851  
852 Q: Mm-hm.  
853  
854 A: And then once I - I didn't understand wh- he told me that he was a supervisor  
855 and I was, like, what does that mean? And he's, like, she doesn't have custody

856 of his kid. She has to monitor the visitation.  
857  
858 Q: Mm-hm.  
859  
860 A: I was, like, oh, okay. And so then I was, like, you know, she can't have  
861 custody of her kid.  
862  
863 Q: And you mention...  
864  
865 A: She really got (unintelligible).  
866  
867 Q: You mention the police officer said something to the fact that this may come  
868 up again or something might happen because of a racial issue or something  
869 like that?  
870  
871 A: Yeah. Well, he's, like, since we're in Kirkland and we just kicked a black man  
872 out of the store people are probably gonna see this as a race thing.  
873  
874 Q: Mm-hm.  
875  
876 A: Which obviously the (unintelligible) was right about that.  
877  
878 Q: Okay.  
879  
880 A: Given the press about it. But, yeah this whole thread here it just kinda talks  
881 about us, you know...  
882  
883 Q: Sure.  
884  
885 A: ...what - what we were discussing afterwards and how we felt and, like, how  
886 we really didn't know he was with them...  
887  
888 Q: Right.  
889  
890 A: ...and that it was not a race thing so. Yeah.  
891  
892 Q: I appreciate it. Um, and do you have anything else you'd like to add?  
893  
894 A: Um, just want to reiterate that, like, the situation, you know, we never felt like  
895 we were unsafe. We never felt that we were, like, uncomfortable.  
896  
897 Q: Mm-hm.  
898  
899 A: Um, in the police report it says we were thankful he was gone. We were never  
900 - we never said that. And I e- even said, actually, in the one to 42.56.240(2)...

901  
902 Q: Mm-hm.  
903  
904 A: ...um...  
905  
906 Q: Do you think that when they...  
907  
908 A: When the police left?  
909  
910 Q: ...when they were done  
911  
912 A: Yeah. We said thank you to the police. Is that what you're askin'?  
913  
914 Q: Yeah.  
915  
916 Q1: Yeah.  
917  
918 A: Yes. Yeah. 'Cause of course, you know, it's good manners.  
919  
920 Q1: Yeah. That's cordial.  
921  
922 Q: Yes - Yes - Yes.  
923  
924 A: So, um, when did I say this. Oh, I said - okay she said - okay well I guess I'll  
925 just start.  
926  
927 Q: Mm-hm.  
928  
929 A: Uh, after I said I didn't know that they were together blah - blah - blah, uh,  
930 yeah and she also called the store demanding to talk to (Ramon) so I took  
931 down her number. Obviously not going to give her (Ramon)'s number and he  
932 said he'll call her so that'll be interesting. Why didn't she -- this is me -- why  
933 didn't she ask that when, uh, she was in the store. (42.56.240(2)) exactly and she  
934 sa- asked me why were we kicked out and I was, like, I already told you I  
935 don't know. I told her we have a policy. Um, and then I said she wasn't  
936 kicked out she walked on her - walked out on her own. They should've st-  
937 they could've stayed and then, um, (42.56.240(2)) said about bring on the super  
938 and buying things - which I don't know what that means. And then I said to  
939 the cops, tell her to leave. 'Cause I was in the back so I didn't...  
940  
941 Q: Sure.  
942  
943 A: ...hear much of that conversation.  
944  
945 Q: You didn't witness it?



946  
947 A: Uh, he - she said they asked the guy to leave, nothing to her. And I was, like,  
948 oh they shouldn't have done that. If I had known they were together this  
949 wouldn't have happened. I even said to myself when the lady and kid sat  
950 down, like, oh they aren't together because they walked in around the same  
951 time. She needs to calm down. And then (42.56.240(2)) said yeah, I don't think  
952 (Ramon) should have told the cops to ask them to go but, you know.

953  
954 Q: Mm-hm.

955  
956 A: And then, um, I was, like - like, the guy had his head down and was looking  
957 around at us. What were we supposed to do? Honestly that could have been a  
958 white guy and I would have d- felt the same, especially last month when that  
959 guy was yelling at me and taking pictures of me. You just don't know.

960  
961 Q: Mm-hm.

962  
963 A: 'Cause that man was a white one.

964  
965 Q: Mm-hm.

966  
967 A: And then she said, "Yeah no matter what race we're going to call the cops,  
968 especially in a store that has a lot of young people working late nights."

969  
970 Q: Mm-hm.

971  
972 A: So...

973  
974 Q: Fair enough.

975  
976 A: I don't know why people are assuming that we were racially (unintelligible).

977  
978 Q: Well it's kinda what we talked about before...

979  
980 A: Yeah. Exactly.

981  
982 Q: ...we turned on is that people - people will have their own opinions...

983  
984 A: Exactly.

985  
986 Q: ...and they'll say whatever they want to with or without context so...

987  
988 A: Yeah. Yeah. And, you know, I'll just kinda repeat myself, but when (Ramon)  
989 said, you know, I would have called the police regardless of if you told me not  
990 to. I just want to make it known that, like, if I felt that I was uncomfortable I

991 wouldn't have asked for permission to call the police.  
992  
993 Q: You would've...  
994  
995 A: I would have called them myself.  
996  
997 Q: Yep.  
998  
999 A: I never felt like a fight or flight instinct in me.  
1000  
1001 Q: Mm-hm.  
1002  
1003 A: So you know if I really did feel that uncomfortable I would have called in and  
1004 then said hey.  
1005  
1006 Q: Yep.  
1007  
1008 A: To call - I would call (Ramon).  
1009  
1010 Q: It makes sense.  
1011  
1012 A: I would've told him that this is happening.  
1013  
1014 Q: Mm-hm.  
1015  
1016 A: So...  
1017  
1018 Q: Okay.  
1019  
1020 A: Yeah.  
1021  
1022 Q: Anything else you'd like to add?  
1023  
1024 A: No, just that it had nothing to do with his race. Period.  
1025  
1026 Q: Sounds good.  
1027  
1028 A: And the police report saying we were thankful is not true.  
1029  
1030 Q: Okay.  
1031  
1032 A: So.  
1033  
1034 Q: All right.  
1035

1036 A: Yeah.

1037  
1038 Q: We'll end this interview and it's the same date, November 19, uh, 2018. The  
1039 time's 1658.

1040  
1041  
1042 The transcript has been reviewed with the audio recording submitted and it is an accurate  
1043 transcription.

1044 Signed LT. J. Maslip #264

\*When asked why we lock our bathrooms - shocked reactions:

### → Previous Incidents

- ▶ Inappropriate sexual phone calls (Multiple incidents over the last 3 years. Last call occurred last week.)
- ▶ Heroin needles found in men's bathroom trash. (Oct. 2017)
- ▶ Men's bathroom vandalized by homeless man. (Oct. 2018)—white
- ▶ Stolen tips. (Summer 2017)—white
- ▶ Cat calling. (Summer 2017)—white
- ▶ Inappropriate picture taking, then proceeded to yell after told to leave. (Oct. 2018)—white
- ▶ Gang fights and robbery at Sally's Beauty store. (Dec. 2017-Jan. 2018?)
- ▶ Reoccurring homeless people coming in and out of the store.
- ▶ The man who attempted to rob Ramon's store in Seattle the week before had robbed a dominos in kenmore the following day. —white

### → Accounts Of This Incident

- ▶ **4:45 pm**— A woman and child walk in. A man walks in shortly behind them. The woman and child get yogurt, while the man immediately sits down, noting that the woman and man haven't said anything to each other. I assume they are together, but am not certain. The lady pays for the yogurt and sits at a different table from the man. Now I wonder, maybe they aren't together.
- ▶ **5:00 pm**—Coworker comes in. I tell her the situation. He's been sitting there for 15 minutes. Hasn't boughten anything or spoken to anyone. Has had his head down, frequently looking up. She asks me to stay with her for a couple more minutes just in case. At this point, we were **NOT** scared and we were **NOT** uncomfortable. We were being cautious and aware **IF** anything were to happen given the past events that have occurred in the store, area and Ramon's other businesses.
- ▶ **5:16 pm**—After 30 minutes of the man sitting in the store, still hasn't boughten anything nor said a word to anybody in the store, I send a text message to Parinda.
- ▶ **5:31 pm**—45 minutes of the man sitting in the store, still hasn't boughten anything nor said a word to anybody to assume he was with any other patrons in the store. I receive a text message from Ramon saying police were on their way. I had **NOT** heard from Ramon on this matter prior to this text message. I had only contacted Parinda.
- ▶ **5:45-6 pm**—Cops arrived and spoke with the man. I went to the back to text Ramon the man was there with another patron. I did not hear the whole conversation between the patrons and the cops.

### → What Went Wrong

- ▶ Ramon should have contacted me before calling the cops to assess the situation. — *due to previous incidents would've called regardless*
- ▶ The 911 operator should have given him a third option as to how he would like the situation handled. If given the option to have police come and ask why he was there for so long, then let us know why he was there, without a doubt all of us would have let them continue their visit with no further problem.
- ▶ Although police were told to ask them to move along, after finding out why they were there, they should have asked if we'd still like them to be removed from the store. We would have said **NO**.

➡ What Needs To Be Cleared Up

- ▶ We **NEVER** felt unsafe.
- ▶ We **NEVER** felt uncomfortable.
- ▶ We **NEVER** said we were “thankful” he was gone to the police.
- ▶ His race was **NEVER** mentioned until the 911 dispatcher asked for it.
- ▶ I will never ask my supervisor for permission to call police. If I ever feel unsafe at anytime, or a customer does not leave after being asked to, I do not and would not hesitate to call police.
- ▶ If I thought it was necessary to have police involved, I would have called in myself. Fight or flight was never a concern in this situation.
- ▶ It needs to be addressed that this is not a lounge or a coffee shop where people tend to sit and relax for extended periods of time by themselves. We are a self service ice cream store. You come in, you serve yourself, you buy our product, then you sit. We work in place that offers FREE samples that attracts many people who have no intentions of paying or loiter.
- ▶ ~~Some~~ police have put words into **OUR** mouths that are false. We will not take the wrath for this because our feelings on the matter were ASSUMED.
- ▶ This had **NOTHING** to do with this mans’ race.

11:26

42.56.240(2)



iMessage

Wed, Nov 7, 6:42 PM

I TOTALLY didn't know that guy was with those people!!! They never said a word to each other! Like to sit there for over an hour and not buy anything what do they expect! I feel so bad I really hope that guy didn't take it as a race thing. I think that lady is too crazy to file a report. If she doesn't have custody of her kid obviously she's a mess

Yea and she also just called the store demanding to talk to Ramon, so I took down her number (obvi not giving her Ramon's) and he said he'll call her so that'll be interesting

Why didn't she ask that shit when she was in the store

Exactly and she asked me "why were we kicked out?" And I was like I already told you I don't know

I told her we have a policy



iMessage



11:26



42.56.240(2)



She wasn't kicked out she walked out on her own. They could've stayed.

About bring on the super and buying things

Did the cops tell her to leave?

They asked the guy to leave

Nothing to her

Aww they shouldn't have done that. If I had known they were together this wouldn't have happened

I even said to myself when the lady and kid sat down like oh they aren't together because they walked in around the same time.

She needs to calm down tho.

Yea like I don't think Ramon should've told the cops to ask them to go but



iMessage



11:27



42.56.240(2)



She needs to calm down tho.

Yea like I don't think Ramon should've told the cops to ask them to go but

Like the guy had his head down and was looking around at us. What were we suppose to do. Honestly that could have been a white guy and I would've felt the same.

Especially last month when that guy was yelling at me and taking pics of me u just don't know

yea no matter what race we're going to call the cops especially at a store that has a lot of young people working late nights



Talked to the girl. Her name is Tanya... she's upset but slightly understood when I said I emailed our team about recent robberies. I'll send her some coupons to hopefully make up for the incident. .

Ok good



iMessage





NOV. 7, 2018

10:26



PC

Parinda >

Can you open the door for me? 😊

Wed, Nov 7, 5:16 PM

There's this weird guy in the store just sitting at one of the tables with his head down. Hasn't brighten anything. Been here for about half and hour. I think he's charging his phone. I'm going to stay here until he leaves so 42.56.240(2) isn't alone just in case.

