

CONFIDENTIAL

Pierce County Sheriff's Department

Internal Affairs Investigation

IA #14-11-01

IPR #14-129

INVESTIGATOR
Detective T. Donlin
OFFICE PHONE #253-798-6585

CONFIDENTIAL

**IF YOU HAVE FOUND OR BELIEVE YOU SHOULD NOT BE IN
POSSESSION OF THIS NOTEBOOK – CONTACT THE INTERNAL
AFFAIRS UNIT SUPERVISOR AT 253-798-3838.**

**DO NOT READ CONTENTS AND DO NOT PASS ONTO ANYONE
BUT AN INTERNAL AFFAIRS UNIT REPRESENTATIVE**

**Pierce County Sheriff
Internal Affairs Investigation**

IA#14-11-01

IPR #14-129

Investigator: Detective T. Donlin #207

Review Process Tracking

Each Reviewer Must Record Recipient and Date Delivered

Send an e-mail to SHRINTERNALAFFAIRS when the case is assigned for first review and at each step in the review process

- | | |
|---|-------------------------------|
| 1. Delivered To <u>SGT. R. LEAH</u> | Date Delivered <u>1-20-15</u> |
| 2. Delivered To <u>LT. N.S. HAUSNER</u> | Date Delivered <u>2/4/15</u> |
| 3. Delivered To <u>Capt Lawrence</u> | Date Delivered <u>2/13/15</u> |
| 4. Delivered To <u>Chief Bonkamp</u> | Date Delivered <u>2/27/15</u> |
| 5. Delivered To _____ | Date Delivered _____ |
| 6. Delivered To _____ | Date Delivered _____ |
| 7. Delivered To _____ | Date Delivered _____ |
| 8. Delivered To _____ | Date Delivered _____ |



Pierce County

Sheriff of Pierce County

930 Tacoma Avenue South
Tacoma, Washington 98402

April 21, 2015

Bo Rupert
5110 South 372nd Street
Auburn, WA 98001

RE: Internal Affairs Investigation 14-11-01

Dear Mr. Rupert:

The incidents you reported or were involved in have been investigated by the Pierce County Sheriff's Department's Internal Affairs Division.

The incidents have been reviewed by the involved deputy's chain of command.

The investigation and subsequent review of the incidents have resulted in the allegations being found as Sustained.

The involved deputy has been issued a formal Letter of Reprimand for violations regarding Conduct and Use of Force.

I appreciate you bringing this matter to our attention. The Pierce County Sheriff's Department strives to provide quality service in line with our Mission Statement and Core Values. Regrettably, we did accomplish our goal in these circumstances.

Sincerely,

Brent Bomkamp
Chief of Services
Pierce County Sheriff's Department





Pierce County

Sheriff of Pierce County

930 Tacoma Avenue South
Tacoma, Washington 98402

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Sincerely,

Brent Bomkamp
Chief of Services
Pierce County Sheriff's Department



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Pierce County

Sheriff of Pierce County

930 Tacoma Avenue South
Tacoma, Washington 98402

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WA 983
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PM 2 L

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04/22/2015

US POSTAGE \$000.48⁰

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FIRST-CLASS MAIL



ZIP 98409
011D12603641

Bo Rupert
5110 South 372nd Street
Auburn, WA 98001

*no longer
@ this address*

OTS

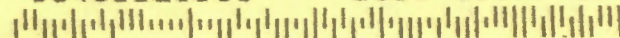
NIXIE 980 SE 1009 0004/30/15

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 98402210599 *2626-03967-22-36

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REVIEWER SECTION

SUMMARIES AND RECOMMENDATIONS

PIERCE COUNTY SHERIFF'S DEPARTMENT INCIDENT PERFORMANCE REPORT

14-129

IPR NO.

14-11-01

IA NO.

DISPOSITION:

UNFOUNDED

EXONERATED

NOT SUSTAINED

SUSTAINED

NOT INVOLVED

INITIAL

[]
[]
[]
[]
[]

- ☐ Commendation
☒ Criticism
☐ Inquiry

DATE: 11/6/14 TIME: 1300EMPLOYEE Deputy Jay Jensen UNIT 380 ASSIGNMENT CT SECREPORTER Bo Rupert (email - TheSenator1994@gmail.com) PHONE none listedADDRESS 5110 S 372nd St CITY Auburn ST WA ZIP 98001Incident Occurred: Date: 10/31/14 Time: 1430 Location CCB**NATURE OF CALL: (Brief Statement)**Manual Violation(s): Section 300.2 Title Use of Force

Mr. Rupert made a complaint against Deputy Jensen stating that he was assaulted by Deputy Jensen during a contact outside the Clerk's Office (room 110) at the CCB. The contact was made with Mr. Rupert following a disturbance in the Clerk's Office. Mr. Rupert stated he was grabbed by the throat by Deputy Jensen.

Case #14-304-0723.

☐ Check here to indicate additional comments are attachedCALL RECEIVED BY: Sgt. R. Leach Unit # 81**INSTRUCTIONS:**

1. All performance of an employee (commendable or critical) when reported is to be noted on this form.
2. Open the IPR (Word) template on the SHRWEB, and fill in the fields on the form. List any pertinent manual violations by Section # and Title. Include a Summary of the complaint/commendation under Nature of Call (Brief Statement).
3. E-mail the electronic (Word) copy of the IPR to Internal Affairs to obtain an IPR number. IA will assign a number and will return the IPR via e-mail to the initiator.
4. Contact the Internal Affairs supervisor if the IPR falls under the type of misconduct in Section 3.02.094 Internal Affairs. For Division IPR's, print a hard copy with associated attachments and route to the employee's supervisor for investigation.
5. Once the IPR has been processed through the chain of command through to the Sheriff, return it to Internal Affairs for notification, recording, and storage.

FIRST LEVEL SUPERVISOR <i>R. Leach</i>	UNIT NO. <i>31</i>	Date <i>2-4-15</i>
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340.3.2 CONDUCT - SUSTAINED

300.2 USE OF FORCE - SUSTAINED

☒ Comments are attached [check]	Recommended Disposition
---	-------------------------

SECOND LEVEL SUPERVISOR <i>[Signature]</i>	UNIT NO. <i>31</i>	Date <i>2/12/15</i>
--	--------------------	---------------------

☒ Comments are attached [check]	Recommended Disposition <i>SUSTAINED</i>
---	--

DIVISION COMMANDER <i>Capt Lawrence</i>	UNIT NO. <i>12</i>	Date <i>2/27/15</i>
---	--------------------	---------------------

☒ Comments are attached [check]	Recommended Disposition <i>Sustained</i>
---	--

BUREAU CHIEF <i>B. Bombardier</i>	UNIT NO. <i>4</i>	Date <i>4/17/15</i>
-----------------------------------	-------------------	---------------------

*Concur with Capt. Lawrence - w/s and to
Briefed. Letter of Reprimand*

☐ Comments are attached [check]	Recommended Disposition <i>Sustained</i>
--	--

UNDERSHERIFF	UNIT NO.	Date
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☐ Comments are attached [check]	Recommended Disposition
--	-------------------------

SHERIFF	Date
---------	------

☐ Comments are attached [check]	FINAL DISPOSITION
--	-------------------

[For administrative purposes only. Do not write below this line]

PERSONNEL ADVISED OF DISPOSITION: DATE BY [initial]

[] EMPLOYEE	_____	_____	_____
[] REPORTEE	_____	_____	_____
[] OTHER	_____	_____	_____

April 17, 2015

To: Deputy Jay Jensen

From: Chief Brent Bomkamp

Re: Letter of Reprimand – IA #14-11-01

This letter of reprimand is issued as a disciplinary action related to the above Internal Affairs investigation for "Sustained" manual violations regarding:

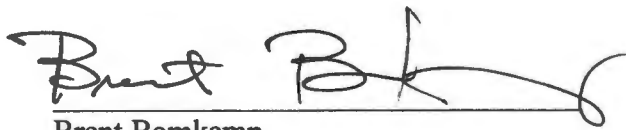
- 340.3.2 – Conduct
- 300.2 – Use of Force.

The investigation was related to contact with Mr. Bo Rupert on two separate occasions.

The Use of Force complaint resulted from an incident in the Clerk's Office on October 13, 2014. The use of force was reviewed and deemed not necessary considering the totality of the circumstances. Although the force used was not severe in nature, it was inappropriate.

The second contact with Mr. Rupert involved video/audio recording in a courtroom on or about November 12th, 2014. The language used and directed at Mr. Rupert was unprofessional, inappropriate, and unnecessary. We must strive to maintain a professional demeanor despite at times, significant challenges.

A copy of this Letter of Reprimand will be placed in your personnel file. Your signature below acknowledges your receipt of this reprimand.



Brent Bomkamp
Chief of Services



Jay Jensen
Deputy – Court Security

Summary and Recommendation

Sergeant Rodger Leach #81/99-008

IPR #14-129

IA #14-11-01

I received this IA file from Det. Sgt Berg on January 20th, 2015 for first level review. I notified Deputy Jensen via email that I had the file for review and would offer him a chance to meet with me prior to making a recommendation in the investigation. Deputy Jensen replied that did not have anything else to add unless I had questions of him after reviewing the file.

Complaint & Summary

The initial complaint by Mr. Rupert concerned a use of force by Deputy Jensen. Mr. Rupert stated that Deputy Jensen had grabbed him by the throat and pushed him against a wall following a contact in the court clerk's office in the CCB.

I reviewed the investigation that was assigned to Det. Donlin. I reviewed the file, including the transcripts of the interviews with Mr. Rupert and Deputy Jensen as well as viewed the CD videos provided by Mr. Rupert.

On 10-31-14 Mr. Rupert and his associate Mr. Stumph (who declined to be interviewed, but submitted an affidavit dated 11/26/14) were conducting business at the Court Clerk Office. While conducting their business Mr. Rupert was videotaping the transaction via a small hand-held video recorder. During the interaction there was dispute over Mr. Rupert's taping and audio recording. During the conversation and dispute with employees of the clerk's office, Mr Rupert's demeanor was condescending, arrogant and aggressive, at one point telling the clerks he could do "whatever the hell I want to". This demeanor and attitude convinced the staff to call for court security to ensure the incident did not escalate further and get out of control.

Deputy Jensen stated during his interview that he was on the second floor of the CCB when he received the radio call from the Security Operations Center (SOC) concerning a problem in the clerk's office. While enroute he was contacted 2 additional times concerning a disturbance in the office.

Deputy Jensen arrived to find Mr. Rupert in the clerk's office along with Mr. Stumph. A significant amount of the contact between Deputy Jensen and Mr. Rupert was captured on video. Due to proximity of Deputy Jensen to Mr. Rupert a full view of the contact was not seen but the audio was recorded. Mr. Rupert's demeanor remained demanding and pompous with Deputy Jensen. During the contact Mr. Rupert told Deputy Jensen to not violate his "personal space". They agreed to speak further in the hallway and the video continued to record. Once outside the clerk's office it is apparent that Deputy Jensen pushed Mr. Rupert against the wall and immediately says "you do not tell me what I can and cannot do". Mr. Rupert is then heard saying "I will stop, I will stop" as Deputy Jensen tells him he cannot come in and cause problems.

This contact was documented by Deputy Jensen in both his report and the subsequent interview with Det. Donlin. Deputy Jensen stated that when they exited the clerk's office, Mr. Rupert quickly raised a dark object in his hand. Fear he was about to be assaulted Deputy Jensen stated he blocked Mr. Rupert's arm and pushed him against the wall to counter what he felt was a imminent assault.

While viewing the video and listening to the audio it does not appear to me that an assault was imminent. The verbal exchange between Deputy Jensen and Mr. Rupert remained on the same “plane”, whereas Deputy Jensen told Mr. Rupert that he does not tell him what to do, versus confronting a perceived assault. It does not appear the physical contact between Deputy Jensen and Mr. Rupert was necessary. The claim that Deputy Jensen grabbed Mr. Rupert by the throat is disputed by Deputy Jensen, who said that he pushed him against the chest and although his hand may have slid upwards during the contact, he did not grab him by the throat at any time. Mr. Rupert made no immediate complaint to Deputy Jensen about being choked, not being able to breathe. There is no obvious indication in the audio that confirms Mr. Rupert was grabbed by the throat.

The additional contact with Deputy Jensen while in courtroom 117 as Mr. Rupert attempted to record the proceedings and subsequent dispute resulted in a courtesy complaint due to comments made by Deputy Jensen to Mr. Rupert.

During Deputy Jensen's interview he says he did call Mr. Rupert a "little shit" at some point and that he also told him "I don't give a fucking shit" during the courtroom conflict. The video and audio was available for the contact and confirms Deputy Jensen's statement. Deputy Jensen did admit that he had become frustrated with Mr. Rupert and others in the courtroom.

The tactics used by Mr. Rupert and his associates are very aggressive and demanding. They are very difficult to talk to, purposefully create a hostile contact and appear to apply a myopic viewpoint.

RECOMMENDATION

After reviewing the investigation by Det. Donlin I submit the following recommendations;

340.3.2	Conduct	SUSTAINED	-	Counseling
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Deputy Jensen's comments to Mr. Rupert were by his own admission made out of frustration with the antics and tactics that Mr. Rupert and his associates engage in. A reminder of the need to remain professional and not fall into the trap laid out by these types of actions and tactics would be sufficient. As Deputy Jensen's supervisor I have received numerous positive remarks about his demeanor from attorneys, Court Commissioners and Judges. The incident involving Mr. Rupert is not an accurate reflection of Deputy Jensen's day to day interaction with the public or court officials.

300.2	USE OF FORCE	SUSTAINED	-	Written Reprimand
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Deputy Jensen's contact with Mr. Rupert was a difficult one from the onset. Deputy Jensen was contacted 3 times concerning the disturbance in the clerk's office; 1-dispatched radio call, 2-attorney contact on second floor and 3-contact at Sheriff's front counter. Mr. Rupert had already set a demanding and arrogant tone while speaking with the clerk's office. This continued when he was contacted by Deputy Jensen. There was no indication of a physical altercation occurring or specific threats made to the clerk's office. The video captures Mr. Rupert's difficult nature. During Deputy Jensen's contact and subsequent physical contact with Mr. Rupert, there did not appear to be a departure in the verbal dialog or other verbal queues that would indicate a perceived imminent assault by Deputy Jensen. The physical contact did not appear to be necessary as defined in 300.2.