What time is TM coming?

Can you ask him to get up?

7. If he doesn't leave in 10 more min I'll tell him to leave. Should tm come early

I think you can ask him now cause it's more than half an hour

Ramon took care of it

Thu, Nov 8, 11:39 AM



NOV. 7, 2018

12:10

Facebook



RC

Ramon >

Wed, Nov 7, 5:31 PM

Police are going to drop by to make sure everything is ok

Ok great. I didn't want anything to escalate. He's just sitting there. Hasn't bought anything. May just be charging his phone.

Better safe than sorry to stay with 42.56.240(2)

Yup.

I told police to just do the rounds

Yo be safe

To

Yes. Agreed.

They're here

Ok

He's with those people sitting by him



11:30



Ramon >

They're here

Ok

He's with those people sitting by him

They didn't walk in together or nor have they said a word to each other this WHOLE time!

That's ok.

The lady sounds pissed 😡

Safety first. I told the cops he wasn't ping anything. Just that we are suspicious.

Awkward

Apparently the guy was a supervisor to the lady when's he visits her kid

Ah ok

When she\* visits. She didn't have custody to her kid.



iMessage



11:31



RC

Ramon >

custody to her kid.

Got it. So he just tags along

Yes. She wasn't happy. She said she's going to file a report. The cops says not to worry about it.

That's ok. We did nothing wrong. We report anything that is suspicious.

Yes. I just didn't want them to think it was a race thing.

Definitely not.

I'm sure that's what they think tho. I feel bad 😞

Let them think whatever. I hate it when people make it all about "race" or "gender" 😡

I know!! It's annoying!! It's demeanor that scares me!

Yup. It's our store. Our people. We feel unsafe for whatever reason. it's



iMessage



Oct. 20, 2017



DOCUMENT

TEXT

Zoom

CONTACT

Witness

22

White

Female

07

100

Brown

Blue

OLN-XXXX WA

4. Merged By: AClient-Olderian

FIELD INVESTIGATION NARRATIVE

KFI: S. Thomsson  
18-43990; Unwanted Subject  
11/07/2018

On 11/07/2018 at 1730 hours, the owner of Menchie's, Ramon Cruz ( ), called Kirkland Police after one of his employees called to tell him there was a subject in the store making her uncomfortable. Cruz requested that Police ask him to leave the store; he did not request a trespass.

I contacted the subject at the store, who identified himself as Byron Ragland, which was later confirmed to be Byron T. Ragland ( ) using police databases. I told Ragland that the manager had been watching him on the cameras, and requested that he leave the property. Ragland felt that the request was not necessary. Ragland had two associates (Female adult and male juvenile) with him, who stated they were there with him for visitation.

After I requested Ragland's full information and the names of his associates they told me they were leaving and would not give me any more information. After Ragland left the store,


ADDITIONAL CONTACTS AND VEHICLES MAY BE PRINTED ON FOLLOWING PAGES

631 Collins-Thomsson

11/07/2018

Guimet, Ian

Page 2 of 3



**KIRKLAND POLICE DEPARTMENT**  
11700 NE 138th St, Kirkland, WA 98034  
FIELD INVESTIGATIONS REPORT

FIELD INVESTIGATION NARRATIVE (continuation)

employees ( ) and ( ) told me that he had been in the store for a while and did not buy anything, and he was not making them feel comfortable. They were both thankful that Ragland was gone.

Field Investigation Number: 18258 OLN-180470000

Page 2 of 3

Page 2 of 3

**INTERVIEW WITH RAMON CRUZ**  
**Q=DET. MARK BROWN**  
**Q1=DET. SGT. PHILLIP GOGUEN**  
**A=RAMON CRUZ**

Q: Yeah the recorder's on, This is Det. Mark Brown of the Kirkland Police Department. Today's date's the 17th of November, 2018. The time is 12:42. This in - this recording's in regards to Kirkland Police Department #2018-40026. Present with me is Det. Sgt. Phil Goguen, uh, Sargeant, do we have your permission to record you?

Q1: Yes.

Q: Also present with me is Ramon. And, Ramon, do I have your permission to record you?

A: Yes.

Q: And you're aware the recorder's going?

A: Yes.

Q: Could I get your full name and date of birth?

A: Uh, Ramon Cruz - 42.56.240(2) 1973.

Q: Okay. And currently we're in an office at your business here in Menchie's in Kirkland.

A: Correct.

Q: And what - what's the address for Menchie's?

A: Uh, 11308 Northeast 124th Street, Kirkland 98034.

Q: Okay. And how long have you been, uh, a business owner here?

A: Uh, we started this business since 2013. August 2013.

46  
47 Q: Nice. And since that time business - I mean, Menchie's is a popular - popular  
48 location to go get somethin' to eat. I mean things have been goin' good I  
49 imagine. It's a nice area to have a business in and...  
50  
51 A: I- it's so - business has been consistent.  
52  
53 Q: Mm-hm.  
54  
55 A: I mean, we've got a good clientele here in Kirkland so...  
56  
57 Q: Mm-hm.  
58  
59 A: ...It's not - it's not going gang-bangers but it's consistent.  
60  
61 Q: It's consistent. Yeah.  
62  
63 A: Yeah.  
64  
65 Q: Um, we - we came here today because myself and Phil were called out, uh, in  
66 regards to an incident that occurred I believe back on the 7th of November.  
67  
68 A: S- 7th of November. Wednesday.  
69  
70 Q: Wednesday. And of this same year. And, um, can you kinda walk me through  
71 how you became aware of things, kind of at the beginning...  
72  
73 A: Sure.  
74  
75 Q: ...And then we'll kinda go from there?  
76  
77 A: Sure. Uh, let me - let me start off with kinda the history of why...  
78  
79 Q: Please.  
80  
81 A: ...I acted that way, right?  
82  
83 Q: Please do.  
84  
85 A: So - so, um, in - in the month of October was not a great month for us with  
86 regards to the businesses right? So I own other businesses. Um, one restaurant  
87 got an attempted robbery.  
88  
89 Q: Mm-hm.  
90



91 A: Just a week prior. And one of our - our staff, uh, who's, like, family to us...  
92  
93 Q: Mm-hm.  
94  
95 A: ...Was the one at the - at the store. Uh, she had her child there and, you know,  
96 um, the robber came in, flashed his gun and threatened her and her child.  
97  
98 Q: My goodness.  
99  
100 A: So she - she got traumatized by that.  
101  
102 Q: Sure.  
103  
104 A: So, she couldn't go back to work and she took one week off and then she, you  
105 know, she basically is now needing counseling...  
106  
107 Q: Mm-hm.  
108  
109 A: ...According to her. Um, (Elle) and I know that stuff so she's going through  
110 counseling. She can't work alone.  
111  
112 Q: Sure.  
113  
114 A: So she now has to be with somebody but, of course, she cannot not work  
115 because that's her income. Right. So that's an incident that occurred on the  
116 31st - Halloween. Prior to that here in Menchies, there was an incident of  
117 vandalism.  
118  
119 Q: Yeah.  
120  
121 A: We actually called you guys out and they ushered the guy out and, I think  
122 gave him a no trespass.  
123  
124 Q: Mm-hm.  
125  
126 A: When we basically went into the restroom, the restroom was vandalized.  
127  
128 Q: Mm-hm.  
129  
130 A: So we had to clean that up. Um, prior to that, in the same month, um, one of  
131 our stores, uh - there was a, uh, an Asian lady if I, you know, if - if there - if I  
132 read the - everything right.  
133  
134 Q: Sure.  
135

136 A: She was just sitting down at the shop. One staff sitting down at the shop doing  
137 nothing. Unprovoked. And I sent you guys the video. I sent, uh - um, the  
138 reporter the video. Unprovoked the girl just went crazy. So she pushed the  
139 table. If you guys have seen a sandwich shop - there's a sandwich unit. She  
140 was able to hurl the chair over...  
141  
142 Q: Oh my goodness.  
143  
144 A: ...Towards...  
145  
146 Q: The police.  
147  
148 A: ...Our staff.  
149  
150 Q: Yeah.  
151  
152 A: Right. You could see on the video that our (starf) - staff was terrified.  
153  
154 Q: Mm-hm.  
155  
156 A: All right. So that occurred. We called the police. The - the person is now in  
157 jail. I still need to figure out, you know, what the - the latest is on that one.  
158 But...  
159  
160 Q: Mm-hm.  
161  
162 A: ...Our understanding is she's in jail and it turns out that she, I think has some  
163 mental issues. So, you know, th- that's the background, right. So with the last  
164 incident occurring in - in August with our - you know, again, like, she is, like,  
165 family to us.  
166  
167 Q: Mm-hm.  
168  
169 A: Right. So it hurts us to see that she's suffering that way. And I - I was actually  
170 surprised that, you know, um, trauma could be that way.  
171  
172 Q: Sure they can have the carry...  
173  
174 A: Yeah.  
175  
176 Q: ...Over type...  
177  
178 A: Yeah. I mean I - I...  
179  
180 Q: ...Situation.

181  
182 A: She was really traumatized right?  
183  
184 Q: Mm-hm.  
185  
186 A: So she - she was questioning herself on the situation. Her actions - she  
187 couldn't sleep. I'm, like, I was really dumbfounded. I mean, how - wow - this  
188 is, I guess what trauma is, right. So anyway, all this was in my head when,  
189 you know, our lead texted and basically said, "Oh there's a..." Th- I sent the  
190 text over, to the reporter also. Basically the text said, "There's a weird guy  
191 here who's been in the store for over 30 minutes sitting down, looking at the  
192 phone." Right? And - and you know, not doing anything. I - I guess looking  
193 up, looking down, looking up, looking down.  
194  
195 Q: Mm-hm.  
196  
197 A: So, which is what I said on the - on the - on the - on the call. So...  
198  
199 Q: Mm-hm.  
200  
201 A: ...When I heard this...  
202  
203 Q: Mm-hm.  
204  
205 A: ...Right? I - what my action was, "Hey I wanna protect, you know, my staff."  
206 Knowing what - what just transpired...  
207  
208 Q: Mm-hm.  
209  
210 A: ...The previous month with my other stores.  
211  
212 Q: Mm-hm.  
213  
214 A: So I called the police.  
215  
216 Q: Mm-hm.  
217  
218 A: Right. My staff basically said, "This guy came in." Right. "Sitting alone. Not  
219 talking to anybody."  
220  
221 Q: Mm-hm.  
222  
223 A: So her viewpoint is - this guy was alone. And, you know, g- a- a- uh, fast  
224 forward a little bit because I was able to view the camera.  
225

226 Q: Mm-hm.  
227  
228 A: Again the same video I sent over to da- reporter. The reason why our staff  
229 assumed that they were not together was because she was counting money. So  
230 when she was counting money she was looking down and the three of them  
231 came in and immediately, you know, the - the - the child and the mother went  
232 to the yogurt...  
233  
234 Q: Mm-hm.  
235  
236 A: To get some yogurt and then (Byron) went to the side to sit on the chair.  
237  
238 Q: And (Byron) being the gentleman that was...  
239  
240 A: Correct.  
241  
242 Q: ...S- s- was seen sitting alone by your employee?  
243  
244 A: Correct. Correct.  
245  
246 Q: Okay.  
247  
248 A: So she, you know, (Byron), um, veered and basically went to the chair and sat  
249 there.  
250  
251 Q: Mm-hm.  
252  
253 A: So when - when our lead was done counting money, she looks up - what does  
254 she see? She sees somebody sitting there and she sees a mother and child in  
255 the back. Right. So she didn't make that association that they're together.  
256  
257 Q: Right.  
258  
259 A: So she just assumed that this person was alone there. So okay, that's kind of  
260 the background on that. And that's what I told the reporter also, right. Because  
261 he was telling me that, you know, would it - I was just responding to that  
262 email when you guys came. He was telling me that, "Hey if that was me - a  
263 white guy - sitting there, would you guys assume that I wasn't with them?"  
264 The answer is yes, based on the video and based on what happened.  
265  
266 Q: Mm-hm.  
267  
268 A: Right. So anyway, so this is my understanding when I got the text - individual,  
269 not with anybody sitting there looking at the phone, looking up, looking  
270 down. You know, of course what gets into my head is that the previous

271 incidents that occurred in our other stores - protect my - my - my staff. Overly  
272 cautious. I called.  
273  
274 Q: So let - let me just clarify something really quick. That statement - what's in  
275 your head...  
276  
277 A: Yes.  
278  
279 Q: Describe that - describe that statement to me. I mean what - what - I mean, I  
280 understand that the incidents that occurred...  
281  
282 A: Yeah.  
283  
284 Q: ...But, tell me what that means and th- what's - what's...  
285  
286 A: It - it - it - what was in my head is, I don't want something like what happened  
287 to my staff - who is traumatized - happen to our staff here.  
288  
289 Q: Okay.  
290  
291 A: All right. These are younger kids who work for our Menchie's. We don't have  
292 any older people applying here.  
293  
294 Q: Mm-hm.  
295  
296 A: It's just all kids. Right. Most are high schoolers. One are - one college person.  
297  
298 Q: Mm-hm.  
299  
300 A: But mostly everybody's high school. You see?  
301  
302 Q: Mm-hm.  
303  
304 A: So what's in my head is, they cannot go through that.  
305  
306 Q: Right.  
307  
308 A: Right. So that's why I...  
309  
310 Q: Okay.  
311  
312 A: ...I called. And I said, "You know what? Just to be safe." All right? So the 911  
313 operator answers and I explain the situation. I give the background of, you  
314 know, we had - I didn't elaborate as much as I explained. But I told her that,  
315 "Hey we had some incidents in the store. Vandalism, robbery and so forth, so

316 I'm just kinda being cautious. Can we send somebody to take a look?"

317

318 Q: For sure.

319

320 A: All right. So, um, i- at this point again, like I said on - on everything that I've  
321 written down and I sent the reporter, I - I don't know yet. Right? When I  
322 called 911, I don't know really specifically yet - from the text that this guy is  
323 African-American. Right?