There does not appear to be a history with Deputy Jensen and use of force complaints. During his 19 year career there has been only one other IPR concerning a use of force, in which he was exonerated. I believe a Written Reprimand would be appropriate in this matter.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'R. Leach', with a stylized flourish at the end.

Sgt. Rodger Leach #81

Rodger Leach

From: Jay Jensen
Sent: Tuesday, January 20, 2015 3:28 PM
To: Rodger Leach
Subject: RE: IA 14-11-01

I have no more to say unless you have questions you need answered.

JJ

From: Rodger Leach
Sent: Tuesday, January 20, 2015 2:35 PM
To: Jay Jensen
Subject: IA 14-11-01

Jay,
I received the file for IA 14-11-01 today for review. After reviewing the file and prior to making a recommendation I will give you the option of speaking with me. If you have any questions let me know.

Thanks

Rodger

Sgt. Rodger Leach #81
Pierce County Sheriff's Dept.
Civil / Court Security Supervisor
930 Tacoma Ave
Tacoma, Wa 98402
Office 253-798-7585
Cell 253-255-7605

Rodger Leach

From: Jay Jensen
To: Rodger Leach
Sent: Tuesday, January 20, 2015 3:28 PM
Subject: Read: IA 14-11-01

Your message was read on Tuesday, January 20, 2015 3:27:31 PM (GMT-08:00) Pacific Time (US & Canada).

Rodger Leach

From: Jay Jensen
Sent: Wednesday, February 04, 2015 12:23 PM
To: Rodger Leach
Subject: RE: IPR 14-129

I'm good.

You can send it through.

JJ

From: Rodger Leach
Sent: Wednesday, February 04, 2015 12:10 PM
To: Jay Jensen
Subject: IPR 14-129
Importance: High

Jay,
I have reviewed the investigation and am offering you an opportunity to speak with me prior to the recommendation. I know you have previously declined, but wanted to extend the offer again prior to sending the file forward.
Rodger

Sgt. Rodger Leach #81
Pierce County Sheriff's Dept.
Civil / Court Security Supervisor
930 Tacoma Ave
Tacoma, Wa 98402
Office 253-798-7585
Cell 253-255-7605

Rodger Leach

From: Jay Jensen
To: Rodger Leach
Sent: Wednesday, February 04, 2015 12:21 PM
Subject: Read: IPR 14-129

Your message was read on Wednesday, February 04, 2015 12:20:43 PM (GMT-08:00) Pacific Time (US & Canada).

Rodger Leach

From: Rodger Leach
Sent: Wednesday, February 04, 2015 1:37 PM
To: Jay Jensen
Subject: recommendation

Importance: High

Tracking: Recipient
Jay Jensen

Delivery
Delivered: 2/4/2015 1:37 PM

Jay,

I have recommended the following findings in the IA investigation #14-11-01 IPR #14-129;

340.3.2	Conduct	SUSTAINED	-	Counseling
300.2	USE OF FORCE	SUSTAINED	-	Written Reprimand

I will submit the file to Lt. Hausner for his review.

Rodger

Sgt. Rodger Leach #81
Pierce County Sheriff's Dept.
Civil / Court Security Supervisor
30 Tacoma Ave
Tacoma, Wa 98402
Office 253-798-7585
Cell 253-255-7605

Nick Hausner

From: Rodger Leach
Sent: Tuesday, February 10, 2015 8:33 AM
To: Nick Hausner
Subject: FW: recommendation

Agree with Conduct
Disagree Use of Force

From: Jay Jensen
Sent: Monday, February 09, 2015 2:48 PM
To: Rodger Leach
Subject: RE: recommendation

Rodger,

I agree with the Conduct however I do not agree with the use of force but I have no desire to drag this out.

Deputy Jay Jensen
Pierce County Sheriff's Department
Court Security Unit

From: Rodger Leach
Sent: Wednesday, February 04, 2015 1:37 PM
To: Jay Jensen
Subject: recommendation
Importance: High

Jay,
I have recommended the following findings in the IA investigation #14-11-01 IPR #14-129;

340.3.2	Conduct	SUSTAINED	-	Counseling
300.2	USE OF FORCE	SUSTAINED	-	Written Reprimand

I will submit the file to Lt. Hausner for his review.

Rodger

Sgt. Rodger Leach #81
Pierce County Sheriff's Dept.
Civil / Court Security Supervisor
930 Tacoma Ave
Tacoma, Wa 98402
Office 253-798-7585
Cell 253-255-7605

Summary and Recommendation

Lieutenant Nick Hausner #31/89-026

IPR #14-129 / IA #14-11-01 – Deputy Jay Jensen

I received the attached Internal Affairs Investigative File from Sergeant Leach on 2/4/2015. I e-mailed the Internal Affairs Unit on 2/4/2015 and advised that I had taken custody of the file from Sergeant Leach. I e-mailed Deputy Jensen and advised him that I had taken custody of the file from Sergeant Leach, that I would review the file and after review contact him again regarding an interview before making a recommendation.

I began my review of the materials provided on 2/4/2015.

See attached for copies of referenced e-mails.

Summary –

I first read Sergeant Leach's summary and then the investigative file completed by Detective Donlin. The possible manual violations noted were Use of Force and Conduct.

Mr. Rupert was interviewed by Detective Donlin and maintains that he was assaulted by Deputy Jensen just outside the Clerk's Office when Deputy Jensen grabbed him by his throat and pushed him against the wall. Deputy Jensen then told Mr. Rupert he could not come in and incite violence. Mr. Rupert stated that he then told Deputy Jensen that he would stop in an effort to get Deputy Jensen to stop assaulting him.

Mr. Stock was interviewed regarding this incident and maintains that security was called because of fear that things may get out of hand and that no threats were made by Mr. Rupert or his companion.

Deputy Jensen was interviewed by Detective Donlin and indicated that he was dispatched to a disturbance at the Clerk's office regarding a, "commotion". While on his way Deputy Jensen was provide updated information from an unidentified person, in the building, that someone was threatening staff, video tapping, making threats and being disrespectful to staff in the Clerk's Office.

Deputy Jensen had previous contact with Mr. Rupert and recognized him when he arrived. Mr. Rupert was at the counter working on paperwork and the staff was standing the in the back when Deputy Jensen arrived.

Deputy Jensen does not dispute that he used force against Mr. Rupert, although, he maintains that the force used was, in his belief, reasonable due to his perceived threat of Mr. Rupert raising an item in his hand while turning toward Deputy Jensen. Deputy Jensen indicated that if in the same circumstance again he would take the same action. He also stated that he never put his hand on Mr. Rupert's neck or throat and that his hand was on his chest.

Deputy Jensen was questioned regarding comments that he made to Mr. Rupert in a courtroom. The comment was something like; You just don't give a shit do you. This comment was made in a courtroom during an altercation regarding Mr. Rupert video recording within the courtroom.

Deputy Jensen admitted that he made the comment because he got frustrated and that the comment was inappropriate.

I viewed the recording that Mr. Rupert provided regarding these incidents. At the very beginning of the recording Mr. Rupert is heard stating that they are going into the building to file a Public Disclosure and they are going to, "see how it goes". Mr. Rupert is then stopped at screening where he is told to stop recording by a security officer and he tells the officer that it is constitutional right to record and that if he does not like it to, "get a cop down here". This issue at the screening area and of recording within the building, covered in the recording provided by Mr. Rupert, was previously addressed and resolved by Sergeant Leach (addressed outside of this complaint).

It should be noted that during the contact at the screening area, outlined above, Deputy Jensen appears to have intentionally come into close proximity to Mr. Rupert and that this act was concerning for Mr. Rupert.

The recording does provide information relevant to this investigation. Deputy Jensen is recorded speaking with Mr. Rupert and pointing his finger at him. Mr. Rupert asks Deputy Jensen to get out of his space and Deputy Jensen's response is, "No" and, "I have every right to be here." This portion of the recording is inside the Clerk's Office, where Deputy Jensen responded to a report regarding a disturbance. Mr. Rupert advises he is going to take two steps back and asks Deputy Jensen not to step toward him. Deputy Jensen advises Mr. Rupert that he is trying to have a private conversation with him. Mr. Rupert asks to take the, "private" conversation into the hallway and Deputy Jensen agrees. As they exit the Clerk's Office Mr. Rupert states that Deputy Jensen does not have the right to invade his space and demands the Sheriff respond. It appears from the recording, up to this point, that the camera was in Mr. Rupert's hand in the Clerk's Office as well as when they exited to the hallway. Almost immediately after they are in the hallway Deputy Jensen is heard stating, "Let me tell you right now..." and then a short struggle is heard and Deputy Jensen continues, "You do not tell me what I can and cannot do..." Mr. Rupert responds, "Yes sir." Deputy Jensen continues, "You do not have the right to come in here and incite violence if you are going to make threats..." Mr. Rupert responds by saying, "I will stop, I will stop." The recording then ends.

Deputy Jensen maintained that he believed that Mr. Rupert asked him in the hallway because he knew this area was not covered by internal surveillance systems. He indicates in his report that he knew that and during his interview he maintains that his report may be, "inaccurate" regarding that point as it was later that he found this was true, although, he knew that there was a dead spot in that area due to investigations of domestics in the area.

It appears from the recording that the camera was in Mr. Rupert's hand and that he made no effort to conceal it, therefore, Deputy Jensen should have seen it. Detective Donlin asked Deputy Jensen, "... did you ever think there was anything other than the recorder in his hand?" Deputy Jensen responds, "No." Earlier in the interview Deputy Jensen acknowledges that he is aware that Mr. Rupert video records routinely.

The following section of the interview with Deputy Jensen by Detective Donlin is, in my opinion very telling;

Q – Okay um...and once he, once you did this and he says okay I'm gonna stop ah...I think that's what he said I'm stopping okay, okay something like that. What did you do, I mean the video stopped right there. What did you do afterwards?

A – Um...

Q – Did you just let him go?

A – Once he said he was going to stop, then yeah I just yeah I let him go.

Q – Okay

A – Cause I, I assumed that he understood then that I didn't want him making threats to the people.

Q – Uh huh.

A – He told me he would stop making threats.

Deputy Jensen did not say because he would stop attempt to assault him or because he no longer perceived a threat, but, "He told me he would stop making threats."

Based on the angle of the recording it appears that someone in such close proximity to Mr. Rupert as Deputy Jensen was would have seen a camera in his hand while in the Clerk's Office. When Mr. Rupert and Deputy Jensen exit the Clerk's Office into the hall way it is almost immediate that Deputy Jensen starts with saying, "Let me tell you..." and then a short struggle and then Deputy Jensen stating that Mr. Rupert cannot tell him what to do. Mr. Rupert sound compliant in stating, Yes sir and I will stop. What is most telling is what is not said by Deputy Jensen. The focus of his conversation is that Mr. Rupert not tell him what to do. Deputy Jensen does not say anything regarding his perceived threat of assault by Mr. Rupert as he maintained during this investigation or within his supplemental report documenting the incident. While defending himself against Mr. Rupert he does not make a statement telling Mr. Rupert not to assault him, to stop, or even, "Hey what are you doing..." Deputy Jensen is clearly, based on his tone, upset with Mr. Rupert and tells Mr. Rupert not to tell him what to do.

Another point that raises concern is that if a person takes a swing at a deputy why would the subject not be arrested and booked for his actions. Mr. Rupert was not booked or even detained in cuffs after the incident, he was just let go. Deputy Jensen stated, "...yeah I just yeah I let him go."

It is clear from the recording(s) that Mr. Rupert is being antagonistic and demanding. It is also apparent that Deputy Jensen is frustrated with Mr. Rupert and that he appears to try intimidate Mr. Rupert by getting into uncomfortable close proximity to Mr. Rupert, both in the screening area, outside the Clerk' Office and later in a courtroom.

The next portion of the recording is Mr. Rupert and a companion in court. Mr. Rupert is recording in court. He recorded a conversation in court between a lawyer and it appears Mr. Rupert's companion. It is discovered that he is recording and there is some arguing between the parties, who cannot be identified, regarding the recording occurring. Deputy Shook apparently is in the courtroom and is heard being identified by Mr. Rupert when he says, "I have no problem with you Shook." Deputy Shook is heard speaking in the background, although, it is difficult to make out what is being said by Deputy Shook at this point.

The recording goes on with some conversation in the background that is regarding the recording in court between Deputy Shook and Mr. Rupert's companion.

Mr. Rupert is then heard stating, "Please do not put your hands on me this time... Please don't touch me. Jensen I am being nice don't touch me, please." The video portion of the recording then shows Deputy Jensen standing in court. Mr. Rupert then states to his companion, "You got the deputy who likes to assault people behind you." Deputy Jensen states that if the Commissioner says you do not record in the courtroom you do not record in the courtroom. Mr. Rupert and his companion ask for the rule and to be shown the rule. Mr. Rupert states that he does whatever he wants and Deputy Jensen advises he will stop him if that is the decision of the Commissioner.

Deputy Jensen leans down toward Mr. Rupert and Mr. Rupert is heard stating, "Get out of my face." Deputy Jensen is then heard, while leaning toward Mr. Rupert, say something to the effect of, "You don't fucking give a shit do you." Mr. Rupert asks Deputy Jensen if he is serious and Deputy Jensen responds with, "Yes I am serious." Mr. Rupert indicates that Deputy Jensen threatened him and Deputy Jensen maintains he did not. Deputy Jensen appears to lean back down toward Mr. Rupert and Mr. Rupert is heard telling Deputy Jensen not to touch him and Deputy Jensen responds that he is not touching him. Mr. Rupert is then heard directing Deputy Jensen to get out of his face a couple of times. The discussion, heated at times, continues regarding the recording in the courtroom.

Mr. Rupert speaks to Deputy Jensen regarding his, "Assault" on him. Deputy Jensen maintains that he was defending himself, that Mr. Rupert raised his fist with an object. Mr. Rupert stated the object was his camera and Deputy Jensen stated that he did not know what it was and that one could be struck with a camera.

Mr. Rupert again states that he was, "Assaulted" by Deputy Jensen and Deputy Jensen responds that he was defending himself from an attempted assault. Mr. Rupert states that he did not attempt to assault Deputy Jensen and then calls Deputy Jensen a, "Punk." The recording ends here and cuts over to another section where an unidentified person who appears to be Judge Culpepper leaving the Commissioner's chambers and a person is heard asking if he has any information for them and is told no and then makes some recommendations to follow the law, what the officer directs, and do what they are told. Someone is then heard stating, "Aye aye skipper." The recording ends again and picks up when the Commissioner is on the Bench.