324

325 Q: Mm-hm.

326

327 A: So I knew when - after the text, after, you know, my head was already going -  
328 I look at the camera and go, "Okay. African-American." Right.

329

330 Q: Mm-hm.

331

332 A: Fine. You know, but it's - what was in alre- my head already was the incident  
333 that occurred prior. It's not that, "Oh. This guy's African-American. He must  
334 be bad." Right?

335

336 Q: Right.

337

338 A: No.

339

340 Q: And that...

341

342 A: I- I mean, if - if - if I was gonna avoid the same situation that occurred in my  
343 other restaurants, right, it doesn't matter.

344

345 Q: It could be any human being.

346

347 A: It could be anybody. Right.

348

349 Q: They could be creating this type of...

350

351 A: Eg- exactly.

352

353 Q: ...Alarm.

354

355 A: So, what got twisted now, you know, a - as I was reading all the Facebook  
356 posts today...

357

358 Q: Mm-hm.

359

360 A: ...Is I specifically send that. I said, "I didn't know this person ca- this person's

361 color based on the text.” Right. But, well of course the 911 happened - or the  
362 call happened, the operator asked me, “Describe the person.”  
363  
364 Q: Of course, that’s...  
365  
366 A: What do I say?  
367  
368 Q: ...Pretty basic. You...  
369  
370 A: All right.  
371  
372 Q: You actually state, “He’s African-American.”  
373  
374 A: Yeah I - I - I said, “He - he - he’s African-American. This is what he’s  
375 wearing.” You know?  
376  
377 Q: And you knew that...  
378  
379 A: Blah - blah - blah.  
380  
381 Q: ...You knew that because - had you previously looked at the footage you have  
382 or?  
383  
384 A: Yes. I looked at the camera.  
385  
386 Q: Mm-hm.  
387  
388 A: At what - at the time I called, you know, I - I knew already who it was. Right.  
389 But, like I said, I already made up my mind that, “Hey this can’t happen  
390 again.” Right.  
391  
392 Q: Did - did your staff give you any description of the individual prior to in those  
393 text messages?  
394  
395 A: No. It was just...  
396  
397 Q: And so...  
398  
399 A: ...This weird guy. There was no...  
400  
401 Q: So it’s a weird guy. And I saw...  
402  
403 A: And I know...  
404  
405 Q: ...Those texts you sent to me in...

406  
407 A: Yeah.  
408  
409 Q: ...Email. And - so prior to looking at the camera itself and seeing the  
410 individual sitting in that corner seat, he was just somebody being weird?  
411  
412 A: Yes.  
413  
414 Q: And that was just in...  
415  
416 A: And...  
417  
418 Q: ...And th- the only reason you know is he was a male is because they used the  
419 term 'guy'?  
420  
421 A: Right.  
422  
423 Q: So that's it?  
424  
425 A: Yeah. It s...  
426  
427 Q: Okay.  
428  
429 A: It was a weird guy. Right.  
430  
431 Q1: And just - just so that I wanna make sure, for clarification is relevant. The -  
432 the communication between you and staff was - was through text...  
433  
434 A: Text.  
435  
436 Q1: ...Only, correct?  
437  
438 A: Yes.  
439  
440 Q1: There was no phone calls or anything where you...  
441  
442 A: No.  
443  
444 Q1: ...Actually...  
445  
446 A: No.  
447  
448 Q1: ...Have a - okay. Okay. Now...  
449  
450 A: It was all - it was all text. Right. Um, and yeah, no la- no phone call from...



451  
452 ((Crosstalk))  
453  
454 Q: So tell me more about what happened past that point. So you look at the  
455 camera. You call 911. You have the discussion with the dispatcher. And then,  
456 what happens next to use - that you saw or communicated or what.  
457  
458 A: So - so the dispatcher asked, you know, for a description of the person.  
459  
460 Q: Mm-hm.  
461  
462 A: And then, you know, of course you know, the a- a- the - the guy is, you know?  
463  
464 Q: A- African-American.  
465  
466 A: African-American. Right. So I say that, right. And now it's gets twisted u- that  
467 I lied. That I didn't know. If I didn't know prior because of the text, I knew  
468 once I actually looked at the camera and was describing the person.  
469  
470 Q: Yes.  
471  
472 A: Right. Again, the - the idea was already formulated in my head that I don't  
473 want this situation to happen again. And not to the kids.  
474  
475 Q: You bet.  
476  
477 A: So, um, I described the person and the - the operator asked me, "What do ah-  
478 what do you want to do?" And their option - th- the option that was given to  
479 me was, "Do you want us to..." Oh, I ju- I think I - I - I believe I said, you  
480 know, "Can we send somebody, you know, just for safety purposes?"  
481 Something to that effect.  
482  
483 Q: Mm-hm.  
484  
485 A: And then the - the - the option that was given to me was, uh, "We can move  
486 him along."  
487  
488 Q: Mm-hm.  
489  
490 A: "Do you want us to go then and move him along?" And then, you know, if  
491 that was the option - that was the option. Right. So, you know, g- I said, "Ah.  
492 Okay. For safety purposes, can you guys please."  
493  
494 Q: And - and I want to add a little caveat for you.  
495

496 A: Sure.  
497  
498 Q: I know you're trying the best you can to answer the question as truthfully as  
499 possible.  
500  
501 A: Right.  
502  
503 Q: I'm - I'm telling you that as - as much as the media has the 911 call...  
504  
505 A: Mm-hm.  
506  
507 Q: ...We too have that.  
508  
509 A: Yeah - yeah.  
510  
511 Q: So what I'm saying is that I - I can see that you're trying really hard to  
512 remember exactly word for word.  
513  
514 A: Yeah.  
515  
516 Q: And this - go easy on yourself.  
517  
518 A: Okay.  
519  
520 Q: And I'm not gonna call you a liar because you can't remember exactly...  
521  
522 A: What I said.  
523  
524 Q: You're - you're...  
525  
526 A: Yes.  
527  
528 Q: You're obviously being honest.  
529  
530 A: Yeah.  
531  
532 Q: And I've listed to these things. So just the best you can.  
533  
534 A: Right.  
535  
536 Q: You know?  
537  
538 A: Right.  
539  
540 Q: I mean, don't - don't kill yourself over it here.

541  
542 A: Yeah. I - I - I appreciate it.  
543  
544 Q: Okay.  
545  
546 A: So - so yes. I mean, um - uh, the guys came over. Right. I can see on the  
547 camera. I got a text, actually from - from my lead saying that, "They're here."  
548 I actually texted the lead back and said, "The police are comin', for safety  
549 purposes." And then we kinda correspond, say, "Yeah it's - it's best for safety  
550 purposes." Right.  
551  
552 Q: Mm-hm.  
553  
554 A: So the police came. And then, I kinda lost track at that point. And then, you  
555 know, I got the message back saying that, "Oh this was the situation. It turns  
556 out that this guy was with the two, um...  
557  
558 Q: The female and her child.  
559  
560 A: ...The female and the child in front." Right.  
561  
562 Q: Mm-hm.  
563  
564 A: So, you know, we realized that, "Oh okay." It was a mistake. Right. And then,  
565 uh, a couple a minutes passed. Uh, the mother, can I actually say her name?  
566  
567 Q: Sure.  
568  
569 A: (Tanya), uh, calls. Right. And then I call back (Tanya). And I explained to her  
570 that exact same things that I sent to y- I told you guys. We had incidents in the  
571 store. We had robberies. I sent an email out to our teams specifically saying,  
572 "If you find something suspicious, call the police."  
573  
574 Q: Sure.  
575  
576 A: So I explained that to her. And I think she did understand. Right.  
577  
578 Q: Mm-hm.  
579  
580 A: So, you know, i- i- i- she was - she was, you know, very - very upset but then  
581 afterwards - after we talked and I explained, it looks like she was, you know,  
582 she was okay. She did mention...  
583  
584 Q: Mm-hm.  
585

586 A: ...That the person with her, you know, felt that she - he was raci- racially  
587 profiled. And that's when I told (Tanya), "(Tanya) please - please tell him that  
588 that wasn't the case." I said, "The text that was coming back and forth didn't  
589 mention anything about race." So hopefully that kinda makes him feel better  
590 that, "Hey you weren't profiled." Right. Race was not involved. It was a  
591 mistake. Right.  
592  
593 Q: Mm-hm.  
594  
595 A: From our prior incidents. Right. This store and the other stores. And then th-  
596 we left it that way. Right. I sent her a couple of coupons, you know, i- i...  
597  
598 Q: Sure.  
599  
600 A: ...So that they could come back and then, you know, enjoy without anybody,  
601 you know, kinda being there or harassing them or whatever.  
602  
603 Q: Right.  
604  
605 A: It seemed fine. A- so I left it at that. I mean, it's hindsight. You know, I  
606 should've insisted to talk to (Byron).  
607  
608 Q: Sure.  
609  
610 A: And apologize to him directly.  
611  
612 Q: Yeah.  
613  
614 A: But yeah.  
615  
616 Q: Well hindsight's always 20/20. And it's...  
617  
618 A: Right.  
619  
620 Q: ...Uh, we - we're definitely professional and we know these things.  
621  
622 A: Yeah so...  
623  
624 Q: We're well aware.  
625  
626 Q1: Yeah.  
627  
628 A: So...  
629  
630 Q: Um...