Mr. Rupert and his companion argue in open court with the Commissioner regarding their perceived right to record in court. This continues for several minutes, demanding that the law be provided. Shortly after being provided a paper by Deputy Shook they leave the courtroom and the recording ends.

The recording picks back up, apparently outside the courtroom, where they argue with who appears to be Judge Culpepper. Sergeant Seymour is standing with Judge Culpepper. When Judge Culpepper asks for Mr. Rupert's companion to identify himself, he refuses and Judge Culpepper states that he is not going to talk to someone who will not identify themselves. Mr. Rupert's companion states that he (Judge Culpepper) will talk to him because that is the law. The recording ends abruptly and picks back up as they all walk down the hallway with Mr. Rupert's companion making comments about a three ring circus and bar buddies.

It should be noted that it is obvious that the recording had been edited and only parts of the contacts were provided, not the entire recording. This is evident by the starting and stop of sections of recording. Worded comments were added over the top of some of the portions of the recording.

It is clearly apparent that Mr. Rupert and his companion were argumentative and confrontational. Mr. Rupert stated in his interview with Detective Donlin that he may have appeared, "...a little combative or confrontational..."

What is clear is that Deputy Jensen became frustrated with Mr. Rupert and made inappropriate statements. It also appears that Deputy Jensen used a tactic of getting in close in an apparent attempt to intimidate Mr. Rupert into compliance. This was seen at the screening area when he stepped close to Mr. Rupert, it was seen in the Clerk's Office when he stepped in close to Mr. Rupert and was point his finger at him and it was seen again in the courtroom when he leaned down to Mr. Rupert and made comments.

Meeting with Deputy Jensen –

Deputy Jensen declined to meet with me and in an e-mail (attached) declining the meeting wrote, "Although in hindsight I would have handled the incident in the courtroom a bit differently, I am confident you have the information required to make an informed recommendation and I will leave it in your capable hands."

Recommendation –

With regard to the following Manual violation I recommend the noted dispositions:

Manual Section: 340.3.2 Conduct –

Disposition: Sustained –

Recommendation: Verbal Warning

Deputy Jensen's contact with Mr. Rupert was confrontational from the onset. It appears that this maybe Mr. Rupert's intention as noted by his comments of, "see how it goes" upon entering the building and to, "get a cop down here" while at screening.

Deputy Jensen clearly acted inappropriately when he used inappropriate language in court when speaking with Mr. Rupert. I understand that Deputy Jensen was in a stressful situation when dealing with Mr. Rupert, although, deputies should not be discourteous to the public even if provoked. It is clear from the recording that Mr. Rupert was shocked by Deputy Jensen's statements when Mr. Rupert stated, "Are you serious." Therefore, I find that Deputy Jensen conduct was inappropriate.

Manual Section: 300.2 Use of Force –

Disposition: Sustained –

Recommendation: Suspension one (1) day

The use of force that Deputy Jensen used on Mr. Rupert was very minor. Mr. Rupert was not injured by the force used. In this incident Mr. Rupert was contacted by Deputy Jensen in the Clerk's Office. Mr. Rupert was not creating a scene or causing a disturbance when Deputy Jensen arrived. Deputy Jensen made contact with Mr. Rupert, got into close proximity to Mr. Rupert, was pointing his finger at him and started to advise him not to cause problems, although, Mr. Rupert was not doing anything inappropriate when Deputy Jensen arrived. Deputy Jensen used force to push Mr. Rupert against a wall in the hall outside of the Clerk's Office. Deputy Jensen did not make contact with the Clerk's Office Staff to make a determination of any criminal activity by Mr. Rupert.

The recording of the incident, the statements made by Deputy Jensen and the lack of fitting language during the use of force incident lead me to believe that the use of force was not applied due to a perceived threat of assault by Mr. Rupert. Therefore I find that the use of force in this incident was unjustified.

Respectfully Submitted,



N.J. Hausner #31/89-026
Lieutenant – Administrative Services
Headquarters Division
Pierce County Sheriff's Department

Nick Hausner

From: Nick Hausner
Sent: Wednesday, February 04, 2015 2:04 PM
To: SHRINTERNALAFFAIRS
Subject: IA 14-11-01

I have taken delivery of this file from Sergeant Leach.

Thank you,
Nick



N.J. Hausner
Lieutenant - Headquarters Division
Administrative Services
Pierce County Sheriff's Department
Office: 253.798.3625
Fax: 253.798.6712
Dispatch: 800.562.9800
www.piercesheriff.org

Nick Hausner

From: Nick Hausner
Sent: Wednesday, February 04, 2015 2:37 PM
To: Jay Jensen
Subject: IA 14-11-01

Deputy Jensen,

I have been provided the Internal Affairs file regarding your alleged violations of the department manual for Use of Force and Conduct.

I will start my review shortly and will advise you when it is complete so we can schedule time to meet before I provide my recommendation.

Please let me know if you have any questions.

Thank you,



N.J. Hausner
Lieutenant - Headquarters Division
Administrative Services
Pierce County Sheriff's Department
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www.piercesheriff.org

Nick Hausner

From: Jay Jensen
To: Nick Hausner
Sent: Wednesday, February 04, 2015 4:08 PM
Subject: Read: IA 14-11-01

Your message was read on Wednesday, February 04, 2015 4:08:03 PM (GMT-08:00) Pacific Time (US & Canada).

Nick Hausner

From: Nick Hausner
Sent: Monday, February 09, 2015 8:28 AM
To: Jay Jensen
Subject: Review - Interview IA #14-11-01

Importance: High

Deputy Jensen,

I am nearing the completion of my review of the mentioned Internal Affairs investigative file and additional materials provided by Sergeant Leach.

I am now offering you an opportunity to speak to me regarding the investigation before I complete my recommendation regarding disposition and recommended discipline, if applicable, and I forward the investigative file to Captain Lawrence, for his review. This meeting is not mandatory and is at your option. I do not have any specific questions at this point, however, if you would like, I am happy to meet with you so you can provide me with any additional information you see fit.

I have tentatively set time on my calendar for February 12th from 1330 – 1430 hours, I anticipate I will have completed my review by this date / time. If you decide to meet with me please be advised that the meeting will be recorded. You are also entitled to have a guild representative with you. It is your responsibility to arrange for your guild representation to be present. At the meeting you will be ordered and required to fully and truthfully answer all questions asked of you in the interview / meeting. The meeting will be audio recorded.

For a full and detailed understanding of your rights I encourage you to read the department manual sections related to Investigative Interviews and the Employee Rights section of your labor contract before the meeting.

Please advised me if you would like to meet or not. If you choose to meet let me know if the tentative date / time I have scheduled works for you schedule. If the tentative date / time does not work we can scheduled a time that works for both of our schedules, just provide me with a few options to work into my schedule.

Let me know if you have any questions.

Thank you,



N.J. Hausner
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Nick Hausner

From: Jay Jensen
To: Nick Hausner
Sent: Monday, February 09, 2015 9:07 AM
Subject: Read: Review - Interview IA #14-11-01

Your message was read on Monday, February 09, 2015 9:06:30 AM (GMT-08:00) Pacific Time (US & Canada).

Nick Hausner

From: Jay Jensen
Sent: Monday, February 09, 2015 9:15 AM
To: Nick Hausner
Subject: RE: Review - Interview IA #14-11-01

Sir,

Although in hindsight I would have handled the incident in the courtroom a bit differently, I am confident you have the information required to make an informed recommendation and I will leave it in your capable hands.

I do not believe a meeting is necessary.

Respectfully,

Deputy Jay Jensen
Court Security Unit
Pierce County Sheriff's Department

From: Nick Hausner
Sent: Monday, February 09, 2015 8:28 AM
To: Jay Jensen
Subject: Review - Interview IA #14-11-01
Importance: High

Deputy Jensen,

I am nearing the completion of my review of the mentioned Internal Affairs investigative file and additional materials provided by Sergeant Leach.

I am now offering you an opportunity to speak to me regarding the investigation before I complete my recommendation regarding disposition and recommended discipline, if applicable, and I forward the investigative file to Captain Lawrence, for his review. This meeting is not mandatory and is at your option. I do not have any specific questions at this point, however, if you would like, I am happy to meet with you so you can provide me with any additional information you see fit.

I have tentatively set time on my calendar for February 12th from 1330 – 1430 hours, I anticipate I will have completed my review by this date / time. If you decide to meet with me please be advised that the meeting will be recorded. You are also entitled to have a guild representative with you. It is your responsibility to arrange for your guild representation to be present. At the meeting you will be ordered and required to fully and truthfully answer all questions asked of you in the interview / meeting. The meeting will be audio recorded.

For a full and detailed understanding of your rights I encourage you to read the department manual sections related to Investigative Interviews and the Employee Rights section of your labor contract before the meeting.

Please advised me if you would like to meet or not. If you choose to meet let me know if the tentative date / time I have scheduled works for you schedule. If the tentative date / time does not work we can scheduled a time that works for both of our schedules, just provide me with a few options to work into my schedule.

Let me know if you have any questions.

Thank you,



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Nick Hausner

From: Nick Hausner
Sent: Thursday, February 12, 2015 2:55 PM
To: Jay Jensen
Subject: Recommendation

Importance: High

Deputy Jensen,

I have completed my Review as well as my Recommended Disposition and Discipline for the noted violations as outlined below.

Please understand that I do not believe that this an example of how you conduct yourself day to day and that this circumstance is an anomaly in where you became frustrated due to the totality of multiple contacts with Mr. Rupert.

Please review the Recommended Disposition and Discipline for the noted violations and advise me if you accept the recommended discipline for each violation. An e-mail response is adequate.

Manual Section: 340.3.2 Conduct –
Disposition: Sustained –
Recommendation: Verbal Warning

Deputy Jensen's contact with Mr. Rupert was confrontational from the onset. It appears that this maybe Mr. Rupert's intention as noted by his comments of, "see how it goes" upon entering the building and to, "get a cop down here" while at screening.

Deputy Jensen clearly acted inappropriately when he used inappropriate language in court when speaking with Mr. Rupert. I understand that Deputy Jensen was in a stressful situation when dealing with Mr. Rupert, although, deputies should not be discourteous to the public even if provoked. It is clear from the recording that Mr. Rupert was shocked by Deputy Jensen's statements when Mr. Rupert stated, "Are you serious." Therefore, I find that Deputy Jensen conduct was inappropriate.

Manual Section: 300.2 Use of Force –
Disposition: Sustained –
Recommendation: Suspension one (1) day

The use of force that Deputy Jensen used on Mr. Rupert was very minor. Mr. Rupert was not injured by the force used. In this incident Mr. Rupert was contacted by Deputy Jensen in the Clerk's Office. Mr. Rupert was not creating a scene or causing a disturbance when Deputy Jensen arrived. Deputy Jensen made contact with Mr. Rupert, got into close proximity to Mr. Rupert, was pointing his finger at him and started to advise him not to cause problems, although, Mr. Rupert was not doing anything inappropriate when Deputy Jensen arrived. Deputy Jensen used force to push Mr. Rupert against a wall in the hall outside of the Clerk's Office. Deputy Jensen did not make contact with the Clerk's Office Staff to make a determination of any criminal activity by Mr. Rupert.

The recording of the incident, the statements made by Deputy Jensen and the lack of fitting language during the use of force incident lead me to believe that the use of force was not applied due to a perceived threat of assault by Mr. Rupert. Therefore I find that the use of force in this incident was unjustified.

The next step in the process is for the file to be forwarded to Captain Lawrence for his review and recommendations, after I receive your written response regarding your acceptance of the noted discipline.

Thank you,



N.J. Hausner
Lieutenant - Headquarters Division
Administrative Services
Pierce County Sheriff's Department
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Dispatch: 800.562.9800
www.piercesheriff.org

Nick Hausner



From: Jay Jensen
To: Nick Hausner
Sent: Thursday, February 12, 2015 2:59 PM
Subject: Read: Recommendation

Your message was read on Thursday, February 12, 2015 2:59:24 PM (GMT-08:00) Pacific Time (US & Canada).

Nick Hausner

From: Jay Jensen
Sent: Thursday, February 12, 2015 4:13 PM
To: Nick Hausner
Subject: RE: Recommendation

Sir,

I appreciate the fact that you see this as an isolated anomaly.

As for the first item

Manual Section: 340.3.2 Conduct –

Disposition: Sustained –

Recommendation: Verbal Warning

I agree with your recommendation.

As for the second item

Manual Section: 300.2 Use of Force –

Disposition: Sustained –

Recommendation: Suspension one (1) day

I, with all due respect, disagree with your recommendation for the following reasons:

First, the fact that, at the time of my arrival the subject had ceased, at least momentarily, his disruptive behavior does not minimize the fact that I was called via the radio for disruptive persons, (more than one) in the clerk's office and that, while I was enroute to the clerk's office I was contacted on the second floor by an attorney who frequents the building who informed me there was someone, "Going Off" in the clerk's office.

Then on the first floor I was contacted by an employee from the clerk's office who told me that there were two people threatening staff and being disruptive.

When I, (all alone), arrived at the clerk's office, I began by telling the two of them that they were free to video tape whatever they wanted but that they were not free to threaten staff or otherwise provoke an assault.

When, in the hallway Mr. Rupert, whom I know from prior contacts to be a convicted felon, (incidentally convicted of swearing out false statements to the Secret Service and filing a false police report just to get his brother in trouble) abruptly turned towards me with an object in his hand (admittedly it was a video camera but an object just the same), I used the minimum amount of force necessary to control the situation.

I didn't take him to the ground by his hair. I didn't taze him, I didn't handcuff him. I didn't do anything other than use soft empty hands to control a disruptive subject.

I know that looking at things in the bright light of hindsight, things don't always look as clean and pretty as we would like, however, I was given bits of information about a known subject and at the time, I reacted in a way that kept the public safe, kept me safe, and prevented injury to the suspect as well.

I believe the totality of the circumstances related to "Use of Force" warrants a verbal warning.

Respectfully,

Deputy Jay P. Jensen

From: Nick Hausner
Sent: Thursday, February 12, 2015 2:55 PM
To: Jay Jensen
Subject: Recommendation
Importance: High

Deputy Jensen,

I have completed my Review as well as my Recommended Disposition and Discipline for the noted violations as outlined below.

Please understand that I do not believe that this an example of how you conduct yourself day to day and that this circumstance is an anomaly in where you became frustrated due to the totality of multiple contacts with Mr. Rupert.

Please review the Recommended Disposition and Discipline for the noted violations and advise me if you accept the recommended discipline for each violation. An e-mail response is adequate.