631  
632 A: Yeah.  
633  
634 Q1: So, Ramon if I may, um, as I'm tr- as I'm writing down I wanna make sure  
635 that I'm - I'm - I'm getting this guy. So you - you, um - when you were  
636 notified of the information that you shared about what the - the, um,  
637 relationship was between (Byron)...  
638  
639 A: Mm-hm.  
640  
641 Q1: ...And (Tanya).  
642  
643 A: Yeah.  
644  
645 Q1: Who - who made that phone call to you? Was that, uh, your lead?  
646  
647 A: It was a text. Okay. It was a...  
648  
649 Q1: Oh it was...  
650  
651 A: ...It was - it was our lead...  
652  
653 Q1: Okay.  
654  
655 A: ...That basically said that - that was the situation.  
656  
657 Q1: And did - did, uh, she expand on how she found that information out? Did she  
658 say the police had - had shared that with her or any - any f...  
659  
660 A: Uh, let me see. Let me quickly see. Uh. Okay. Oops.  
661  
662 Q1: And I'm assuming that this was - that you received this text after, um, he was  
663 alr- uh, (Byron) was asked to - to leave and she was just giving you the, uh,  
664 the summary?  
665  
666 A: Okay. So yeah. So I got this on November 7th. Um, safety first, blah - blah -  
667 blah. She said, "This was kinda awkward." Apparently the guy was a  
668 supervisor to the lady when sh- this is her kid. Yeah that's...  
669  
670 Q1: Okay.  
671  
672 A: Because he - she didn't mention - she didn't mention if the police told her  
673 about it or - or if she overheard or whatever.  
674  
675 Q1: Okay. All right. So during this time period when, um, when she's sending you

676 this text message, did you ever receive a phone call or speak to any of officers  
677 on the scene?  
678  
679 A: No I did not.  
680  
681 Q1: Okay.  
682  
683 A: No I did not. So, um, the officers, uh, talked to the two staff on duty.  
684  
685 Q1: Okay.  
686  
687 A: And, you know, th- uh, I remember seeing that, uh, you know that they - they  
688 kinda talked for a while and I think they just gave a card.  
689  
690 Q: To who?  
691  
692 A: Like, I'm guessing with a case number.  
693  
694 Q: Similar to what - what we do.  
695  
696 A: Correct. Correct.  
697  
698 Q: Did - did you ask to have the officers call you back?  
699  
700 A: I did not.  
701  
702 Q: Okay.  
703  
704 A: Because at that point...  
705  
706 Q: And did you have a unit - you had a manager on the scene.  
707  
708 A: Yeah. At - at - at that point, um, (Tanya) was already calling.  
709  
710 Q: Okay.  
711  
712 A: I knew that she was gonna call because, um, hold on - I think - I think if it  
713 wasn't a text it was - it was an actual call from the lead saying that, um,  
714 (Tanya) was gonna call. Uh.  
715  
716 Q: Do you still have Tanya's phone number?  
717  
718 A: Yes. Yes.  
719  
720 Q: That'd be nice to have.

721  
722 A: Do - do you want me to give it to you guys?  
723  
724 Q: Please.  
725  
726 Q1: Please.  
727  
728 A: Okay.  
729  
730 Q: Thank you. And then we'll - we'll pick up where we left off.  
731  
732 A: Okay.  
733  
734 Q: It's okay.  
735  
736 A: Uh, [REDACTED].  
737  
738 Q1: Mm-hm.  
739  
740 A: [REDACTED].  
741  
742 Q1: Okay. All right. So where I interrupted, uh, you is you were explaining to - to  
743 - to, um, to Mark about (Tanya) calling. She was upset about what had kinda  
744 transpired and...  
745  
746 A: Correct.  
747  
748 Q1: ...She had mentioned to you that sh- that, uh - um, (Byron) had indicated that  
749 he had felt like he had been racially profiled.  
750  
751 A: Correct.  
752  
753 Q1: And t- you were explaining to her that that wasn't the case.  
754  
755 A: Correct. Correct.  
756  
757 Q: And you kind of - you did the coupons and y- and things...  
758  
759 A: Right.  
760  
761 Q: ...Ended nice on the phone.  
762  
763 A: At - at least for, you know, not...  
764  
765 Q: Cordial anyway.

766  
767 A: It - it's pretty clear that it was - it was kinda ended okay with (Tanya) but not  
768 for (Byron).  
769  
770 Q: Yes. Well I mean in the sense that at least, as a business owner you're - you  
771 were able to explain to the customer, "Hey I'm - I've had previous  
772 experiences that have been pretty...  
773  
774 A: Correct.  
775  
776 Q: ...Awful. And real recent for that matter." I mean the 31st and then all the way  
777 to d- I mean, it's only a week.  
778  
779 A: Yeah. A week. Yeah.  
780  
781 Q: And then you have something else come up and it's in the forefront of your  
782 mind.  
783  
784 A: Correct. Correct.  
785  
786 Q: So, when - so I guess up until the contact with - I mean, was that pretty much  
787 the end of...  
788  
789 A: That was it. That was - well I s...  
790  
791 Q: Up until the contact with the s...  
792  
793 A: With - with (Danny).  
794  
795 Q: With (Danny).  
796  
797 A: Yeah. Yeah.  
798  
799 Q: (Danny) from The Times, correct?  
800  
801 A: Th- uh, (Danny) - (Danny)'s from Seattle Times. (Wesney). (Danny Wesney).  
802 So...  
803  
804 Q: And...  
805  
806 A: He's from the Seattle Times. He called me yesterday.  
807  
808 Q: Mm-hm.  
809  
810 A: Um, and basically said, you know, "Hey." You know, "Heard about this.



811 Wanted to get your side.” Um, I - I wasn’t aware that a story was being  
812 written. I thought he was, you know, like, a - the reporter was trying to put  
813 something together. Right.  
814  
815 Q: Yeah.  
816  
817 A: And everything that I explained to you guys, I explained to (Danny).  
818  
819 Q: Mm-hm.  
820  
821 A: And, you know, I - I - I specifically told him that, you know, g- a- the past and  
822 it - it - it’s not racial, uh, motivated. Right.  
823  
824 Q: Mm-hm.  
825  
826 A: So, ah, I mean, but he just - he took that and he ran with the story. Uh...  
827  
828 Q: Did he take any - did he take, uh - was he taking notes or did he take a quick...  
829  
830 A: I don’t know.  
831  
832 Q: ...Statement from you or did he ask you if he could record you?  
833  
834 A: No.  
835  
836 Q: Okay.  
837  
838 A: No. I mean, he just wanted my side of the story.  
839  
840 Q: Okay.  
841  
842 A: Right. So again, th- Uh- Uh- knowing - not knowing that he was actually  
843 writing something, I mean I was just as candid as I was with you guys saying  
844 that these - these are the things...  
845  
846 Q: Definitely.  
847  
848 A: ...That happened. Right. And then everything, like I said, ah, I - I - I’m sorry  
849 but everything that I sent him, right, th- the sequence of events, the emails that  
850 I sent to my staff. He had all that. So he...  
851  
852 Q: He - he even had the - did you send him video footage...  
853  
854 A: Correct.  
855

856 Q: ...From security cameras? So he's...  
857  
858 A: Correct.  
859  
860 Q: ...Something to corroborate what...  
861  
862 A: What...  
863  
864 Q: ...Was being written.  
865  
866 A: ...What I was saying. Right.  
867  
868 Q: Right.  
869  
870 A: So, I mean, everything that I told him has proof.  
871  
872 Q: Right.  
873  
874 A: Right. The text messages, the email, the video. And this morning I even sent  
875 him the video of the - the - the girl wor- going crazy in our - our other Subway  
876 - our other store.  
877  
878 Q: To corroborate why you were feeling the way...  
879  
880 A: Yeah.  
881  
882 Q: ...You were feeling.  
883  
884 A: Exactly.  
885  
886 Q1: Mm-hm.  
887  
888 A: So, you know - so he has all that. And then, you know, next thing I know - oh,  
889 something that - something that he - he actually mentioned was...  
890  
891 Q: Mm-hm.  
892  
893 A: ...You know, um - 'cause I think I asked, uh, wh- I think I asked, "What's  
894 next?" And - and he said, "(Byron)", right, "wants to have a discussion with  
895 Menchie's." And that's where I said, "Uh, well wait a minute. Right.  
896 Menchie's is the franchise. Right. I - I am the owner of this store. Right.  
897  
898 Q: Yeah.  
899  
900 A: What happens in this store is - is specifically to - to me. Right." And I told

901 him did he experience the same thing in another Menchie's. And he said,  
902 "No." So I'm, like, "So why does he want to talk to Menchie's?"  
903

904 Q: Right.

905  
906 A: Right. He has to talk to me.

907  
908 Q: Which probably made the wheels in your head start turning.  
909

910 A: Exactly. That's - that's when I really got a little nervous. I mean, what's -  
911 what's goin' on? Okay.  
912

913 Q: Yeah where we goin' with this?

914  
915 A: Exactly. And then of course, next thing I know, um, I get a - I think it was a  
916 Facebook alert or a - a - a - an alert for one of the sites that - that, you know...  
917

918 Q: Sure.

919  
920 A: ...Get reviews. And the link was there. So.

921  
922 Q: For the - for the article?

923  
924 A: For the article.

925  
926 Q: That he had...

927  
928 A: Yeah.

929  
930 Q: ...Put out.

931  
932 A: So, yeah that's...

933  
934 Q: We're you - we're you ever made aware that an article was gonna be written  
935 or that...

936  
937 A: No.

938  
939 Q: ...Was going to be produced?

940  
941 A: No.

942  
943 Q: Or, so (Danny) never gave you a heads - he just called you up out of the blue.  
944 Have you ever - have - have you ever had anybody from the media call you  
945 before?

946  
947 A: Yes when we got robbed here. The Kirkland Reporter called us.  
948  
949 Q: Mm-kay.  
950  
951 A: But that was way back in 2013. It was...  
952  
953 Q: Have you ever had any other articles or documented anything about any type  
954 of "racial profiling" or anything like this...  
955  
956 A: No.  
957  
958 Q: ...Or inu- innuendo or anything like that?  
959  
960 A: No. No.  
961  
962 Q: Have you ever been accused of somethin' like this before?  
963  
964 A: No.  
965  
966 Q: Whether criminally or civilly or anything -ally.  
967  
968 A: No.  
969  
970 Q: Mm-kay. Um...  
971  
972 A: I mean, like, yeah, like, I've experienced racial profiling against me, myself.  
973  
974 Q: That's what I was gonna get into because...  
975  
976 A: Yeah.  
977  
978 Q: ...This morning I received a call from my sergeant, Phil.  
979  
980 A: Yeah.  
981  
982 Q: And he said, "This is what we have going on. And this is what I need you to  
983 respond to."  
984  
985 A: Yeah.  
986  
987 Q: And I said, "Well do you mind if I give Ramon a call?"  
988  
989 A: Yeah. Yeah.  
990

991 Q: So I was able to deduce your phone number, whatnot, from...  
992  
993 A: Mm-hm.  
994  
995 Q: ...Our records and...  
996  
997 A: Yeah.  
998  
999 Q: And this morning I - I called you.  
1000  
1001 A: Yep. Yep.  
1002  
1003 Q: And from your point of view, um, you remember what we talked about?  
1004  
1005 A: Yeah. Yeah, I mean I ga- you know, I g- we were candidly talkin' and I said,  
1006 you know, a- a- (racient) ra- race is being - being a racist or (racio)- racial  
1007 profiling and all that stuff. I - I mean I can't - I can't relate to what, you know,  
1008 African-(Mer) Americans ha- have gone through. But I've experienced  
1009 myself.  
1010  
1011 Q: There was an...  
1012  
1013 A: Right.  
1014  
1015 Q: ...Example that you shared with me.  
1016  
1017 A: Yes. I mean I was - I was in San Francisco when I was, you know, younger.  
1018 And, uh, you know, I - I was going to church. And, you know, I'm Roman  
1019 Catholic and during the Our Father, right, we hold hands.  
1020  
1021 Q: Mm-hm.  
1022  
1023 A: And there was this, you know, um, older white lady next to me. We all raised  
1024 our hands. I reached out for her hand. She looked at me. And she slowly put  
1025 down her hand. And I was just left hanging, right. And I'm going, "Wow."  
1026  
1027 Q: Yeah.  
1028  
1029 A: You know?  
1030  
1031 Q: Yeah.  
1032  
1033 A: Is there something wrong with me, right? So l- I don't yu- I d- I know the  
1034 feeling. Right. I know the feeling and I don't want anybody to feel that way.  
1035 So it's not something that I would go after, right. In this situation.

1036  
1037 Q: And I remember, right, 'cause I'd never met you before - before the phone call  
1038 today and I...  
1039  
1040 A: Right.  
1041  
1042 Q: ...Never met you face to face before.  
1043  
1044 A: Right. Right.  
1045  
1046 Q: Um, but what - what race do you - and I ask you this question over on - on the  
1047 phone...  
1048  
1049 A: Mm-hm.  
1050  
1051 Q: ...Is, you know, what race do you affiliate with? I mean...  
1052  
1053 A: I'm...  
1054  
1055 Q: ...Is it?  
1056  
1057 A: I'm Asian.  
1058  
1059 Q: You're Asian.  
1060  
1061 A: I'm Asian.  
1062  
1063 Q: And - and then we went - after we discussed that we talked a little bit about  
1064 that example. Um, I mean how - how has all of this made - made you feel?  
1065  
1066 A: I - I - I feel - I feel really - I fe- I feel two things. Fi- two things that I've - I've  
1067 learned since last night, all right? One, you know, y- even though I explain  
1068 myself, have proof and everything to the media, they will come up with  
1069 whatever they want to come out.  
1070  
1071 Q: Mm-hm.  
1072  
1073 A: Which is sad. All right. The second thing that I - I - I really realized last night  
1074 is because - because of these things that come out of the media, the more the  
1075 community gets divided. Because the race thing gets brought up even though  
1076 it was clear that I was explaining that it had nothing to do with it. So now this  
1077 thing is circulating and, you know, forget the store. Wa- it's a race thing now.  
1078 Th- there's more fuel to the fire with regards to race. So ca- it's sad. I mean, I  
1079 g- I...  
1080

1081 Q: Mm-hm.  
1082  
1083 A: You know, personally I - I feel sad. That - that - that this happens.  
1084  
1085 Q: Man.  
1086  
1087 A: I mean I was there. I was the one, you know, who made the mistake of calling  
1088 because of prior incidents. And then, you know, that being turned around to  
1089 become, "Hey I'm a racist." And then putting it out there. It just divides the  
1090 community.  
1091  
1092 Q: It does.  
1093  
1094 A: Which, again, which is sad. I mean I - like I said, I mean I know I'm gonna  
1095 get hit with the store. I might close the store if we go bankrupt, nobody comes.  
1096 So be it. But it's kinda sad that the media perpetrates these things and just  
1097 divides us more.  
1098  
1099 Q: Now I - I - having said that I wanna ask one more time. Prior to looking at that  
1100 video footage, did you have any idea what race (Byron) was?  
1101  
1102 A: Uh- prior to looking at the video...  
1103  
1104 Q: Mm-hm.  
1105  
1106 A: No. I did not know what race he was.  
1107  
1108 Q: (Unintelligible).  
1109  
1110 A: I'm going by the text that says, "Hey." I said, "Weird guy in the store?"  
1111  
1112 Q: Yeah.  
1113  
1114 A: They feel uncomfortable. You know. I, as a manager, would need to protect  
1115 my staff.  
1116  
1117 Q: Yes.  
1118  
1119 A: Right? So, and again, I don't fault my staff for that. Right. Some people on  
1120 Facebook - they're jumping all over my staff. And it's not the fault of my  
1121 staff. I was the one who sent the email and said, "If you guys feel  
1122 uncomfortable, call the police. Never approach somebody." Because could  
1123 you just imagine that video that - that - that girl who went berserk in our other  
1124 store. If they approached that girl and this girl went berserk and threw a chair  
1125 at them...

1126  
1127 Q: Anything could've happened.  
1128  
1129 A: Yeah.  
1130  
1131 Q: You're exactly right. Now th- th- the other part of this that I'd like to touch on  
1132 - and we discussed this on the phone as well - was the response of the law  
1133 enforcement officers that showed up.  
1134  
1135 A: Mm-hm.  
1136  
1137 Q: And we - and this is so that we're entirely transparent with this conversation  
1138 on...  
1139  
1140 A: Sure.  
1141  
1142 Q: ...The recording.  
1143  
1144 A: Sure.  
1145  
1146 Q: Um, when it was all said and done, you made some interesting observations  
1147 about how the law enforcement responded. And I recall what they were on the  
1148 phone, but can you - you tell me what your observations were?  
1149  
1150 A: With - with regards to how it was - how it was processed when they came into  
1151 the store?  
1152  
1153 Q: How it was processed and then on top of that how - the hindsight on the  
1154 information that - that, you know?  
1155  
1156 A: Right.  
1157  
1158 Q: That - that your staff...  
1159  
1160 A: Right.  
1161  
1162 Q: ...Knew eventually and then how it was de...  
1163  
1164 A: Cu...  
1165  
1166 Q: ...Dealt with on...  
1167  
1168 A: Correct. Correct. So - so the - the police came. Um, they talked to (Byron),  
1169 you know, (Tanya) said that they were with - with her and the child. And from  
1170 that point - and this is from Tanya's, uh, recollection at the relaying to me.



1171 She said that the police still continue to ask for identification.  
1172  
1173 Q: Okay.  
1174  
1175 A: So, you know, at that point, you know, g- a- a- this is my perspective already,  
1176 right. So anyway, so as he - he g- he got - he - they - the police continued to  
1177 ask for identification. I think at that point, (Byron) basically said, "Nope.  
1178 We're gonna leave." Right. And...  
1179  
1180 Q: Mm-hm.  
1181  
1182 A: And - and I guess didn't provide anything. And then (Tanya) left with him of  
1183 course, 'cause he was supervising. But in my personal opinion, right, I - I  
1184 think what should've happened was, "Yes I called under the assumption that  
1185 they didn't know each other." But if the police came...  
1186  
1187 Q: Mm-hm.  
1188  
1189 A: ...And (Tanya) specifically said, "He's with us." I think that should have  
1190 changed everything and basically why, "Oh. You guys are together." I mean, I  
1191 think it should have already stopped there and then - and said, "Oh it was a  
1192 mistake. The call was a mistake. It turns out that you are with them." Done.  
1193 All right. So I - I think it - it - it - it could have been that way. Again, like I  
1194 said, like if...  
1195  
1196 Q: So if I understand...  
1197  
1198 A: Hindsight - 20/20.  
1199  
1200 Q: If I understand correctly, if - and - and this is based off kinda what (Tanya)  
1201 told you and...  
1202  
1203 A: Mm-hm.  
1204  
1205 Q: ...You weren't there and you talkin' to the staff, but...  
1206  
1207 A: Correct.  
1208  
1209 Q: When (Tanya) identified herself as being with (Byron), but at that point now  
1210 he had a reason to be there. He wasn't some weird guy.  
1211  
1212 A: Correct.  
1213  
1214 Q: And then that...  
1215

1216 A: That should have...  
1217  
1218 Q: ...That the...  
1219  
1220 A: That should have stopped...  
1221  
1222 Q: You said then...  
1223  
1224 A: ...Right there.  
1225  
1226 Q: "Oh, and you're here with - oh okay." And...  
1227  
1228 A: Yeah. Exactly.  
1229  
1230 Q: And then been, like, "Oh okay. I'm..."  
1231  
1232 A: Yeah. Exactly. I mean it sh- Uh- I mean, I think it could have gone, "Oh.  
1233 Misunderstanding." Because the initial call we stated that - that he was not  
1234 with anybody and just being called - and called weird, I guess, right?  
1235  
1236 Q: Right.  
1237  
1238 A: Then that would've been thrown out the door because the - the - (Tanya) said  
1239 that he's with them. I sh- yeah...  
1240  
1241 Q: Mm-hm.  
1242  
1243 A: He's with - he's with, uh, (Tanya) and the child.  
1244  
1245 Q1: I- it would pr...  
1246  
1247 Q: Okay. Was there anything else during our conversation today that you  
1248 remember that seems to stand out?  
1249  
1250 A: Um...  
1251  
1252 Q: 'Cause I didn't - and you know, obviously I didn't record it. But I just -  
1253 whatever you remember as well.  
1254  
1255 A: The fact I don't recall - I don't recall anything else.  
1256  
1257 Q: I know that you - I - I share with you my email address via text.  
1258  
1259 A: Mm-hm. Mm-hm.  
1260

1261 Q: Because you had told me that you would send me all the things you had sent  
1262 to (Danny).  
1263  
1264 A: Right. Right.  
1265  
1266 Q: So, and then you eventually did.  
1267  
1268 A: Right.  
1269  
1270 Q: Um, and I have those documents on my email as well as - as well as printed  
1271 off.  
1272  
1273 A: Correct. Correct.  
1274  
1275 Q: Um, I know we talked about the security footage. You said that you could  
1276 burn that for us...  
1277  
1278 A: Right.  
1279  
1280 Q: ...On to a thumb drive.  
1281  
1282 A: Right.  
1283  
1284 Q: We have a - we have a blank, brand new thumb drive that we'll burn that on.  
1285  
1286 A: Yep. We can (dat)- do that right now.  
1287  
1288 Q: I...  
1289  
1290 Q1: At any point in time, uh, when the officers were on scene, are you aware of  
1291 whether or not they spoke to either one of your staff?  
1292  
1293 A: I could see them speaking to the staff.  
1294  
1295 Q1: Okay.  
1296  
1297 A: Yeah.  
1298  
1299 Q1: All right. S...  
1300  
1301 A: So after - after - after, um, (Byron) and (Tanya) and - and the child left, they  
1302 were speaking to the staff.  
1303  
1304 Q1: So after that - after this, um, this moment in time - I mean, prior to what's  
1305 going on today, did you have a conversation with the staff about, you know,

1306 what had happened and what the police had said and...

1307

1308 A: No I gave them an update on, "Talked to (Tanya)." So I - I...

1309

1310 Q1: Okay.

1311

1312 A: ...Gave them an update to talk to (Tanya) that, "Hey.", that, "this is what  
1313 happened. I called them. You know, um, I explained the situation and so  
1314 forth." So that was th- really the update that I gave my team. And I said, "You  
1315 know what? You know, i- it - it - it was - it was an awkward situation. You  
1316 know. And I mean, it was a mistake and it - it - it happened."

1317

1318 Q: Mm-kay.

1319

1320 Q1: Okay.

1321

1322 Q: Is there anything else you'd like to add to this statement?

1323

1324 A: No I think that's it. That's - that from start to end to - to now.

1325

1326 Q: And - just one sec - and - and this statement's voluntary on your part, no  
1327 threats or promises from us?

1328

1329 A: Uh, yes.

1330

1331 Q: Okay.

1332

1333 A: I mean, again my - my point is to be able to relay everything I told the  
1334 reporter. So that hopefully, you know, everything - everything gets relayed not  
1335 just snippets of it.

1336

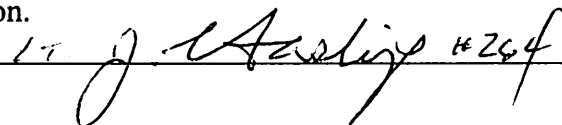
1337 Q: Sure. Okay. Oh, and this statement at this time. It's the same date. November  
1338 17th, 2018 and the time is 1:15 in the afternoon.

1339

1340

1341 The transcript has been reviewed with the audio recording submitted and it is an accurate  
1342 transcription.

1343 Signed

 #264

Mark Brown

---

**From:** Ramon Gmail <ramonsacruz@gmail.com>  
**Sent:** Saturday, November 17, 2018 3:33 PM  
**To:** Mark Brown  
**Subject:** Hi Mark...thumb drive ready.

**From:** Ramon Gmail [<mailto:ramonscruz@gmail.com>]

**Sent:** Monday, November 19, 2018 4:16 PM

**To:** Mark Brown <[MBrown@kirklandwa.gov](mailto:MBrown@kirklandwa.gov)>

**Subject:** Re: Hi Mark...thumb drive ready.

Sounds good.

On Nov 19, 2018, at 3:56 PM, Mark Brown <[MBrown@kirklandwa.gov](mailto:MBrown@kirklandwa.gov)> wrote:

I may be a few minutes late. I will be there as soon as I can.

Kirkland Police Department  
Detective Mark Brown #342  
(425) 587-3512

Sent from my iPhone

On Nov 19, 2018, at 10:33, Mark Brown <[MBrown@kirklandwa.gov](mailto:MBrown@kirklandwa.gov)> wrote:

I'm out front of your store sir. Are you here this morning?

Kirkland Police Department  
Detective Mark Brown #342  
(425) 587-3512

Sent from my iPhone

On Nov 18, 2018, at 18:00, Ramon Gmail <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)> wrote:

Sure. I can burn another one tomorrow. I'll be at the store.

Thanks  
Ramon

On Nov 18, 2018, at 5:50 PM, Mark Brown <[MBrown@kirklandwa.gov](mailto:MBrown@kirklandwa.gov)> wrote:

Ramon,

Would it be possible to get a second copy of the footage?