Manual Section: 340.3.2 Conduct –
Disposition: Sustained –
Recommendation: Verbal Warning

Deputy Jensen's contact with Mr. Rupert was confrontational from the onset. It appears that this maybe Mr. Rupert's intention as noted by his comments of, "see how it goes" upon entering the building and to, "get a cop down here" while at screening.

Deputy Jensen clearly acted inappropriately when he used inappropriate language in court when speaking with Mr. Rupert. I understand that Deputy Jensen was in a stressful situation when dealing with Mr. Rupert, although, deputies should not be discourteous to the public even if provoked. It is clear from the recording that Mr. Rupert was shocked by Deputy Jensen's statements when Mr. Rupert stated, "Are you serious." Therefore, I find that Deputy Jensen conduct was inappropriate.

Manual Section: 300.2 Use of Force –
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The use of force that Deputy Jensen used on Mr. Rupert was very minor. Mr. Rupert was not injured by the force used. In this incident Mr. Rupert was contacted by Deputy Jensen in the Clerk's Office. Mr. Rupert was not creating a scene or causing a disturbance when Deputy Jensen arrived. Deputy Jensen made contact with Mr. Rupert, got into close proximity to Mr. Rupert, was pointing his finger at him and started to advise him not to cause problems, although, Mr. Rupert was not doing anything inappropriate when Deputy Jensen arrived. Deputy Jensen used force to push Mr. Rupert against a wall in the hall outside of the Clerk's Office. Deputy Jensen did not make contact with the Clerk's Office Staff to make a determination of any criminal activity by Mr. Rupert.

The recording of the incident, the statements made by Deputy Jensen and the lack of fitting language during the use of force incident lead me to believe that the use of force was not applied due to a perceived threat of assault by Mr. Rupert. Therefore I find that the use of force in this incident was unjustified.

000039

The next step in the process is for the file to be forwarded to Captain Lawrence for his review and recommendations, after I receive your written response regarding your acceptance of the noted discipline.

Thank you,



N.J. Hausner
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000040

2/27/15

IPR #14-129/IA #14-11-01

Deputy Jay Jensen

Review by Capt. Jerry Lawrence



On 2/13/15 I received the IA investigation from Lt. Hausner.

On 2/15/14 I sent Deputy Jensen an e-mail stating I had reviewed the investigation and advising him I needed to meet with him. I set the meeting for Friday 2/20/15 at 1300 at my office.

Deputy Jensen arrived at my office as scheduled. I provided him an Administrative Proceedings for Internal Affairs Investigation form and asked him to read it and sign it, which he did. Deputy Jensen chose to not have Guild representation with him for this interview. I began an audio recording and got Deputy Jensen's permission to record our meeting.

I confirmed with Deputy Jensen that there was no dispute to the facts of the Conduct violation portion of this complaint. He freely admits he made an inappropriate remark to Mr. Rupert in the courtroom. He also agrees with Lt. Hausner's recommendation of a Verbal Warning for this violation.

I had no other questions regarding the Conduct violation and Deputy Jensen had nothing to add.

I then questioned him regarding the Use of Force allegation and showed him the segment of Mr. Rupert's video that was taken at that time in and just outside the Clerk's office. The video only shows a portion of Deputy Jensen's chest area at either very close range or zoomed in real close, the floor and some jerky images I can't make out. It does not capture any visual image of the encounter between Deputy Jensen and Mr. Rupert. It is impossible to tell from the video what Mr. Rupert did or how Deputy Jensen physically responded.

Deputy Jensen says as they were walking out of the Clerk's office Mr. Rupert was in the lead and he was behind Mr. Rupert. Somewhere behind Deputy Jensen was Mr. Rupert's friend Mr. Stumph. Deputy Jensen knows Mr. Rupert to be a convicted felon and to be a very hostile and aggressive person and he had reports Mr. Rupert was behaving in a very disruptive, hostile and threatening manner. Although Mr. Rupert was calm when Deputy Jensen first made contact with him, it can be heard on the audio of the video recording that Mr. Rupert's agitation level was increasing as they walked out of the Clerk's office. Deputy Jensen said that Mr. Rupert suddenly stopped and spun around toward him with the video camera in his hand. Deputy Jensen does not deny he had previously seen the video camera in Mr. Rupert's hand but this sudden movement surprised him and he instinctively reacted in a defensive manner securing Mr. Rupert's right hand with Deputy Jensen's left hand. Deputy Jensen used his right hand to push against Mr. Rupert's chest to secure him against the wall they were adjacent to.

When I pressed Deputy Jensen for a clear reason for putting hands on Mr. Rupert, Deputy Jensen gave two reasons. One was the defensive move he made in reaction to a perceived threat. The second was to take control of a situation with a hostile person he felt was about to get out of control.

Although the use of force in a defensive manner could possibly have been appropriate, laying hands on a person and pushing them up against a wall for the purpose of maintaining control of a verbally tense situation is not. The audio recording does not support Deputy Jensen's contention of a defensive reaction. It appears that as soon as physical contact is made, Deputy Jensen immediately begins to scold Mr. Rupert on his behavior and criticism of Deputy Jensen's conduct. There is no reference to Mr. Rupert being a threat to Deputy Jensen. This would support Deputy Jensen's second reason for using force, to maintain control of the situation, rather than a defensive reaction to a perceived threat.

Deputy Jensen's use of force was minimal, as he did not use any strikes, counter joint techniques or take Mr. Rupert to the ground, but was not justified.

This appears to be an isolate incident for Deputy Jensen. He has had no similar or related complaints in the past.

**Recommended Findings: 340.3.2(k) Conduct: Sustained – Verbal Warning
300.2 Use of Force: Sustained – Written Reprimand**

ADMINISTRATIVE PROCEEDINGS
for
Internal Affairs Investigation

You are hereby advised that you are about to be questioned as part of an official administrative investigation being conducted by the Pierce County Sheriff's Department. The purpose of this interview is to assist in determining whether disciplinary action is warranted and the answers could result in administrative action against you.

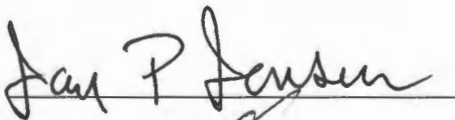
The Pierce County Sheriff's Department will treat this information as confidential and will not voluntarily release it except as legally required and/or as necessary for disciplinary proceedings and appeals of such proceedings. This information is likely subject to release as a result of a public disclosure request.

No employee shall obstruct, hinder, or impede internal investigations, disciplinary review process, or other departmental hearings. Furthermore, no employee will knowingly conceal or misrepresent facts relating to the investigation.

1. You are hereby ordered to fully and truthfully answer all questions asked of you. If you refuse to answer any question, your refusal may constitute a separate allegation of insubordination, which may result in cause for separate disciplinary action up to and including termination.
2. You will be asked specific questions which are directly and narrowly related to the performance of your official duties or your fitness as an employee or member of your department.
3. The answers to the questions or information gained from your interview will not be used against you in a criminal proceeding.
4. If you are a member of a recognized bargaining unit, you may have a Union/Guild representative present.

I hereby acknowledge that I have been informed of the above order and requirement to answer all questions truthfully.

Signed: _____



Date/Time: _____

2-20-15 1300

Witnessed: _____



Witnessed: _____

Witnessed: _____

Witnessed: _____

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number: IA 14-11-01/IPR 14-129

Date: February 20, 2015

Beginning Time: 1301 Hours

Ending Time: 1322 Hours

Location: Soundview Building

Officer: Captain Jerry Lawrence

Name of Subject: Deputy Jay Jensen

Date of Birth: _____

Q This is Captain Jerry Lawrence with the Pierce County Sheriff's Department. It is February 20th at 1301 hours. At the Soudview Building with ah...Deputy Jay Jensen regarding Internal Affairs #14-11-01, IPR 14-129. Jay do I have your permission to record this interview with you?

A Yes.

Q And is it ah...your decision to not have Guild representation with you here today?

A Yes.

Q Okay um...this is, this is regarding a use of force complaint and a conduct issue in the County City Building with Mr. Bo Rupert on October 31, 2014. Do you remember this incident or these incidents as they were combined into one complaint?

A Yes.

Q Okay as I read through the ah...the investigation and recommendations from Sergeant Leach and Lieutenant Hausner, I believe there is no disputing any of the facts or even the recommended discipline regarding the conduct is that correct?

A Correct.

Q About you're ah...ah...some words that you had with Mr. Rupert in a courtroom?

A Absolutely correct.

Q Okay um...and I don't have any questions about that at all. So nothing to add on that on your part?

A No I, I totally admit I used improper language when I contacted him in the courtroom.

Q Okay I do have some follow-up stuff regarding the use of force when you contacted Mr. Rupert at the clerk's office. Have you had the chance, have you seen the video that Mr. Rupert did?

A No.

Q Why?

A I don't know, I saw parts of it. I heard it was posted on the internet and I didn't look at on the internet um...during my initial interview um...I know I saw part of a video which just a portion of this one so I don't know if I've seen all of it, but I think I've seen parts of it at least.

Q Okay I've got the video cued to the part where you first make contact. What, what the video shows of your first contact with him um...the video that was provided by Mr. Rupert is not continuous raw footage. It is broken in segments.

A Okay.

Q Ah...this segment starts um...when you were first making contact with him in the clerk's office. The complaint about use of force and Mr. Rupert says that you grabbed him around the throat and pushed him up against the wall um...explain to me before we get into the video stuff here. I understand that you say that you saw something in his hand, reacted instinctively in a defensive manner. Explain to me how that transpired, what you recall seeing?

A Well okay I, I have to explain what happened leading up to it or it doesn't really make sense but...

Q Well I understand there's been a history with Mr. Rupert.

A Right, but on that particular day I was upstairs on the second floor when we got the call over the radio for ah...ah...assistance needed down in the clerk's office. Ah...two people being disruptive or something to that effect. Before I could even get off the second floor, an attorney who I don't know came up to me and said there's a guy going off in the clerk's office. As I get downstairs, there's a member of the clerk's staff meets me in the hallway and says there's a guy, there's two guys down here making threats and, and being obnoxious or you know making threatening staff is what he told me, threatening staff. So when I get down I recognize him. The first thing I say to him is look guys you can record anything you want, you can't harass the staff, you can't intimidate the staff, you can't do anything like that. You can't provoke an assault and then and this, this part then didn't occur until after my initial contact with him telling him look you guys are allowed to record anything you want. I'm not going to try to stop you from recording but then it escalated into the banter back and forth and I tried to tell him look you're going to have to just stop doing this and this and so that's probably, that's where I think this starts.

Q I believe, I believe that where this video starts. We'll cue it up as for the recording I've got an image paused on the screen here showing the beginning or shows Deputy Jensen's fingers where ah...Mr. Rupert had his camera held. So when you guys, you guys stepped out into the hallway from the clerk's office.

A Right at his request yes.

Q And it's your contention that you suddenly saw an object in Mr. Rupert's hand? Is that correct?

A He was walking ahead me, I was behind him then he turned. I knew he had something in his hand cause he always got his video camera and I knew who he was. But as he turned, it was just a blur that he's turning quickly. He's I didn't expect him to turn so fast. There still a second person somewhere

behind me and when he turned I just grabbed his hand and held it onto of the garbage can that's always there or recycle bin. I held his hand down on recycle bin and I pushed him by the chest against the wall cause I didn't know what he was spinning around so fast for. It was really abrupt.

Q Okay and that's why I wanted to go through the video here with you cause I'm not seeing that. The video isn't clear. It's ah...it's held in his hand it moves all over the place and jerky um...he contends that you just, you grabbed him by the throat and pushed him up against the wall. Um...and I'm not trying pin you in the corner here but I want you go through the video with me here.

A Right.

Q So you see what I see and so I can try to understand what your thought process was and see if the video in your thought process matches. I'm going to play the video here now this, this segment. I'll back up about two seconds here. (Listening to video). That's the extent of the ah...video on the alleged use of force.

A Okay.

Q I have to tell you as I watch it, it appears to me that he just got under skin finally and you lost your cool. Cause you walked out into the hallway, what um...of what we can see um...his camera was up at your chest level much of the time cause we're seeing your shirt, you hand, your badge pass by a couple times so it's obvious he didn't just suddenly bring it up, it was up in this range of your chest level for much of the video. Um...and then the only audio we hear is that you saying don't tell me what to do or whatever that is you said there. I'm not seeing a defensive reaction from your part as if you're responding to an attack. It appears here to me of I've had enough of your nonsense, listen to me now and, and you pushed him.

A Okay um...what you don't see is the whole initial contact where I'm telling him look guys you can record anything you want but you're not going to sit here and threaten the staff and this that and the other and there, that was a long period of time before he kept coming at me and I said okay you know enough is enough you're not going to behave this way in, in the courthouse. Um...and then he's the one who invited me out into the hallway and he walked ahead of me and I followed him and then at one point he turned really quickly and abruptly right at me and I still got the other guy, this the tall skinny guy I'm not sure of his name, um...Stumpf or something like that.

Q Yeah something like that, I can't remember his name, me neither.

A Yeah but the other guy is somewhere behind me but I'm responding to threats made to staff, I'm responding to a, to multiple calls of or multiple reports of people being obnoxious. Just because he calmed himself down at whatever moment, to me he's still a threat. I know from prior contact he's a convicted felon. I know that he's a multiple convicted felon. I don't know what he's capable of but I know that I'm not going to let him flipping dictate how things happen in this courthouse. My job is to keep everybody safe. Um...it doesn't show him turning at me. It doesn't show that whole altercation where I didn't grab him by the throat, I pushed him by the chest against the wall to keep him where I could get him to calm down because he was going up. Yeah I was getting frustrated with his, with his silliness but it's um...and I, I know that the Sheriff has commended me time and time and time again on my ability to deal with these mentally deranged people and he's always cause right outside his

office is where a lot of things happen. He comes out and he sees it, he knows what happens. Um...yeah this guy is, is a frustrating piece of a puzzle of probably 8 or 9 people that continue to do this in the courthouse but it's not, it's my reaction that day was on him spinning. I was upset and frustrated with his stupid games I guess I'd call it. But um...the only contact with him was holding his hand with the camera against the garbage can and pushing him against the wall to contain the situation. I didn't know where it was going, I didn't know what it was going to amount to. I didn't grab him by the throat and I don't think, if I'm right, his witness doesn't even say that he saw me grab him by the throat. I, my hand may have slid up his chest. I did not grab him by the throat at any point and time. But he is shorter than me so ah...it would be easy to have a hand slide up but I didn't choke him, grab him, I didn't throw him to the ground, I didn't do anything. I, I detained him until I tried to figure out what was going on. He calmed down, he said okay, okay he said that. He said I understand and what you don't hear is him basically he apologized to me for, for being out of line and that's when I broke contact with him. That was where I made the decision not to arrest him for disorderly conduct and let him walk away. He walked away and he goes straight down to, down to the front desk and wants to report an assault and then he did two points after this followed me down the hallway demanding that I, that I stop for him to arrest me and make a citizen's arrest because he wanted to place me under arrest. I offered him that opportunity twice. I stopped I said look if you want to arrest me if you think that you can do that go ahead. I don't think it's going to end well for you but go ahead and he, he declined both times. Um...