Thank you,

Kirkland Police Department  
Detective Mark Brown #342

(425) 587-3512

Sent from my iPhone

On Nov 17, 2018, at 15:32, Ramon Gmail <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)> wrote:

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**From:** Ramon Gmail [<mailto:ramonscruz@gmail.com>]  
**Sent:** Saturday, November 17, 2018 9:59 AM  
**To:** Mark Brown <[MBrown@kirklandwa.gov](mailto:MBrown@kirklandwa.gov)>  
**Subject:** Fwd: Menchies incident 11/7/18

What o wrote on Facebook

Begin forwarded message:

**From:** rdsc <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)>  
**Date:** November 17, 2018 at 7:21:35 AM PST  
**To:** Ramon Gmail <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)>  
**Subject:** Menchies incident 11/7/18

## **Regarding the Seattle Times article “Unwanted subject” What led a Kirkland yogurt shop..**

What happened to Byron was unacceptable and I as the owner take FULL RESPONSIBILITY for it. Danny (writer) has given my number to Byron so I can personally apologize for the incident. I talked to the mother with Byron the night of the incident and apologized and explain why we called the police. I assumed this reached Byron. Now it is clear it didn't. I should have asked for Byron's number specifically to address the situation directly with him and to apologize.

We don't condone racism. I understand that the article focused on color but I tried my best to explain to the reporter that I was not aware of Byron's color when I received txt messages from my team. My team NEVER mentioned color. I acted based on the multiple store incidents that transpired in October of 2018.

What the article mentioned in passing only was that on 10/31/18 our other store had an attempted robbery (suspect was White) and it left our staff on duty traumatized and is now requiring therapy to get over the shock. Prior to this, the same yogurt shop got vandalized and we had to call the cops and put a no trespassing order on the suspect (White). Lastly, on 10/13/8 our other store had an incident where a guest (Asian) went crazy with no provocation and trashed the shop leaving our staff also in shock and unable to work for a couple of days. All these occurred a week/month prior to the incident with Byron and I was overly cautious trying to keep our staff safe.

This incident at our yogurt shop is a misunderstanding that should not have occurred if I just did not let prior incidents influence my judgement. WE as a team at our yogurt shop will learn and I



will learn from this. The misunderstanding was not due to Byron's color but was due to me being overly cautious of our team's safety. Note that I specifically mentioned color/race of the prior suspects just to show we never had issues with people of color. There was no precedent to even suggest we factored in Byron's color. I would have made the same mistake regardless of the race/color of the individual.

I am hoping to get in touch with Byron in the next couple of days and share this with him and to clear it with him that we never saw color in this whole incident.

Sincerely,

Ramon Cruz/Owner

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**From:** Ramon Gmail [<mailto:ramonscruz@gmail.com>]  
**Sent:** Saturday, November 17, 2018 9:59 AM  
**To:** Mark Brown <[MBrown@kirklandwa.gov](mailto:MBrown@kirklandwa.gov)>  
**Subject:** Fwd: Season for robberies

Begin forwarded message:

**From:** Ramon Gmail <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)>  
**Date:** November 16, 2018 at 10:19:53 PM PST  
**To:** Danny Westneat <[dwestneat@seattletimes.com](mailto:dwestneat@seattletimes.com)>  
**Cc:** Ramon Cruz <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)>  
**Subject:** Re: Season for robberies

Hi Danny... I just saw the article. With all that I sent you, does it not show that this is not race related? I can't influence your view but was it not clear that never did we view Byron through his skin color. In light of the background (recent robbery) we would have been cautious and called the police if the person was white or any other color.

Sincerely,  
Ramon

On Nov 16, 2018, at 9:53 PM, Ramon Gmail <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)> wrote:

Hi Danny,

I highly doubt this misunderstanding would have happened if it occurred at a different time (ex. not right after the attempted robbery in my other store). Like I mentioned to you, we were all overly cautious.

Please do pass my number. In hindsight I should have talked to him instead of assuming things were cleared after talking to Tanya (Mother with the supervisor) that night.

Please do pass my cell. Would be good to talk to him.

Thanks  
Ramon

On Nov 16, 2018, at 9:12 PM, Danny Westneat <[dwestneat@seattletimes.com](mailto:dwestneat@seattletimes.com)> wrote:

Thanks for the comment. Yes it seems a lot of assumptions were made?  
Why not just ask...he kind of feels like he wasn't treated as a human being.

I will give him your number -- I think it may be eye-opening for you to talk to him...

Sent from my iPhone

On Nov 16, 2018, at 8:53 PM, rdsc <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)> wrote:

Hi Danny,

Here's the video that I was referring to. The lead on duty was counting money when they came in and the lead didn't see that Mother, son, and supervisor were all together hence assumed the supervisor was sitting alone at the corner.

I hope this helps with your investigation and in piecing the story together.

Again... pass my cell phone to the supervisor so I can apologize for the misunderstanding.

Thanks

Ramon

 TotemLakeNovember112018Incident2.exe x

On Fri, Nov 16, 2018 at 5:36 PM rdsc <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)> wrote:

Hi Danny,

Please pass this on for me.. I hope this helps that the lead on duty never mentions anything about race when she texted us that day.

Thanks

Ramon

On Fri, Nov 16, 2018 at 5:01 PM rdsc <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)> wrote:

Hi Danny,

Nice chatting with you today. Here's the email I sent everyone after the attempted robbery at our Subway.

Thanks

Ramon

----- Forwarded message -----

From: **Ramon Gmail** <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)>

Date: Thu, Nov 1, 2018 at 3:06 PM

Subject: Season for robberies

To: <42.56.240(2)>, Aliona Vakulchik <[alionavakula@outlook.com](mailto:alionavakula@outlook.com)>, <[dianarouh12@gmail.com](mailto:dianarouh12@gmail.com)>, <42.56.240(2)> <[rp.polevoy@gmail.com](mailto:rp.polevoy@gmail.com)>,

<[hannahsherlund@gmail.com](mailto:hannahsherlund@gmail.com)>, <[maddiekpoulin101@gmail.com](mailto:maddiekpoulin101@gmail.com)>,  
<[machadovinnie@gmail.com](mailto:machadovinnie@gmail.com)>

Team,

One of our subways had an attempted robbery yesterday. It's is that time of the year when small businesses get hit by petty robberies.

- Please make sure that there is minimum cash in the registers. Drop cash often.
- NEVER fight a robber. Just hand over the money if it happens.
- call the police immediately if you notice anything suspicious

Thanks  
Ramon

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**From:** Ramon Gmail [<mailto:ramonscruz@gmail.com>]  
**Sent:** Saturday, November 17, 2018 10:02 AM  
**To:** Mark Brown <[MBrown@kirklandwa.gov](mailto:MBrown@kirklandwa.gov)>  
**Subject:** Fwd: Season for robberies

Txt messages. No race mentioned.

Begin forwarded message:

**From:** rdsc <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)>  
**Date:** November 16, 2018 at 5:36:13 PM PST  
**To:** [dwestneat@seattletimes.com](mailto:dwestneat@seattletimes.com)  
**Cc:** Ramon Gmail <[ramonscruz@gmail.com](mailto:ramonscruz@gmail.com)>  
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**Date:** Thu, Nov 1, 2018 at 3:06 PM  
**Subject:** Season for robberies  
**To:** 42.56.240(2), Aliona Vakulchik <[alionavakula@outlook.com](mailto:alionavakula@outlook.com)>, <[dianarouh12@gmail.com](mailto:dianarouh12@gmail.com)>, 42.56.240(2), <[rp.polevoy@gmail.com](mailto:rp.polevoy@gmail.com)>, <[hannahsherlund@gmail.com](mailto:hannahsherlund@gmail.com)>, <[maddiekpoulin101@gmail.com](mailto:maddiekpoulin101@gmail.com)>, <[machadovinnie@gmail.com](mailto:machadovinnie@gmail.com)>

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Thanks

Ramon

AT&T LTE (VPN)

5:26 PM

41%

42.56.240(2)



Wed, Nov 7, 5:31 PM

Police are going to drop by to make sure everything is ok

Ok great. I didn't want anything to escalate. He's just sitting there. Hasn't bought anything. May just be charging his phone.

Better safe than sorry to stay with

42.56.240(2)

Yup.

I told police to just do the rounds

Yo be safe

To

Yes. Agreed.

They're here

Ok



iMessage



AT&T LTE VPN

5:25 PM

42%



Heang >

Wed, Nov 7, 5:20 PM

There's this weird guy in the store just sitting at one of the tables with his head down. Hasn't brighten anything. Been here for about half and hour. I think he's charging his phone. I'm going to stay here until he leaves so [REDACTED] isn't alone just in case.

From [REDACTED]

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Mark Brown

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Ramon

 TotemLakeNovember112018Incident2.exe x

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Thanks

Ramon

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Date: Thu, Nov 1, 2018 at 3:06 PM

Subject: Season for robberies

To: <[RCW 42.56.240\(2\)](mailto:RCW 42.56.240(2)@outlook.com)>, Aliona Vakulchik <[alionavakula@outlook.com](mailto:alionavakula@outlook.com)>, <[dianarouh12@gmail.com](mailto:dianarouh12@gmail.com)>, <[RCW 42.56.240\(2\)](mailto:RCW 42.56.240(2)@outlook.com)>, <[rp.polevoy@gmail.com](mailto:rp.polevoy@gmail.com)>,

<[hannahsherlund@gmail.com](mailto:hannahsherlund@gmail.com)>, <[maddiekpoulin101@gmail.com](mailto:maddiekpoulin101@gmail.com)>,  
<[machadovinnie@gmail.com](mailto:machadovinnie@gmail.com)>

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Thanks  
Ramon

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**INTERVIEW WITH TANYA CLUMPNER**

**Q=Det. Mark Brown**

**Q1=Det. Sgt. Phillip Goguen**

**A=Tanya Clumpner**

Q: The recorder's on. This is Detective Mark Brown of the Kirkland Police Department. Today's date is November 17, 2018. And the time is about 4 after 2:00 in the afternoon. This is in reference to Kirkland Police Department case number 2018-40026. Um, I am also in the room with Detective Sergeant (Phil) Goguen. Phil, if you could identify yourself, please.

Q1: Yep. (Phil) Goguen, Kirkland PD, detective sergeant.

Q: And do I have your permission to record you?

Q1: You do.

Q: And, Tanya, um, I have a recorder going. I know you can't see it. But I'm letting you know it's going. Do I have your permission to record you?

A: You do.

Q: And are you aware you're being recorded?

A: I am.

Q: Okay, Tanya, um, could I get your full name and date of birth, please?

A: Tanya Clumpner. My middle name is (Christina). My birthdate is 42.56.240(2)-69.

Q: And, Tanya, is - is it okay if I call you Tanya? Or would you prefer Ms. Clumpner?

A: Tanya is fine.

Q: Thank you. Could you - could you spell your last name for me?

A: C-L-U-M-P-N-E-R.

46  
47 Q: Thank you very much. And we - we called you completely out of the blue  
48 today but, um, for a very - very important reason. Um, we - we were made  
49 aware that - that you were at the Menchie's in Kirkland here on November 7th  
50 when, uh, eh, uh, along with, um, um, what - what's...  
51  
52 Q1: (Byron).  
53  
54 Q: ...with (Byron).  
55  
56 Q1: (Unintelligible).  
57  
58 Q: And...  
59  
60 A: (Byron Ragland).  
61  
62 Q: (Ragland). And you had contact with the police department. I am - I'm  
63 wondering. I - I - I would like to hear what you experienced that day and why  
64 you were there and then what happened, um, while you were there. Can you...  
65  
66 A: Sure.  
67  
68 Q: Can you just kinda start at the beginning and - and run your way through that?  
69  
70 A: I can, yeah. Um...  
71  
72 Q: Thank you very much.  
73  
74 A: We were there toward the end of a supervised visit which happened to be my  
75 last supervised visit with (Byron) and my son, (13.50.100) who is 12.  
76  
77 Q: Mm-hm.  
78  
79 A: Um, we were there. And (13.50.100) and I were having ice cream. He had  
80 probably been there maybe 20 minutes eating his ice cream. He had just  
81 finished it. We were sitting at a table. And (Byron) was sitting at a table  
82 directly behind us. And I went ahead - I was facing (Byron) from my side of  
83 the table. And (13.50.100) had his back to him.  
84  
85 Q: Mm-hm.  
86  
87 A: And then (13.50.100) wanted to show me some video. So I proceeded to walk on  
88 the table. And I sit, uh, sat on his side. So both of our backs were to - back to  
89 (Byron). Um, and (Byron) was nicely dressed. He had a briefcase with him.  
90 He looked professional as usual...

91  
92 Q: Mm-hm.  
93  
94 A: ...and was just taking notes on his phone and - and was just observing us. He's  
95 supposed to be in observe - ob- observation mode. He is not in full  
96 supervision mode.  
97  
98 Q: Mm-hm.  
99  
100 A: So he's not supposed to be intervening or, you know, in my parenting  
101 whatsoever.  
102  
103 Q: Okay.  
104  
105 A: And so, um, we were abruptly interrupted as a police officer came in and  
106 came up to (Byron), was probably about three feet away. And he's - and he's  
107 like, "We've been told that you need to leave." And he's like, "Why?" And  
108 he's like, "We were just informed by the owner that you need to leave." And  
109 that's all he said. And I turned to the officer. And I said, "Excuse me. He's  
110 with us." And he's like...  
111  
112 Q: Mm-hm.  
113  
114 A: ..."What?" I'm like, "We're on a supervised visit. And he is with us." And he  
115 proceeded to ask (Byron), "Well, I'd like to see your ID." And (Byron) said,  
116 um, "I don't have any ID on me. And there's no need for you to take my ID."  
117 And I said, "He's clearly with us. We're on the end of our visit." And the  
118 officer really just ignored me and then proceeded to try and ask (Byron) for  
119 more information. And I said, "Look. He's with us." And he said, "Who are  
120 you?" I said, "I'm the mother to my son."  
121  
122 Q: Mm-hm.  
123  
124 A: That's - and that's all I said. I never said my name. And, um, I was like,  
125 "Look. You know, we're here having our ice cream. We're on our visit. I  
126 don't understand what's going on." And the officer said, "Well, we had a  
127 phone call and from the owner. And, uh, (Byron) looked suspicious." And I  
128 was like, "What do you mean?" He's like, "Well, he was just on camera. He  
129 was looking at his phone and looking suspicious." I'm like, "I don't  
130 understand how that's suspicious. But it, I mean, it looks like you're making  
131 us leave." And I looked over to the employee that was standing behind the  
132 desk. I was like, "Where's the manager?" And she's like, "In the back." "Like  
133 I don't understand what's going on." And she wouldn't say anything else. She  
134 just like shrugged her shoulders. And then there was two other customers in  
135 there, young females. One female goes, "I'm sorry this is happening to you."

136 So it was very clear...

137  
138 Q: Mm.

139  
140 A: ...to her that this is an upsetting situation. And it really appeared as well that  
141 (Byron) was being racially profiled, I mean, for even other customers to step  
142 up. And I - I was like, you know, "What do you wanna do, (Byron)?" And  
143 (Byron) just said, "Let's go." Was like, "Yeah."

144  
145 Q: Mm-hm.

146  
147 A: "Let's - let's just all leave." And we left. And there, you know, there's two  
148 officers. There was one at the door. And there was one who is basically  
149 interrogating me and my family and...

150  
151 Q: Did...

152  
153 A: ...(Byron).

154  
155 Q: Did those officers identify themselves?

156  
157 A: They never said their names.

158  
159 Q: Okay.

160  
161 A: And in fact, (Byron) even said, you know, "Do you have any identification?"

162  
163 Q: Mm-hm.

164  
165 A: "Do you have a card?" And he wouldn't give him one.

166  
167 Q: Okay, um, was there - was there ever - I mean, I - apparently, this sounds like  
168 a direct account. Is, uh, are you leaving anything out that you...

169  
170 A: I can't think of anything else. I mean, it was pretty quick when it all went  
171 down. I wanted, you know, I - I was upset that, you know, my son is in the  
172 middle of this.

173  
174 Q: Mm-hm.

175  
176 A: Um, after we left, my son was in the car. He was very upset. He kept looking  
177 out the window thinking the police were after us. I was like, "Honey, we  
178 haven't done anything."

179  
180 Q: Right.



181  
182 A: "Don't - so, no, they're not following us."  
183  
184 Q: Um, how did this, I mean, af- after you left, how - how did this make you feel,  
185 Tanya?  
186  
187 A: It made me feel actually pretty vulnerable and like know I could just be  
188 questioned for anything. I mean, we didn't do anything. And I - I turned to  
189 (Byron). And I was like, "Oh I'm - I'm so sorry this happened to you."  
190  
191 Q: Mm-hm.  
192  
193 A: And he's like, "It's nothing new to me." I'm like, "If it's - that's horrible." I  
194 mean, I'm just - I haven't experienced that in Kirkland till then. And my eyes  
195 were opened. And, uh, it was just - I still need to have a conversation with my  
196 son. I didn't want to like upset him more. And...  
197  
198 Q: Sure.  
199  
200 A: ...I'll be seeing him on Sunday about this. But, um, the officer who basically  
201 was interrogating, it felt like he was not there to protect and serve me. He was  
202 there to interrogate. He was there, you know, on behalf of the owner of  
203 Menchie's...  
204  
205 Q: Mm-hm.  
206  
207 A: ...and didn't wanna hear anything I had to say. I felt that he should have just  
208 ended the conversation the minute I said, "We're on a supervised visit," and  
209 apologize and talk to management or whatever...  
210  
211 Q: Mm-hm.  
212  
213 A: ...and then left us alone.  
214  
215 Q: Did - did that officer make any attempt at all to - did he - did he take any step  
216 back and go, "Oh wait a second" Was there...  
217  
218 A: No, not one - one - not one. He continued to interrogate. And that's when  
219 (Byron) is just like, "Let's just go." And I was afraid actually at that moment  
220 that he was going to do - the officer was gonna like start saying, you know, "I  
221 need to like see some more of identification or we're gonna hold you..."  
222  
223 Q: Mm-hm.  
224  
225 A: ...or something.

226  
227 Q: Mm-hm. Had you ever experience anything like this before?  
228  
229 A: Never.  
230  
231 Q: And how - how long had (Byron) been, like for lack of a better term,  
232 supervisor of your visits with your son?  
233  
234 A: Um, let's see. Probably about at least three months, maybe four months.  
235  
236 Q: And previous visits, have you done kind of the same Menchie's route?  
237  
238 A: Exactly. We went to that Menchie's many times. I've been there with him.  
239 I've been there with other supervisors. And you know what? Almost every  
240 single supervisor we've had has been African American. We've spent a lot...  
241  
242 Q: Mm-hm.  
243  
244 A: ...of time in Kirkland.  
245  
246 Q: Mm-hm. Have - have you been with (Byron) in that same Menchie's before?  
247  
248 A: Yes, we have.  
249  
250 Q: And...  
251  
252 A: We have been there at least two other times.  
253  
254 Q: Do you remember the dates?  
255  
256 A: I don't. But, I mean...  
257  
258 Q: I bet you (unintelligible)...  
259  
260 A: ...it's easy...  
261  
262 Q: ...could probably find out.  
263  
264 A: It's easy to find out.  
265  
266 Q: Sure. I'd be curious to see if they had the security footage from then too. That,  
267 I mean, that's, um, yeah, this - this really takes me aback a little bit. Um, is  
268 there - is - is there anything else about that situation in describing it to me that  
269 you remember as something that really sticks out that you just can't forget?  
270

271 A: Just basically the look on my son's face, that he's just in shock and he doesn't  
272 know what to do.  
273  
274 Q: And...  
275  
276 A: And...  
277  
278 Q: And he's 12 years old. So, I mean, he...  
279  
280 A: He is.  
281  
282 Q: ...he's well aware...  
283  
284 A: Yes.  
285  
286 Q: ...of - of what's going on. I mean, it's - yeah. Um...  
287  
288 Q1: Tanya.  
289  
290 A: And I - oh I didn't mention one other thing. When I was leaving...  
291  
292 Q: (Unintelligible).  
293  
294 A: ...to the employee, I said, "Look. You know what? The community's gonna  
295 find out about this. The schools are gonna find out about this. I don't even  
296 understand why you have, you know, called the police on (Byron)."  
297  
298 Q: Mm-hm.  
299  
300 A: And then I left.  
301  
302 Q: Okay.  
303  
304 Q1: Tanya, can you do me a favor? Uh, um, since the officers didn't identify  
305 themselves, can you describe the officers to us?  
306  
307 A: Sure.  
308  
309 Q1: Okay.  
310  
311 A: So the officer that was talking to me had a very long last name. I looked at it  
312 briefly. But I was pretty much kind of consumed with what was going on. It  
313 looked like some sort of a - a Russian name. But he was very heavyset, um,  
314 grey hair. It looked like a - pretty much a full head of hair.  
315

316 Q: Mm.  
317  
318 A: I'd say he was probably about 5'11", 6 foot at the most.  
319  
320 Q: Mm-hm.  
321  
322 A: Um, dark eyes. I'm pretty sure they were brown. Um, pretty - and he was - he  
323 was white.  
324  
325 Q1: Okay.  
326  
327 A: Um, and then the other officer, he had kind of sandy-blond hair. And he was  
328 balding, um, more of like beady la- la- eyes. I don't know the color. He was -  
329 he kind of kept a little bit of a distance from the other officer. He kinda stayed  
330 toward the door, actually.  
331  
332 Q: Mm-hm.  
333  
334 Q1: And, uh...  
335  
336 Q: Ol- older or younger? Were they the same age or...  
337  
338 A: Um, oh sorry. The other officer was definitely younger. I'd say he was  
339 probably about ten years younger than the other officer.  
340  
341 Q: The one at the door? Or the ones...  
342  
343 A: The one at the door.  
344  
345 Q: Okay. Okay.  
346  
347 Q1: Did that officer ever, um, interact with you or speak to you?  
348  
349 A: He did not. He just continued to watch.  
350  
351 Q1: So of the two officers that were on scene, did they arrive simultaneously? Or  
352 did one officer arrive before the other?  
353  
354 A: They arrived at the same time.  
355  
356 Q1: Okay. All right so, um, when you and (Byron) and your son (13.50.100) showed  
357 up, uh, and arrived there, it was preplanned. And did all three of you walk in  
358 together?  
359  
360 A: We did.

361  
362 Q1: Okay.  
363  
364 A: Yep. I went - we - we instantly go over and start doing samples, (13.50.100) and I.  
365 (Byron) sat down. And it's a very small shop. Um...  
366  
367 Q: Mm-hm.  
368  
369 A: There was no one else in there at the time.  
370  
371 Q: Okay.  
372  
373 A: And then we sat down together. And (Byron) was sitting down behind us.  
374  
375 Q1: And then, um, while you were there during that timeframe is when the, uh, the  
376 other customers came in?  
377  
378 A: Yes. There was only two other customers that I saw come in. And that's - they  
379 had come in toward the end of the visit and were there sampling stuff while  
380 the officers arrived. And I believe they left without buying anything.  
381  
382 Q1: Okay and so when the officers showed up, eh, did they make a beeline straight  
383 to - to (Byron)? Or did they...  
384  
385 A: Yes.  
386  
387 Q1: ...communicate with the employees at any point...  
388  
389 A: Nope.  
390  
391 Q1: ...in time?  
392  
393 A: They did not talk to any employees. Went straight to (Byron). That's why it  
394 caught us off guard.  
395  
396 Q1: Yeah.  
397  
398 A: And my back was to the door.  
399  
400 Q1: Okay would you...  
401  
402 Q: Uh...  
403  
404 Q1: I'm sorry. Just wa- one more question before I turn back over to Mark. Since -  
405 so you had - you had used the term, uh, repeatedly interrogating.