Q I'm just trying, I'm just trying to break it down.

A I, I...

Q The justification for putting hands on a person. We have a, we have our rules and regulations on when we can go hands on with people and when the appropriate time for that is ah...and I'm trying to determine if this was an appropriate use of force um...not whatever the level of force is but I got to start with the first step is was it an appropriate use of force. If it was a matter of I've had enough of your nonsense, let's meet mister and putting hands on someone I think we'd agree that's not an appropriate use of force.

A Right and, and that's not meaning you can look historically, that's not anything I've ever done and you can and I mean my entire career is not that. I don't do that I, I very rarely go hands on with people but when I do it's generally just because it was a honest to God it was a reaction and it's, it's to contain the situation not, not to escalate it, not to just to use the minimum amount of force necessary to control the situation with what's going on at the time.

Q Explain that to me, said to contain the situation or control the situation? What were you containing, what were you controlling by using force?

A When, when he turned quickly I didn't I really, really my head says okay stop it. He was, he was being verbal and he's, he's um...he's easily agitated um...

Q Stop him from what?

A I don't know exactly what my thought was. I'd like to say stop him from assaulting me or trying to assault me but I don't know if that was actually my thought, I really don't and I'm not going to sit here

and lie to you. Um...containing it until I can figure out what was going on and, and calm him down that is what I did and that's what the end result was as far as I was concerned. He was calmed down by the time that we ended our conversation and it ended as a conversation not as a get the hell out of my face or you go away or flippant bitching back and forth. Um...it ended a lot better than the confrontation with Judge Culpepper actually but um...it was, it ended and it was, it was in my mind resolved. He had calmed down, he'd being verbal and vocal.

Q Part of the policy reads on regarding use of force ah...lawfully some officers shall use only that amount of force that is reasonably. I'm sorry let me start over here. Law enforcement officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the law enforcement officer at the time of the event to accomplish a legitimate law enforcement purpose. What was the law enforcement purpose?

A Stopping the disruption in the courthouse and the disorderly conduct that he was conducting inside the clerk's office. I, honestly my intent was I was going to arrest him for disorderly conduct and after, after I got him to calm down and after we talked I said okay you know what this is good and, and in my head I appeared that I had calmed him down, he wasn't going to continue. He said okay and he actually said okay several times I mean you can hear that at the end of the tape. He's agreeing with me that he was out of line and he needed to calm down and then he did and he actually calmed down. I at one point had asked him and there's no tape about this part because his eyes are really deceptive. I asked him if he had been drinking or if he was on something or smoking something and he popped out his fake eye. I didn't know he had a fake eye until then and kinda freaked me out but he popped it out no I just have a glass eye and that's why it looks weird. Then he popped it back in like nobody's business. Um...but none of that's on the video. The whole end of the conversation where he basically apologizes he says okay I understand okay and then he walks away calmly. None of that is on the on the video he provided obviously so um...it's also in a dead spot in the courthouse where there's no video in that, that one section of that hallway there's no video there's no um...surveillance video from the courthouse itself. We can go down the hallway this way and we can go down this way but the cameras point away from this area so I couldn't even go up and get the video to show what had actually happened. All we have is what he alleges on his what he wants us to see or wants you to see or whoever.

Q Right it would be nice if there were better video angles um...but this is what we have to live with.

A Certainly, no I understand.

Q Based on what he said, what you said and the ah...imperfect video that was provided to us. At one point during your, your one of your interviews I think being with Detective Donlin there was, there was reference to it being a defensive move since he, he had turned quickly at you with something in his hand. You reacted and instinctively.

A Yeah I...

Q See what you thought might have been an assault but now today you're telling me that well I'm not sure what I was thinking, I don't know what I was thinking.

- A Well okay I know that when he turned I instinctively stopped his hand and put it against the garbage can and my hand I think was just more of an instinctive reaction to stop him from continuing in whatever that motion was. Um...
- Q What I wanted, let me stop you there for a second, because with the video we saw you could see that the ah...his hand with the video camera in it was had to be up at about chest level during much of your earliest encounter with him prior to walking out to the hallway because it was...
- A Right.
- Q Showing your badge...
- A Right.
- Q Your hand ah...there at your chest level so where was the surprise when you got out into the hallway that he had something in his hand?
- A Well it wasn't that he had something in his hand, it was that something in his hand it was just his, his rapid turning is what it was that he turned very abruptly. I didn't expect it, I didn't anticipate it and it was just everything you know. Hindsight says yeah I knew it was a video camera and I, I should have known exactly he's not going to strike me with the one thing that he uses as a, as a tool um...but at the time it was just a reaction of someone turning quickly. Something in their hand and you know dealing with all the, the I don't know if you saw how many people that the clerk's office had a staff load of people who were all I was trying to get him you know separated from them as well as, as them separated from him. I mean there a group of them I didn't know that many people worked in the clerk's office um...a large group was in there um...and it was just a, a instinctive reaction to stop this, this sudden turn. Um...I'm trying, still trying to figure out what at that point what had actually happened, what had transpired and all I had was the radio call saying there's a disruption, the big tall guy from the clerk's office, I don't even know his name, telling me coming down the hall that there's people threatening staff in the clerk's office and being, being obnoxious. But the only thing that stuck in my head was, was two guys threatening staff. Two of them, one of me and, and in my head I mean it all added up to that situation and ending the way that it did. But we don't see the end of the video. Honestly the ending was very um...cordial, it was very you know once I got it, once I got him stopped and then I got him to calm down he actually became quite pleasant and it wasn't and it wasn't his usual chippy person that he had been in other circumstances with other people that witnessed him with Dennis Robinson in a different altercation.
- Q Okay and that's great but understand the focus of this investigation is very narrow.
- A Right.
- Q To that one incident in time where you laid hands on him.
- A And then, and then...
- Q What lead up to it is, is relevant what happened afterwards is less relevant. Um...it's just a matter of we know you laid hands on him no one's disputing that right?

A Right.

Q It's a just a matter of why.

A And I honestly it was a contain the situation, control him, get him to calm down and there was no hand to the throat, there were no marks or anything that I know of anywhere on his body. I held the hand and I, and I held him against the wall with one hand. It wasn't a shoulder into him, it wasn't flipping, grabbing him by the hair and throw him on the ground; it wasn't anything more than just controlling a person who was up.

Q Okay I don't have any other questions. Anything else you want to add?

A No I'm, I'm glad I'm not good at these but...

Q Okay it's ah...now 1322 hours. I'm ending the ah...recording.

Gerald Lawrence

From: Jay Jensen
Sent: Tuesday, February 17, 2015 8:30 AM
To: Gerald Lawrence
Subject: RE: IA #14-11-01

Got it.

From: Gerald Lawrence
Sent: Sunday, February 15, 2015 1:14 PM
To: Jay Jensen
Subject: IA #14-11-01

Jay,

I have reviewed the investigation regarding IA #14-11-01. I have a couple of questions to go over with you.

Please meet me at my office at the Soundview Building on Friday 2/20/15 at 1300. This is a mandatory meeting.

You may have a Guild representative attend with you. It is your responsibility to make those arrangements if you so chose.

Captain Jerry Lawrence | Administrative Services
Pierce County Sheriff's Department
253.798.3859

lawren@co.pierce.wa.us



Gerald Lawrence

From: Jay Jensen
To: Gerald Lawrence
Sent: Tuesday, February 17, 2015 8:13 AM
Subject: Read: IA #14-11-01

Your message was read on Tuesday, February 17, 2015 8:12:32 AM (GMT-08:00) Pacific Time (US & Canada).

Gerald Lawrence

From: Gerald Lawrence
Sent: Friday, February 27, 2015 11:08 AM
To: Jay Jensen
Subject: IA Recommendation
Attachments: Jensen Recommendation IPR #14-129 IA #14-11-01.docx

Tracking:	Recipient	Delivery	Read
	Jay Jensen	Delivered: 2/27/2015 11:08 AM	Read: 2/27/2015 3:24 PM

Jay,

Attached is my review and recommendation regarding IA #14-11-01. I am sending this on to Chief Bomkamp.

Captain Jerry Lawrence | Administrative Services
Pierce County Sheriff's Department
253.798.3859
glawren@co.pierce.wa.us



Gerald Lawrence

From: Jay Jensen
To: Gerald Lawrence
Sent: Friday, February 27, 2015 3:24 PM
Subject: Read: IA Recommendation

Your message was read on Friday, February 27, 2015 3:23:49 PM (GMT-08:00) Pacific Time (US & Canada).

**INTERNAL AFFAIRS
SECTION**

**PLEASE DO NOT TAKE OUT
OR ADD ANY DOCUMENTS
PAST THIS PAGE**

Thank you

IA # 14-11-01
IPR # 14-129
Subject: Deputy J. Jensen
Prepared by Detective T. Donlin #207

Table of Contents

Section 1	Incident Performance Report #14-129 Associated possible violations of PCSD Manual
Section 2	PCSD Deputy J. Jensen information sheet Previous IPR Summary Reports
Section 3	Summary Investigative Narrative by Detective T. Donlin
Section 4	Transcribed Statement of Mr. Bo Rupert
Section 5	Transcribed Statement of Deputy J. Jensen
Section 6	Incident Report 14-304-0723 and Use of Force Form Handwritten Statements by Mr. Rupert and Mr. Stumpf
Section 7	Mr. Rupert's "Community" Facebook page Mr. Rupert's request for documents regarding this incident Miscellaneous e-mail
Section 8	General Affidavit authored by Mr. Rupert
Section 9	General Affidavit authored by Mr. Stumpf
Section 10	DVD and CD's containing recorded interviews and videos

SECTION 1

PIERCE COUNTY SHERIFF'S DEPARTMENT INCIDENT PERFORMANCE REPORT

14-129

IPR NO.

14-11-01

IA NO.

DISPOSITION:

UNFOUNDED	[]	INITIAL
EXONERATED	[]	
NOT SUSTAINED	[]	
SUSTAINED	[]	
NOT INVOLVED	[]	

- ☐ Commendation
☒ Criticism
☐ Inquiry

DATE: 11/6/14 TIME: 1300

EMPLOYEE Deputy Jay Jensen UNIT 380 ASSIGNMENT CT SEC
 REPORTEE Bo Rupert (email - TheSenator1994@gmail.com) PHONE none listed
 ADDRESS 5110 S 372nd St CITY Auburn ST WA ZIP 98001
 Incident Occurred: Date: 10/31/14 Time: 1430 Location CCB

NATURE OF CALL: (Brief Statement)Manual Violation(s): Section 300.2 Title Use of Force

Mr. Rupert made a complaint against Deputy Jensen stating that he was assaulted by Deputy Jensen during a contact outside the Clerk's Office (room 110) at the CCB. The contact was made with Mr. Rupert following a disturbance in the Clerk's Office. Mr. Rupert stated he was grabbed by the throat by Deputy Jensen.

Case #14-304-0723.

☐ Check here to indicate additional comments are attachedCALL RECEIVED BY: Sgt. R. Leach Unit # 81**INSTRUCTIONS:**

1. All performance of an employee (commendable or critical) when reported is to be noted on this form.
2. Open the IPR (Word) template on the SHRWEB, and fill in the fields on the form. List any pertinent manual violations by Section # and Title. Include a Summary of the complaint/commendation under Nature of Call (Brief Statement).
3. E-mail the electronic (Word) copy of the IPR to Internal Affairs to obtain an IPR number. IA will assign a number and will return the IPR via e-mail to the initiator.
4. Contact the Internal Affairs supervisor if the IPR falls under the type of misconduct in Section 3.02.094 Internal Affairs. For Division IPR's, print a hard copy with associated attachments and route to the employee's supervisor for investigation.
5. Once the IPR has been processed through the chain of command through to the Sheriff, return it to Internal Affairs for notification, recording, and storage.

FIRST LEVEL SUPERVISOR	UNIT NO.	Date
-------------------------------	-----------------	-------------

☐ <i>Comments are attached [check]</i>	Recommended Disposition
---	--------------------------------

SECOND LEVEL SUPERVISOR	UNIT NO.	Date
--------------------------------	-----------------	-------------

☐ <i>Comments are attached [check]</i>	Recommended Disposition
---	--------------------------------

DIVISION COMMANDER	UNIT NO.	Date
---------------------------	-----------------	-------------

☐ <i>Comments are attached [check]</i>	Recommended Disposition
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BUREAU CHIEF	UNIT NO.	Date
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☐ <i>Comments are attached [check]</i>	Recommended Disposition
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UNDERSHERIFF	UNIT NO.	Date
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☐ <i>Comments are attached [check]</i>	Recommended Disposition
---	--------------------------------

SHERIFF	Date
----------------	-------------

☐ <i>Comments are attached [check]</i>	FINAL DISPOSITION
---	--------------------------

[For administrative purposes only. Do not write below this line]

PERSONNEL ADVISED OF DISPOSITION: DATE BY [initial]

[] EMPLOYEE _____

[] REPORTEE _____

[] OTHER _____

300.2 USE OF FORCE

Law Enforcement Officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the LEO at the time of the event, to accomplish a legitimate law enforcement purpose.

The "reasonableness" of force will be judged from the perspective of a reasonable LEO on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that LEO's are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a LEO may encounter, LEO's are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which LEO's reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. LEO's may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a LEO to retreat or be exposed to possible physical injury before applying reasonable force.

300.2.1 USE OF FORCE TO EFFECT AN ARREST

A Law Enforcement Officer may use all means reasonably necessary to effect an arrest if, after notice of the intention to arrest the person, he/she either flees or forcibly resists. ([RCW 10.31.050](#)).

300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Imminency and severity of the threat to LEO's or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the LEO at the time.
- (c) LEO/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of LEO's available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the LEO.
- (k) Potential for injury to the LEO's, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the LEO.

- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the LEO or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

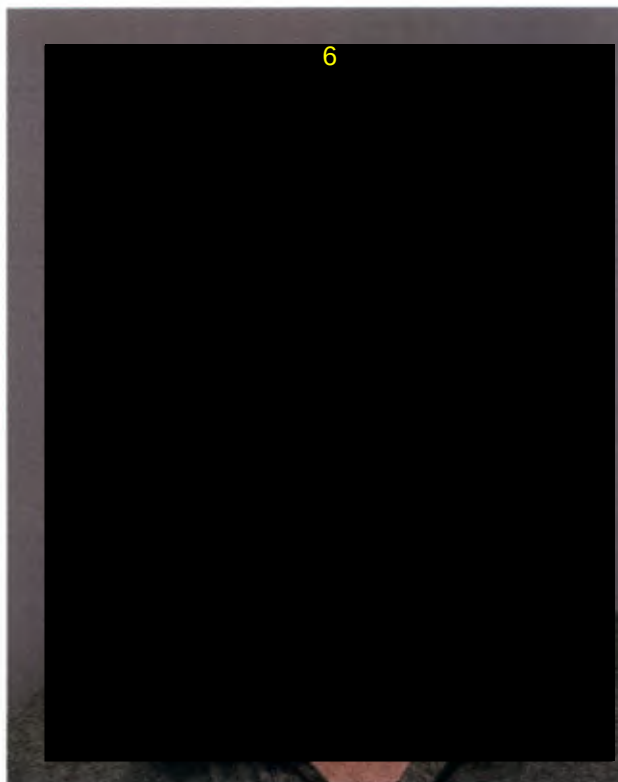
340.3.2

Conduct

340.3.2 (k)

Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency.

SECTION 2



6

6

My Pierce County

Person Search

Jay Jensen (10164)

[View Info](#) [myIT Calls](#) [Roles/Teams](#) [Transcript](#) [Systems](#) [myIT Assignments](#) [Door Security Access](#) [Active Directory](#)

Legal Name:	Jay Jensen	Person ID:	10164
Preferred Name:	Jay Jensen		
Status:	Active - Paid County Employee (Career Service, Extra Hire, etc.)		
Employee Type:	Regular Employee		
Supervisory Org:	Sheriff-Civil/Court Security	Supervisor:	
Business Title:	Deputy Sheriff		
Job Profile:	Deputy Sheriff		
Network Security Org:	Sheriff/Law Enforcement	Badge Type:	Employee Sheriff Comm
Login Name:	jjensen	Email Address:	jjensen@co.pierce.wa.us
Phone Numbers			
Primary:	253-798-7530		

[Update](#) [Return to Person List](#) [Corrections?](#) [View Protected Information](#) [What is PCWARN?](#)

Photo
Not
Available



Pierce County

[Site Map](#)

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PIERCE COUNTY SHERIFF'S DEPARTMENT

Person Report

Name

Last: JENSEN First: JAY MI: Alias:

DOB: 6 AGE: 6 SSN:

Sex: Male

Race:

Height:

Weight:

Build:

Hair Color:

Eye Color:

Notes:

Contact Information

Primary Contact

Address Verified: ☐

Contact Type:

Number/Info:

Address1:

Address2:

City:

State:

Zip:

Additional Contacts

Employee Information

Employee ID: 1996-029

Badge ID:

Supervisor:

Supervisor ID:

Agency: PIERCE COUNTY SHERIFF'S DEPARTMENT

Hire Date: 02/20/1996

Bureau: OPERATIONS

Status: Active

Position: COURT SECURITY

Department:

Rank: DEPUTY

Assignment: HEADQUARTERS

Budget Code:

Shift:

Restrictions:

Sworn:

Education:

Start Date:

ADA Req.

Date of

Separation:

Separation:

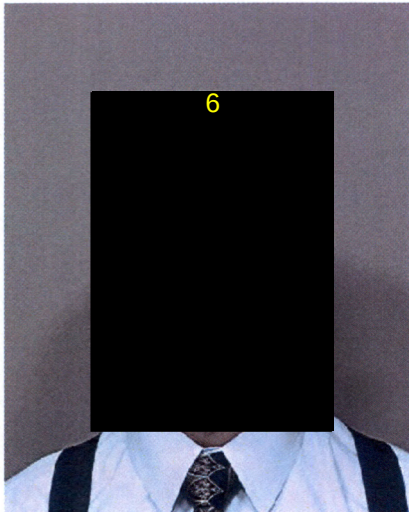
History

Investigation/Incident	Case/Inc #	Date		Report #	Status	Involvement
		Incident	Reported			
CRITICISM	IPR-14-129	10/31/2014	11/06/2014	IA 14-11-01	Open	Employee
COMMENDATION	IPR-13-115	08/01/2013	09/25/2013		Closed	Employee
COMMENDATION	IPR-10-123	07/09/2010	07/26/2010		Closed	Employee

000067

CRITICISM	IPR-07-184	10/12/2007	10/15/2007	IA-07-10-02	Closed	Employee
COMMENDATION	IPR-05-319	01/20/2005	11/22/2005		Closed	Complainant
COMMENDATION	IPR-04-203	04/01/2004	09/29/2004	Case destroyed per Retention Schedule S84-112 (revised)	Closed	Employee

Photo



Date: November 12, 2014

To: Deputy J. Jensen

From: Detective T. Donlin #207

Re: **Notice an Internal Affairs Investigation has been initiated**

Deputy Jensen,

I am informing you that the Sheriff's Department Internal Affairs Unit has received a complaint about you and an investigation has started. Please understand it is early in the investigation and it may take some time for the process to be completed.

The Internal Affairs unit has received a complaint under Incident Performance Report #14-129 and will be conducting an investigation into this complaint. The complaint is in regards to an allegation you assaulted an individual on 10/31/14 at the County City Bldg. (Cs #14-304-0723)

The section of the Pierce County Sheriff's Department (PCSD) Manual that has been identified in the complaint is:

PCSD Manual section 300.2

Use of Force

This does not preclude the possibility of other possible violations being discovered during the investigation of this case.

If you have any questions please feel free to contact me at office phone number 798-6585. I will contact you at a later date to schedule an interview date and time.

T. Donlin



Detective/PCSD
Internal Affairs Unit
253.798.6585
Tdonlin@co.pierce.wa.us

Date: December 5, 2014

RE: IA: 14-11-01

IPR: 14-129

Detective J. Jensen

I am sending this notice of investigative interview via e-mail. Please be advised that you are being ordered to appear for an interview.

On behalf of the Pierce County Sheriff's Department, I am investigating a complaint of alleged violation of the PCSD Manual as documented in IPR #14-129.

You are ordered to report to:

***Detective T. Donlin #207
3602 Pacific Ave, Suite #100
Tacoma, WA 98418
Tuesday, December 23, 2014 @ 1000 hours***

You are further advised that you will be ordered and required to fully and truthfully answer all questions asked of you in this interview. It is my intent to tape record the interview. If you have objections to the recording please notify me in advance.

You are ordered not to discuss this investigation with anyone excluding your chain of command and/or your Guild representative.

Your duty to comply is outlined in the P.C.S.D. Manual Section 2.09.020 (Authority and Responsibility).

For a full and detailed explanation of your rights in this matter I encourage you to read the manual section on Investigatory Interviews and the Employee Rights section of your Contract before the meeting.

Please feel free to bring any information (written or oral) that you wish to provide. If you have any questions you may call me at 798-6585.

Sincerely,

T. Donlin



Detective/PCSD
Internal Affairs Unit
253.798.6585
Tdonlin@co.pierce.wa.us

SECTION 3

IPR #14-129
IA #14-11-01
Subject: Deputy J. Jensen
Prepared by Detective T. Donlin #207

Investigative Narrative

November 12, 2014

On this date I received IPR #14-129. Sgt. R. Leach reports that complainant Bo Rupert alleges he was assaulted by Dep. Jensen outside the County Clerk's Office on October 31, 2014. Mr. Rupert alleges that Deputy Jensen grabbed him by the throat. Please refer to incident report #14-304-0723. There was also a DVD provided by Mr. Rupert that contained video of the alleged assault by Deputy Jensen.

This is a possible violation of:

Policy 300.2	Use of Force
340.3.2(k)	Conduct

I sent Dep. Jensen a notice advising him of this investigation. I also received a Use of Force form submitted by Dep. Jensen. In this report, Dep. Jensen notes the following:

On 10/31/2014 at 1330 hours, he was advised by G4S Security that there was some type of altercation in Clerk of the Superior Court's Office. On his way there, he was contacted and told there was a big commotion in the Clerk's Office. He was then contacted by a staff member of the Clerk's Office who advised him there was an individual with a camera threatening staff and calling employees names.

Dep. Jensen wrote that as he entered the Clerk's Office, he observed two individuals he described as having been "rather obnoxious" in the past standing at the counter. He recognized one of the individuals as Mr. Rupert.

Dep. Jensen said he approached them and quietly told them they were free to video record whatever they liked but that they were not free to be disorderly or hostile towards the employees. He wrote that he further advised Mr. Rupert that he would not be allowed to behave in a manner that would be offensive to others or to provoke an assault by verbally assaulting the staff. Mr. Rupert then invited him to go out into the hall to discuss the matter.

Dep. Jensen then wrote, "No one was more surprised than this Deputy when suddenly; right outside the main office door, Mr. Rupert turned very abruptly towards me while raising his right hand with a dark colored object in it. Fearing he had lured me into a location where he, through his prior video tapping surveillance of the interior of the court house, knew there were no video cameras to capture his assault of me, I quickly blocked his right hand with my left while pushing him in the chest against the wall of the main hallway." Dep. Jensen wrote he then told Mr. Rupert that his behavior was not acceptable and that if he were to continue, he (Dep. Jensen) would physically remove him from the building if not arrest him for disorderly conduct for his continued disruptions of the Court's business. Mr. Rupert and his friend then left the area of the Clerk's Office.

The Use of Force form and Incident Report 14-304-0723 is located in Section 5.

I called Mr. Rupert. After several phone calls, we scheduled an interview for 11/26/14. Mr. Rupert said he would like to bring a friend with him and that he would also try to bring Mr. Stumpf with him. Mr. Stumpf was the individual that was with Mr. Rupert in the Clerk's Office on 10/31/14.

I also attempted to view the videos provided by Mr. Rupert on the DVD. There are 6 movie clips and several links to YouTube on this disk. The disk appears to have some blemishes or slight damage to the recorded surface. Over the course of several days I attempted to play these movie clips. At times 1 or 2 of them would play on my computer. I tried playing the disk on other computers and found the same issues. Fortunately, Mr. Rupert had also copied these videos and posted them on the internet site YouTube. I was able to watch these videos via the internet.

One such video, which is titled "Assault" on the disk, shows the interaction Mr. Rupert refers to. The entire video is 39 seconds long. It starts with what appears to be a Pierce County Deputy Sheriff in uniform in an extremely close proximity to the person recording the incident. The deputy is identified as Deputy Jensen and the person recording is Mr. Rupert. I am able to view Deputy Jensen pointing his finger towards Mr. Rupert. Mr. Rupert makes a comment that he is backing up and indicates he does not want Deputy Jensen "in his face." Deputy Jensen continues to approach Mr. Rupert and tells him that he is trying to have a private conversation with him. Mr. Rupert then suggests they go into the hall and Deputy Jensen agrees. As they walk out of the Clerk's Office, Mr. Rupert continues to make remarks such as "you do not have the right to invade my space", "I want your Sheriff here", "Where's your boss?" and "Where's your Sheriff?"

Almost immediately after leaving the Clerk's office, Deputy Jensen again comes into an extremely close proximity to Mr. Rupert. I am initially able to see Deputy Jensen's uniform but then the view from the camera then shifts to display the floor. Deputy Jensen then tells Mr. Rupert, "You do not tell me what I can and cannot do. You do not have the right to come in here and incite violence. If you are going to make threats..." Mr. Rupert can be heard to then say, "I will stop, I will stop" and the screen then goes black.

Note – The DVD provided by Mr. Rupert is located in Section 10.

November 26, 2014

Mr. Rupert arrived for his scheduled interview. He was accompanied by Mr. Stumpf. I escorted them into a conference room in the secured area of the Internal Affairs Unit. This area is not open or available to the general public. Mr. Rupert had questions regarding the criminal investigation regarding this incident. I explained I was conducting an internal investigation in regards to an employee, identified as Dep. Jensen, allegedly violating policies or procedures of the Pierce County Sheriff's Department. Any criminal inquiries he had would need to be addressed by the Prosecutor's Office. I explained this was not a public area and that this was an ongoing investigation therefore I would not be allowing him to video record the interview. I advised him that he was welcome to request a copy of not only the recording of our interview but the entire investigation. He said he was satisfied with that and agreed not to record. Mr. Rupert and Mr. Stumpf also brought documents with them that were titled "General Affidavit." These were signed and notarized originals which we were told were for our records. They each had additional copies.

I explained I would like to interview them separately and had Mr. Stumpf wait in a nearby lunch room.

Det/Sgt Berg assisted me with my interview of Mr. Rupert. Mr. Rupert gave his permission allowing me to record the interview.

I asked Mr. Rupert to tell me what occurred on 10/31/14 that initiated this investigation. Mr. Rupert told us he and a friend, Mr. Stumpf, went to the County/City Building due to trouble Mr. Stumpf was having with Adult Protective Services. Mr. Rupert said he is representing Mr. Stumpf for an appeal with the Office of Administrative Hearings. It was their intent to review some records. Using a Sony camcorder, he recorded everything that was going on. He said the recorder was in plain sight and he was holding it up in one hand.

Mr. Rupert said they went to the County Clerk's Office because he wanted to see the transcripts from a hearing that he had missed but the staff in the Clerk's Office began arguing with him. He said the arguing or dispute was because of his video recording. The staff did not want to be recorded. He said he told them it was his right to record in a public building, in a public place, public servants carrying out public duties. He said he was basically told that he and Mr. Stumpf would not be spoken to or helped until they turned the recorder off. Mr. Rupert said he advised them that he still needed the records he had requested and that he was not turning off the recorder. He said this banter went back and forth for several minutes. Mr. Rupert said he felt this individual was becoming a bit more antagonistic so he started to walk away. Mr. Rupert conceded that as he walked away he called this individual a "prick." He said he did not raise his voice when he said this nor did he yell or threaten him in any way. Mr. Rupert said he assumed it was at this time that security was called for but did not know of that call until contacted by law enforcement. A couple of minutes later another individual, who he believes was Mr. K. Stock came out and spoke to them. Mr. Stock initially told them they would not be spoken to until they turned off the recorder. Mr. Rupert again advised them he would not turn off the recorder. Mr. Stock then gave him a form to fill out to get the requested documents.