406  
407 A: Yes.  
408  
409 Q1: Um, uh, can you describe the demeanor to me of that officer and how that  
410 officer...  
411  
412 A: Sure.  
413  
414 Q1: ...made you feel?  
415  
416 A: Okay so he was very close to us. It felt like he was maybe 3 feet away and  
417 was hovering, like had his body like tilted down like and kind of like felt like  
418 he was talking into our face.  
419  
420 Q1: Right.  
421  
422 A: Um, and so asking for ID right away, asking me who I am, that's very  
423 interrogating to me when I've already let him know, I mean, we're obviously  
424 a customer. My son is there. He's eating ice cream. And I tell him, "(Byron) is  
425 ah - is with us. We're on a supervised visit." That was personal information  
426 that I probably shouldn't even told him. But I wanted him to know that  
427 (Byron) was a safe guy and he was with us.  
428  
429 Q1: So, uh, so it sounds like - and correct if I'm, eh, if I'm, um, reading into this or  
430 adding anything - that when the officers showed up, um, in - immediately  
431 went into asking questions about identification...  
432  
433 A: Yes.  
434  
435 Q1: ...um, instead, uh, we're di- um, instead of asking, "Hey, this is why we're  
436 here," and, you know...  
437  
438 A: Exactly.  
439  
440 Q1: ..."Why are you here? Oh okay understand. Okay." Is that - that's correct  
441 then? That's correct?  
442  
443 A: Exactly. That is very correct.  
444  
445 Q1: Okay.  
446  
447 Q: Tanya, this is Mark again. Um...  
448  
449 A: Hi.  
450

451 Q: How - how soon after the officers started to interrogate (Byron) did you say to  
452 - to him, "Hey, he's with me"?  
453  
454 A: Right away. Within...  
455  
456 Q: So...  
457  
458 A: Within seconds. The minute he approached him...  
459  
460 Q: Mm-hm.  
461  
462 A: ...and was asking for ID, I like, "Look. He's with me." I mean, we, uh,  
463 (Byron) is like sitting directly behind me within like two feet.  
464  
465 Q: Mm-hm. And that's, uh...  
466  
467 A: He has to be able to hear everything so he can write it down on - on his phone.  
468  
469 Q: Right. I mean, and that shop outside, eh, in that little area, I mean, it's -  
470 without anybody in it, that's pretty quiet. I mean, it - it...  
471  
472 A: It's very quiet. Yeah.  
473  
474 Q: Would you say you spoke loud enough that - that the officer heard you? And  
475 did he make (unintelligible)?  
476  
477 A: Oh it - very. I mean, he was only three feet away. He heard everything I said.  
478  
479 Q: Did he - did he give you a look? Or did he - did he address you at all  
480 nonverbally or anything like that or...  
481  
482 A: Um, he was staring at me and very intensely. It felt like, you know, he was  
483 looking for something like that could result in him possibly doing something  
484 else where it wasn't a pleasant look. It wasn't like a curious look. It was a  
485 very intense look like, "I'm here to do my job." And it looks like, you know,  
486 something is about to go down. So I've got an intense look on my face.  
487  
488 Q: Mm-hm. Have you ever had any previous police encounters like this?  
489  
490 A: Um, not on a supervised visit. But...  
491  
492 Q: Eh, and that's all...  
493  
494 A: Uh...  
495

496 Q: That's all I'm looking for is on supervised visits.  
497  
498 A: Yes. Never on a supervised visit.  
499  
500 Q: Okay, um, afterwards - and I'm - I'm not asking you to speak for (Byron). But  
501 did - did he mention if he'd ever had anything like this happen on other  
502 supervised visits he's ever had outside of yourself with him being with you?  
503  
504 A: Um, he never said anything about being on a supervised visit. When I asked  
505 him...  
506  
507 Q: Mm-hm.  
508  
509 A: ...um, about, you know, "Have you experienced this before in your life," he  
510 was like, "Yes, sadly I have."  
511  
512 Q: Mm-hm.  
513  
514 A: But he never said anything about supervision visits.  
515  
516 Q: Okay, no, that's - that's - that's good to know.  
517  
518 A: Mm-hm.  
519  
520 Q: Um...  
521  
522 Q1: Tanya, I'm - I'm - you - you had mentioned - and I know that, I mean, this is,  
523 um, uh, kind of (wiley) perspective but. In your mind, um, how would you  
524 have liked to have seen that interaction go?  
525  
526 A: Um, well, it would have been nice if the police officers came in and were very  
527 casual, maybe went up to the counter and said, "Oh we're here to, you know,  
528 the employee." And then employee maybe, you know, I mean, before even the  
529 police arrived, it would have been nice if the employee would have asked  
530 (Byron), you know, "Is there anything I can help you with? You know, would  
531 you like something?" And then I would have turned and said, "Oh he's with  
532 us." But no one ever addressed us. And so the police officer could have been a  
533 little more friendly and been like, "Well, we were called because there was,  
534 you know, o- a concern of one of the employees. Um, we were just  
535 wondering, you know, if there - everything is okay here," I mean, just asking,  
536 you know, if everyone was all right 'cause they had a phone call. And then we  
537 could have just said, "Oh we're here on a visit. You know, yeah, we're here  
538 having ice cream."  
539  
540 Q: Definitely.



541  
542 Q1: Yep.  
543  
544 Q: Definitely. Um, I - I - I don't wanna cut short this statement at all or anything  
545 like that. But I - I - and I wanna make sure you - you're able to express  
546 everything you want to. Um...  
547  
548 A: Right.  
549  
550 Q: Is - is there anything else that you'd like to add to this statement that I'm  
551 missing, if you were - if you were me, that, you know, that you - you'd wanna  
552 know?  
553  
554 A: Yes. Um, well, I'm concerned is why is there pa- two police officers  
555 immediately on the scene. I mean, why - that comes across as, you know,  
556 there's a serious altercation going on when you have two police officers walk  
557 right in and start inte- you know, interrogating someone.  
558  
559 Q: Mm-hm.  
560  
561 A: Why isn't one just waiting outside the door or in his car?  
562  
563 Q: Mm-hm. Mm-hm.  
564  
565 A: And, you know, I did talk to the owner 'cause I had concerns. And I - I didn't  
566 know what was gonna happen with (Byron). But he obviously was very upset  
567 over the situation, was trying to hold his composure about it. He seemed very  
568 sad over the entire thing. I never saw him raise his voice or stand up to the  
569 police officer other than saying, you know, "I have rights that I don't need to  
570 show you my ID. Na- I haven't done anything."  
571  
572 Q: Mm-hm.  
573  
574 A: Um, but after talking to the - the owner - I have forgotten his name offhand. I  
575 know he's Asian...  
576  
577 Q: (Ramon).  
578  
579 A: ...American. (Ramon). Right.  
580  
581 Q: Mm-hm.  
582  
583 A: Ram- (Ramon) had told me, "Well, we informed our employees to be on  
584 guard because we had a recent vandalization, a robbery. And so if anyone is  
585 sitting in the - in there and they're not buying anything, uh, I've told them to

586 call me. And so that's why we called the police." I was like, "Well, I don't  
587 understand why your employee can't come up and just ask him a question."  
588 "Well, we, you know, I told them not to even question because we've just had  
589 too many issues." And like...

590  
591 Q: Mm-hm.

592  
593 A: ..."Look. I feel like this is be- you know, racial profiling. You've singled him  
594 out. You, I mean, he didn't do anything." And he's like, "He was making the  
595 employees feel uncomfortable. He kept looking at his phone and looking  
596 around." I'm like, "People look at their phones constantly. How is that a  
597 problem?"

598  
599 Q: Right.

600  
601 A: So he didn't really give me much information other than, you know, is  
602 employees felt vulnerable and were scared for their lives of - for some reason.

603  
604 Q: Mm-hm.

605  
606 A: Um, other than that, uh, I mean, he just, you know, said, "I wanna send you  
607 some gift cards. I, you know, I'm really sorry this happened to you." And I  
608 went ahead and called (Byron) and told him what the owner ha- (Ramon) had  
609 said. And he's like, "You just keep the gift cards and give 'em to (13.50.100)." (b)(7)(D)  
610 Um, and, you know, he didn't really wanna talk about it too much.

611  
612 Q: Sure.

613  
614 A: And in fact, I sent him a text last night saying, "I just saw you're in the news.  
615 It looks like all of Kirkland is quite upset from a lot of the boards I've seen."

616  
617 Q: Mm-hm.

618  
619 A: And I'm like, "I'm really sorry. I did everything I could to back you up. Um,  
620 but, you know, I'm here if you wanna talk to me." And I haven't heard back  
621 from him.

622  
623 Q: Sure.

624  
625 Q1: All right and so, uh, uh, Tanya, one - one - just last clarification for me 'cause  
626 I just wanna make sure that I'm capturing this correctly is that when the initial  
627 contact by the officer with (Byron) and he started asking him, you kinda, uh,  
628 you, um, commented to him, "Hey, he's with me." During that initial  
629 conversation with, um, with the officer, did (Byron) identify or tell them,  
630 yeah, that he's here for his, uh, court supervisor? Or did he not get the chance

631 to? Do you remember how that...

632  
633 A: He j- he just admitted, yes.

634  
635 Q1: Okay. Okay. Mm-hm. All right. All right. I - I think that, uh, Tanya's done a  
636 great job of - of shedding light and giving us, uh, a very well-painted picture  
637 of what transpired that day. I can't think of anything else that I want.

638  
639 Q: Do you - do you feel that way too, Tanya?

640  
641 A: I do. Um, there's only one other thing I could think of that maybe I have  
642 forgotten to say. The officer that was interrogating, um, I - I said to him, I go,  
643 "Did you say something about seeing something on camera?" And he said,  
644 "No." But I could swear that he had said something like, "We were called in  
645 because someone was on camera that looked suspicious."

646  
647 Q: Hm.

648  
649 A: So then for some reason, he denied that. I don't know why.

650  
651 Q1: Okay.

652  
653 Q: Okay.

654  
655 Q1: Interesting.

656  
657 Q: Is there anything else you'd like to add?

658  
659 A: Um, just that, you know, handling, uh, this was, you know, it - it could have  
660 been handled completely different. I mean, if these employees were informed  
661 by - by (Ramon) to handle this situation like this, this is completely off. I  
662 mean, there are so many people in rage right now, including myself, basically  
663 on how it was handled. And (Ramon) should have been like, "Well, how  
664 about if I just come down there myself," or, "How about if I have the manager  
665 come out, have a - an adult" These are like teenage girls...

666  
667 Q: Mm-hm.

668  
669 A: ...who were just informed to - to handle it this way which was not an  
670 appropriate way. And - okay so that is on Menchie's. But then if the police  
671 came out, you know, handling it like that is just gonna make people afraid if  
672 they have any friends that are African American, any family that are of any  
673 color, really, to be sitting, not buying something. Just because, I mean, they're  
674 not buying something doesn't make them a criminal.

675

676 Q: Right.  
677  
678 A: I mean, maybe s- maybe, uh, cou- even if it wasn't just him, it could have  
679 been someone else. Maybe they're not sure what flavor they want or they're  
680 talking to their family, whatever it may be.  
681  
682 Q: Definitely could be...  
683  
684 A: But...  
685  
686 Q: ...something that simple...  
687  
688 Q1: Or waiting for...  
689  
690 Q: ...for sure.  
691  
692 Q1: ...somebody to show up.  
693  
694 Q: Yeah, or just...  
695  
696 A: Exactly.  
697  
698 Q1: Yeah.  
699  
700 Q: Mm-hm.  
701  
702 A: I mean, we weren't there that long. We were there like 30 minutes.  
703  
704 Q: Yeah, it was a short amount of time.  
705  
706 A: Right.  
707  
708 Q: Okay well, I - I - we both want you to know that this - this recorded statement  
709 isn't the end-all, be-all meaning that let's say something comes up down the  
710 road and you want to recontact us, um...  
711  
712 A: Okay.  
713  
714 Q: ...can easily, um, contact us. Um, do - do you receive text messages on this  
715 phone number?  
716  
717 A: I do.  
718  
719 Q: Would it be okay if I - if I sent you a text message from my work phone with  
720 my e-mail address just for contact...

721  
722 A: Yes.  
723  
724 Q: ...information? Okay.  
725  
726 A: That would be fine and, um, as well as the other officer.  
727  
728 Q: You bet. For (Phil)...  
729  
730 A: Um...  
731  
732 Q: ...as well.  
733  
734 A: I would like for both of your names and information.  
735  
736 Q: Sure. That sounds just fine. Um, again, just - just - just to make sure this - this,  
737 uh, recording wasn't coerced from you in any way? It's voluntary, correct?  
738  
739 A: It is voluntary.  
740  
741 Q: Okay very good. And, um, if there's nothing else to add, we'll - we'll end it.  
742 Um, please don't hang up yet, though. Uh...  
743  
744 A: Okay.  
745  
746 Q: It's the same date, November 17, 2018. And the time is 2:30 pm.  
747  
748

749 The transcript has been reviewed with the audio recording submitted and it is an accurate  
750 transcription.

751 Signed LT. [Signature]