Mr. Rupert said that due to his video camera having a limited amount of storage capacity, he turned it off while he was filling out the request form. He said that as he filled out the form, Deputy Jensen came up from behind him on his right side and spoke into his ear saying, "If you're going to keep coming in here and being disruptive, you and I are going to have a problem." Mr. Rupert said he was startled by Deputy Jensen. At this time, Mr. Rupert explained he has a prosthetic right eye and he then removed it to show me. I felt one reason he was telling and showing me this was to demonstrate that he is blind on his right side and would not see anyone coming up from that side of him. Another reason was so to explain why a person might be suspicious of possible drug or alcohol use if they only used the appearance of his eyes as evidence.

Mr. Rupert said that as soon as he was contacted he turned his video recorder back on. He said Deputy Jensen positioned himself very close to him which made him uncomfortable. Mr. Rupert said he backed up and Deputy Jensen continued to move closer to him. Mr. Rupert said he told Deputy Jensen he was going to take 2 steps back and Deputy Jensen told him he could take as many steps back as he liked but he was trying to have a private conversation with him.

Mr. Rupert said he then thought that to keep things private and to not have Deputy Jensen in his "personal space" he thought it best they go out into the hall. Mr. Rupert said he walked out of the Clerk's Office and was followed by Deputy Jensen. Mr. Stumpf stayed inside the Clerk's Office.

Mr. Rupert said that as they walked out, he was irritated at how Deputy Jensen was behaving and he may have seemed a little combative or confrontational. He said that immediately upon exiting the Clerk's Office he turned towards the right hand side of the hall. He said he asked Deputy Jensen where his sergeant or the Sheriff was. He said that at that point Deputy Jensen grabbed him by the throat and shoved him against the wall and told him he did not have the right to come in and incite violence. Mr. Rupert claims Deputy Jensen then told him that he (Mr. Rupert) could not tell him what to do. Deputy

Jensen then grabbed his hand and took the video camera out of it. Mr. Rupert said that at the same time, the view screen was closed and this in turn caused the video camera to turn itself off.

Mr. Rupert told us that as this was occurring, he repeatedly stated to Deputy Jensen, "I will stop." He told me he said this because he was just trying to get Deputy Jensen to get his hands off of him. Mr. Rupert did go on to say that he came very close to fighting with Deputy Jensen because he felt Deputy Jensen did not have the right to touch him. He also told me Deputy Jensen then looked at his eyes and asked him if he had been smoking something to which he replied he smoked cigarettes. Deputy Jensen again asked if he had been smoking something. Mr. Rupert said he then realized Deputy Jensen was probably asking because he is noticing something different about his eyes. Mr. Rupert said he then removed his artificial eye and showed it to Deputy Jensen telling him he had lost that eye to cancer. He said as soon as Deputy Jensen released him, Deputy Jensen went back into the Clerk's Office and he and Mr. Stumpf went to the Sheriff's Department front desk.

I asked Mr. Rupert what had happened to his video camera. He said that Deputy Jensen had taken it and turned it off. He said Deputy Jensen then told him that the camera would be used as evidence against him if he was going to come into the County/City building and be disruptive.

Mr. Rupert said he told Deputy Jensen that he had the right to record and that Deputy Jensen did not have the right to take his camera or "stuff" on the camera from him and if he ever did it again, he would sue him. He would also go after the insurance agency that wrote his bond, and the County for employing him. He said Deputy Jensen then returned his camera to him.

I asked Mr. Rupert if he was sure that Deputy Jensen knew it was a camera in his hand. He said the camera was out and visible and he had no doubt Deputy Jensen knew it was a camera. He said Deputy Jensen also knew that he was recording at the time. I asked if Deputy Jensen had made any threats when he returned the camera. Mr. Rupert said Deputy Jensen told him, "There's nothing my punk faggot ass could do about him using that as evidence against me after he took it."

I asked Mr. Rupert if Mr. Stumpf saw what had occurred between him and Deputy Jensen. He said Mr. Stumpf did see Deputy Jensen shove him against the wall but the way their bodies were positioned he did not see or hear what had happened to the camera or any threats.

Once at the Sheriff's front desk, he said it was his intent to file a report that he was assaulted by Deputy Jensen. Mr. Rupert then explained that this was not his first incident or contact with Deputy Jensen or other Pierce County Sheriff's deputies. He said that a couple of weeks previously he had had another dispute with Deputy Jensen and Deputy Robinson after they responded to a call from security. He said this was also in regards to him filming as he attempted to enter the County/City Building. He said at that time he also made a complaint with the Sheriff's Department.

Mr. Rupert said that as he waited for someone to come out and take his report, he was contacted by Deputy Robinson. Mr. Rupert said that he felt he was being "railroaded" because he had already made one complaint against Deputies Robinson and Jensen and now here was Deputy Robinson contacting him. Mr. Rupert said they argued back and forth. He said Deputy Robinson claimed to be the senior deputy available at the time and he would have someone call him if he provided a phone number. Mr. Rupert said he insisted on someone else immediately contacting him. Deputy Shook then came out and took his information. He said he was satisfied with Deputy Shook doing this.

I asked Mr. Rupert what he wanted or expected as a result of this investigation. He said he would like Deputy Jensen to be charged with assault in the "fourth" degree, official misconduct and theft and if nothing else, some sort of reprimand.

Note: I have paraphrased the above statements made by Mr. Rupert. Please read and refer to his transcribed statement for complete details of that interview. A copy of the transcribed interview is located in Section 5.

Once we completed Mr. Rupert's interview we contacted Mr. Stumpf who was waiting in a nearby lunch room. When we walked in, Mr. Stumpf was talking on his cell phone. We told him we had finished the first interview and were now ready to begin his interview. Mr. Stumpf now told us that he was advised not to speak to us without an attorney. He also told us he wanted his affidavit back that he had previously given us. Det/Sgt Berg, myself and even Mr. Rupert were somewhat stunned at this turn of events. Mr. Rupert tried talking to the person on the phone but was having difficulty due to very poor reception. It was eventually decided that we would make copies of the affidavits which I would keep and they would take the originals that they had brought with them.

I told Mr. Stumpf that I would still like to talk to him at some point. He said he would get back with me if his attorney approved it.

I later reviewed Mr. Stumpf's affidavit. One point of interest was that Mr. Rupert had told me that Mr. Stumpf could not hear what was said between him and Deputy Jensen once they went out into the hallway. In Mr. Stumpf's affidavit, he writes, "At that point the doors to the clerk's office closed and I remained inside waiting for the requested records, and watching Mr. Rupert and Deputy Jensen through the glass. I was shocked as I observed Deputy Jensen slam Mr. Rupert into the marble wall. From my position just inside the glass door and window, I could feel and hear the concussion from Mr. Rupert impacting the wall. Mr. Rupert's eyes were wide and his expression appeared very fearful. I then heard Deputy Jensen yell, "You do not tell me what I can and cannot do!" Mr. Rupert and I went to the courthouse to review public records. Instead I witnessed an assault."

Mr. Rupert's affidavit is located in Section 8 and Mr. Stumpf's affidavit is located in Section 9.

December 3, 2014

On this date I spoke to Mr. Kevin Stock who is the Clerk of the Superior Court. Mr. Stock confirmed he was aware of the incident and that he also had had contact with Mr. Rupert and recalled those events.

Mr. Stock said he became aware of a disruption in the Clerk's office after being advised by one of his employees. He said he was told there was a person (Mr. Rupert) that was getting mouthy and that it was causing a disruption. He said he did not know exactly what Mr. Rupert was requesting but that he was filming the conversations and appeared to be trying to show off in front of the camera. He said Mr. Rupert refused to listen to him or anyone else. Mr. Stock said he attempted to deescalate the incident but that he felt Mr. Rupert was quickly becoming unreasonable. He then had one of his employees call security to have someone come and contact Mr. Rupert before things got out of hand. Mr. Stock said he was never personally threatened by Mr. Rupert and he did not hear Mr. Rupert threaten anyone else but that if help did not arrive soon, Mr. Rupert might become out of control. He said he just wanted to calm things down so that others could conduct their business without fear or interruption. Mr. Stock reiterated that it was just that he felt the situation was escalating. He had security contacted only because of that and not because of any specific threat made by Mr. Rupert.

Mr. Stock told me that Mr. Rupert did return at a later date accompanied by another individual he did not recognize. He said this individual was fairly knowledgeable and his office was able to take care of their request without any issues.

December 4, 2015

Mr. Rupert never provided the additional footage he complained of that occurred in Courtroom 117 between him and Deputy Jensen. I was able to find that this footage had also been uploaded to YouTube. Detective Helmcke, of the Sheriff Department's Computer Crimes Unit copied that video onto a CD and delivered it to the Internal Affairs Unit.

I had viewed it on YouTube via the internet and now viewed it from the CD. The video file is titled Corruption, Intimidation, Lies and Assault. There is also text that displays the originator's thoughts or opinions. This text does not at all block what is said or transpires in the video however. This video is a compilation of multiple recordings at the County City building to include the incident in the Clerk's Office, the 2nd floor entry and an incident in Courtroom 117. In that particular incident, there is continued banter between Mr. Rupert, one of his associates and deputies. At the 12:08 mark, Deputy Jensen can be seen to lean in towards Mr. Rupert, who is recording, and say, "I don't give a fucking shit."

Note – A CD containing this video is located in Section 10 and is titled Courthouse YouTube video.

December 23, 2015

Deputy Jensen contacted me at my office for his scheduled interview. Deputy Jensen arrived alone and told me he did not wish to have Guild representation. Prior to beginning the interview, I provided Deputy Jensen with an Administrative Proceedings form. Deputy Jensen read and signed the form indicating his understanding. I also signed the form as a witness. I also provided Deputy Jensen with a copy of Policies 300.2 Use of Force and 340.3.2 (k) Conduct – Courtesy. Deputy Jensen gave his permission allowing me to record the interview.

Deputy Jensen is an 18 year veteran of the Sheriff's Department. He is currently assigned to the Court Security Unit at the County City building. He has been in this assignment since January of 2014. Some of his duties in this assignment include assisting citizens or specific courtrooms that request help via a panic button, escort individuals to jail that are taken into custody in court, respond to suspicious persons, items or packages that the contract security people are not able to deal with.

Deputy Jensen confirmed he was aware of the reason for this interview and recalled the incident under investigation.

On that date (October 31, 2014) Deputy Jensen advised he was dressed in a department issued jumpsuit. He confirmed he was clearly identifiable as a law enforcement officer. He stated he remembered receiving a call from the G4S Security Center who also dispatch the calls received in the County City building. Deputy Jensen stated that per dispatch there was a report of a commotion in the Clerk's Office in room #110. He said he was on the 2nd floor at this time and as he crossed the lobby on his way to the stairwell, an attorney he recognized told him there is a commotion going on down in the Clerk's Office. Deputy Jensen said when he got down to the 1st floor foyer area he was contacted by another individual who he recognized that works in the Clerk's Office. This individual asked if he was going to the Clerk's Office. When Deputy Jensen confirmed he was, the individual told him there were "2 gentlemen in the Clerk's Office threatening staff, videotaping, making threats, and being ah...disrespectful to staff."

I commented that Deputy Jensen stated he was contacted a total of 3 times prior to arriving in the Clerk's Office and told of some type of commotion and threat being made. I asked if he recalled what the specific threat was or if anyone had told him what the threats were. He said no one told him of any specific threats and that he did not have time to investigate it. He just wanted to get there and separate whatever was going on.

Deputy Jensen said that as he arrived he noticed the staff was standing behind the counter and Mr. Rupert (who he recognized from a previous encounter) was standing at the counter doing some type of paperwork.

Deputy Jensen said he walked up and told Mr. Rupert and Mr. Stumpf "Look guys you can videotape anything you want, you just have to do it respectfully. Don't be, I mean you can't instigate violence or, or ah...instigate a riot. You can't cause people to, to become violent; you can't be violent or make threats towards anybody."

Deputy Jensen admitted he had a suspicion it was Mr. Rupert prior to arriving there. I asked Deputy Jensen if he remembered whether Mr. Rupert had a video camera in his hand when he contacted him or if it was on the counter. He said he did not recall. He said they had a small discussion then Mr. Rupert led him out to the hallway. Once out in the hall, he said Mr. Rupert turned towards him extremely quickly with the black video camera in his hand. Deputy Jensen said he saw Mr. Rupert's hand holding the camera come up in his peripheral vision. He immediately grabbed that hand and pushed it back onto a nearby trash can. At this same, he used his right hand to push Mr. Rupert against the wall. Deputy Jensen said his right hand was on Mr. Rupert's chest and that it may have "slid up a bit" but that it was never on Mr. Rupert's throat. Deputy Jensen said he explained to Mr. Rupert again that he could videotape but that he could not be obnoxious and he was certainly not going to allow Mr. Rupert to strike him in the hallway. He said Mr. Rupert agreed and he immediately released Mr. Rupert. He said he did not do anything other than hold Mr. Rupert against the wall he knew the threat was diminished then released him.

Deputy Jensen told me that upon reflection, he now feels Mr. Rupert chose that specific spot to confront him as he is certain Mr. Rupert knew this area was not covered by surveillance cameras and his personal camera would be the only evidence of what happened.

Deputy Jensen admitted that he also wondered if Mr. Rupert was possibly a "tweaker" because his eyes did not match. He noted that one eye was dilated and the other was not. He said he did ask Mr. Rupert if he had been smoking something. He said Mr. Rupert told him he had a glass eye. Deputy Jensen said he believed Mr. Rupert and did not question this further but that Mr. Rupert went ahead and removed his glass eye for effect.

I reminded Deputy Jensen that he had stated he suspected this incident involved Mr. Rupert prior to arriving. He had also mentioned that it was reported someone was videotaping in the Clerk's Office prior to his arrival which Deputy Jensen confirmed. Deputy Jensen also confirmed that his previous contact with Mr. Rupert was in regards to Mr. Rupert videotaping within the County City building. I noted that in Deputy Jensen's supplemental report and use of force report he documented that he did not know what was in Mr. Rupert's hand but only that it was a dark object. I asked that given all this information, did he ever think there was something else in Mr. Rupert's hand other than a video camera. He said, "No." He went on to explain that it was not due to seeing or recognizing a weapon that he grabbed Mr. Rupert's hand, but rather it was just instinctive. He just saw something dark colored MR. Rupert's hand and he instantly reacted by grabbing that hand and in the same motion shove and secure Mr. Rupert against the wall.

I told Deputy Jensen that Mr. Rupert claims he was pushed by the throat. Deputy Jensen said, "No did not happen." I told him that Mr. Rupert also claimed that he had turned off his video camera when he grabbed his hand. Deputy Jensen said that he did not intentionally turn off the camera and he would not intentionally turn off a camera.

I asked Deputy Jensen if it was ever his intent to stop Mr. Rupert from recording and he said it was not. He said he just did not want Mr. Rupert to be disruptive or make threats towards anyone. I asked if it was his understanding that a person could video record in public areas such as the hallways or the Clerk's Office. He said they could record anywhere with the exception of individual courtrooms that the presiding Judge or Commissioner make a decision to not allow video recording.

I asked Deputy Jensen if, in hindsight, there was anything he could do differently. He admitted there was but that given the circumstances known to him at the time, he would have most likely reacted in exactly the same way.

I asked Deputy Jensen if he felt he was being the aggressor in this situation. He said he did not and that he had reacted defensively to Mr. Rupert's aggression.

I asked Deputy Jensen if he had read the Use of Force Policy I had provided him. He said he had perused it. I asked if he felt he had used the necessary amount of force. He stated, "I used the necessary force that I needed to control the situation at the time." He followed up with telling me that he did not use any of the tools or weapons at his disposal and only used his soft, empty hands. He again told me he did not grab or push Mr. Rupert by his throat.

Mr. Rupert had also reported that Deputy Jensen had taken his video camera. Deputy Jensen adamantly denied ever taking the camera. He stated Mr. Rupert had possession of his camera the entire time.

I asked Deputy Jensen if he recalled another altercation between him and Mr. Rupert that would have occurred after the October 31st incident. He answered yes that there was another incident that occurred in Domestic Violence courtroom 117 about 2 weeks later. I was attempting to open the file on my laptop computer to show the video to Deputy Jensen when he commented, "It's when I call him little shit at some point." I had previously watched this video clip multiple times and clearly saw Deputy Jensen leans towards Mr. Rupert and say, "I don't give a fucking shit." I explained this to Deputy Jensen and he said, "Okay." I then asked if that was an appropriate thing to say. He said, "No." Deputy Jensen then told me that he sometimes resorts to vulgar language because it's the only thing that will get through to certain people. I asked if perhaps Mr. Rupert finally got under his skin. He said thinking about this in retrospect, he thinks that if a person is outside in the hallway that he doesn't really "give a bloody rip about anything" but, if they are going to disrupt the courts, the courts are very sacred to him and that he will get a little upset. He said the courts have to be able to function. He said he thinks he became a little frustrated with the disruption to the courtroom.

I then asked Deputy Jensen about Policy 340.3.2 regarding discourteous or disrespectful treatment of members of the public which I had also provided prior to the interview. I asked Deputy Jensen if he felt he had violated that Policy. He answered, "Should I have acted differently, yes."

Note: I have paraphrased the above statements made by Deputy Jensen. Please read and refer to his transcribed statement for complete details of that interview. A copy of the transcribed interview is located in Section 6.

Deputy Jensen has had 4 commendations and 1 previous criticism in his file. The previous criticism was in regards to a Use of Force complaint and Timely Submission of a Report in 2007. The Use of Force was cleared as Exonerated and the Timely Submission of a Report was Sustained.

I have included below some sections of the PCSD Manual and the Revised Code of Washington that may be related to this investigation. However, in keeping with the internal affairs process agreement of July 2004, this investigator is making no recommended findings in this case.

300.2 USE OF FORCE

Law Enforcement Officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the LEO at the time of the event, to accomplish a legitimate law enforcement purpose.

The "reasonableness" of force will be judged from the perspective of a reasonable LEO on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that LEO's are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a LEO may encounter, LEO's are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which LEO's reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. LEO's may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a LEO to retreat or be exposed to possible physical injury before applying reasonable force.

340.3.2(k) CONDUCT

Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency.

T. Donlin 92032 / 207



Detective/PCSD

Internal Affairs Unit

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SECTION 4

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number: IA 14-11-01/IPR 14-129

Date: November 26, 2014

Beginning Time: 1406 Hours

Ending Time: 1448 Hours

Location: Internal Affairs Conference Room

Officer: Detective Tim Donlin, unit #207

Name of Subject: Bo Rupert

Date of Birth: _____

Q This is Detective Tim Donlin, unit #207. Today is November 26, 2014 and the time is 1406 hours. Um...location of this interview is Sheriff's Department Internal Affairs conference room and present is Mr. Bo, B-O, Rupert, R-U-P-E-R-T. Um...Mr. Rupert do I have your permission to record this interview?

A Yes.

Q Okay and also ah...present is my colleague, Detective Sergeant Berg. Ah...Det./Sgt. Berg do I have your permission to record also?

A Yes.

Q Alright, thank you. And this is reference IPR 14-129 and IA #14-11-01 and this is regarding an incident that occurred in the County City Building on October 31, 2014 this year um...and um...is that correct Mr. Rupert?

A Yes.

Q Okay and can you tell us what happened that day?

A Um...I had went there with a friend of mine um...he is currently having some trouble with ah...Adult Protective Services and ah...with his, with his parents. I had went there to review some records with him because I'm the you know the representative for his appeal with the Office of Administrative Hearings and so I went there to do that um...we went into the building ah...we were video recording with ah...ah...I believe a Sony camcorder and ah...I can't remember did we have no we didn't, so just my Sony camcorder is what we were...

Q Okay this is not a (unintelligible) recording, it's not a hidden camera or anything? It's plain...

A It's plain out in the open.

Q You can hold it in your hand?

A Yeah.

Q And...

A It's got a strap on it, a string that comes out, pretty identifiable.

Q Just your regular old camcorder?

A Yeah and ah...we went down there um...I wanted the transcripts from the previous hearing because I missed it and ah...so I went down there to get it and they began to argue back and forth with me about whether or not it was acceptable.

Q Who's they?

A Ah...the employee's of the clerk's office. Ah...one's name was Chris ah...he was a Deputy Clerk.

Q Okay.

A And ah...we began to go in dispute whether it was acceptable to record or not and I said you know it is acceptable to record you know. This is a public building, this is a public place, you are public servants ah...carrying on your public duties. I said it's, it's alright to do it. Well we're not going to talk to you unless you, unless you ah...you know turn your camera off basically is what they said and we said no we still have the right to you know we need our records. We're not shutting our cameras off, you need to give us our records and we'll leave simple as that. And we disputed that for a few more minutes um...I believe a guy named Kevin I'm not sure I think it was Kevin Stock but he says he wasn't an elected official but our County Clerk is an elected official so I don't know. He says he wasn't I don't know but he, I'm thinking he was Kevin Stock. White haired gentleman um...he came in and ah...basically said yeah we're not going to you know talk to you until you turn your camera off. We said well we're not shutting the cameras off so I guess we're going to be here until closing time because we have the right to get our records. You don't have the right to just refuse to interact with the public for you know enforcing your constitutional rights. So we finally ah...he finally after you know another few minutes of disputing this he came back and gave me ah...a form a transcript form about half the size of a regular sheet of paper.

Q Okay.

A And um...I began to fill it out ah...let me back up a little bit. When this thing with Chris was going on um...Chris was just constantly was, I felt he was coming at in a more antagonistic approach and ah...so as I walked away I, I didn't ever raise my voice at him, I didn't you know appear threat, I didn't yell. I just called him a prick you know prick and walked away and ah...so at that point someone called ah...the police and I image it someone in the clerk's office. I got ah...so at that point I'm filling that out, the form, and ah...here comes ah...Deputy Jensen up behind me and at that point because my camera's only got so much card storage I had shut it off and you know I began to fill out the form with the correct ah...stuff so that I could receive the transcripts and he came up on my right side and um...I didn't actually cover it in the affidavit but I'll definitely add it to you.

Q Okay.

A I have one eye um...it comes out, it's a prosthetic eye.

Q That was surprising.

A Yeah and ah...so anyways so if he's there and I mean he's this close to me the whole time and ah...so I backed up because I don't want him in my face, it's and ah...he continues to move towards me. I said can you give me some personal space please. So I backed up again and he continued to move towards me. I said okay...

Q Let me just stop you for a second. Um...at what point here did you turn your camera back on?

A Um...as soon as he walked up.

Q Okay..

A Ah...as soon as he was there and he spoke to us um...I...

Q Were you, were you aware that um...deputies had been called until, prior to his arrival?

A No.

Q So the clerk's office didn't say cops were on the way or anything like that?

A No, no.

Q Okay.

A So I was just sitting there just filling out the thing and here he comes and ah...so I continued to take a step back and I said I'm going to take two steps back I mean you know I'm being peaceful here. He says that's okay you can take as many steps back as you like. I'm trying to have a private conversation with you. So my thought behind the whole thing is okay he wants to have a private conversation, I want him out of my face, my personal space in general. We can take this to the hallway, the private conversation, have it out of ear shot the people, will have him out of my face, it's a win, win for both of us. And ah...so I went out and ah...

Q Did you proceed or did he proceed which one went first?

A Um...I went first.

Q Okay.

A And ah...so on the way out I, I'd asked him ah...if I could, I informed him you know that he didn't have the right to invade my personal space. I might have seemed a little combative or confrontational because it was you know it, it was just irritating how he was behaving. I got out the door and ah...to the clerk's office in the hallway.

Q Right.

A And ah...I asked him I said where is your sergeant you know where's your Sheriff, your boss and ah...at that point he had grabbed me by my throat, shoved me against the wall and ah...asked me and

told me you know you don't have the right to come in here and incite violation. You will not tell me what to do and ah...he grabbed my hand and over the top of a garbage can that's sitting out right next the clerk's office door and took the camera out of my hand. When he did that, it ah...at the time which I had to go back into settings and ah...fix because I didn't want this happening again ah...when it was set so when the LCD screen closed the whole camera powered off.

Q Gotcha okay.

A And that's, that's when it cut out right there. Well this whole time this thing as he's telling me I don't have this right to incite violence I'm just saying I will stop, I'm just trying to get him to get his hands off of me and ah...I was coming very close to fighting him you know if someone's got their hand on your throat cop or not you know he didn't have the right to touch me. Um...as soon as that happened, we went down cause that was over, we went down to the ah...Sheriff's office.

Q You and Mr. Stumpf?

A Yeah.

Q And what happened to Deputy Jensen at this time?

A Um...I believe he walked back into the clerk's office and that is when we just left and, and.

Q And how about your camera, he had taken the camera?

A He had taken my camera and ah...after he had turned it off he had told me, told me that it would be used as evidence against me if I was going to come in here and disrupt and, and stuff like that. And ah...I, I just flat told him I said you don't have the right to take my stuff on my camera. I said I have the right to record you. I said you know I cited Glik v. Cunniffe um...Jacobucci v. Boulter um...several ah...cases to him and he finally looked at me and, and handed it back and I told them if he ever did it again I would sue him in his individual capacity and ah...not only would I sue him in his individual capacity, I would go after the insurance agency that wrote his bond and then the County for employing, for employing someone like that and just letting them just do that, that's unacceptable. And ah...he had, he had given it back at that point I told Tony because he had seen me through the glass door I says and ah...

Q And just for the record here you're just motioning that you're waiving Tony on.

A Yeah to come on, follow me.

Q Okay.

A And we went down the hall to the Sheriff's office and there was a lady there at the front desk. The same two that are always there ah...I don't know their names but um...she was sitting there I told her that I needed to file a report about a deputy assaulting me and she, she kinda seemed to me like she laughed at me um...I didn't you know she said no I wasn't laughing I was just making an expression of disgust and I said well okay but I need someone to take my report. Well previously, and now I have to back up here on October 14th I walked into the building and this is the first time I had ever been to

the County City Building. I was recording and ah...you're well aware of the, the initial first complaint that I filed.

Q Yes.

A And ah...Robinson and Jensen ah...illegally ID'd me video recording when that's, that's not a crime to video record in public. Under Brown v. Texas and Terry v. Ohio um...in order to ID a person, you have to have suspicion that they are under commission of a crime or they're about to commit a crime and you know video recording in public you know what crime am I going to commit doing that so they had no right to do that. Um...and so I complained against them. When I went down to the Sheriff's office after I left the clerk's office on the 31st from our incident with Jensen I had ah...was still waiting on a response from, from the complaint that I filed and ah...so when I went in there, here they bring Robinson out and at that point I'm kinda feeling railroaded because I you know I've already complained against him for what he had done with Jensen and now he's there to take a report about Jensen assaulting me you know violating my rights and essentially stealing my stuff. Um...so anyways him and I ah...went back and forth and well the best I can do is give you a phone number and ah...I said well I would like ah...I'd like someone to take a report. Well I'm the senior guy here and I said there is a hundred deputies out there crawling all over the County, I said someone can come here and take a report. I said even if you got to call Tacoma PD or the State Patrol I don't care who you have to call, call someone. And ah...so finally I had seen ah...Deputy Doug Shook ah...I, I he was in full uniform and out by the elevator and I asked him if he could take a report. And I had you know explained to him that a deputy had just assaulted me. He said ah...well you'll have to hang on. Well this was before my interaction with Dennis Robinson um...at that point when, when they came out speaking to me, Shook was behind him so they went back into the, the office and I'm, I'm guessing ah...conversed and he sent Shook out to take the report. Um...we filled out our reports and left the building. I felt that Shook was fine with that so.

Q Uh huh and, and this um...investigation here is the result of ah...Deputy Shook's ah...report that he wrote and that's why I called you and that's what brought us here today.

A Okay.

Q Okay um...so just to make sure. At the time in the clerk's office do you feel you were ever in or acting in a threatening manner towards the clerk's office employees?

A I don't um...I, I never raised my voice so I never made a threat. I'm going to if you don't do this I will do this or else. I never did any of that. I never, I never raised my voice. I, I remained you know...

Q So just the one comment as you were...

A As I was...

Q Walking away?

A Yeah.

Q And I'm sure they've heard worse than that. Um...that's the only negative or particular comment you made about anybody in particular there correct?

A Correct. Um...I did tell a guy that ah...I want to say his name is Joey and he's a deputy clerk um...but don't quote me on that. I don't know if that is Joey, I think it is but I'm not sure he ah...he was the one in the Sponge Bob shirt in the video ah...that's awful. Um...he and I had went back and forth, we you know he says ah...well does that audio record as well as video record and I said yes it does. He says well you're not allowed to record ah...ah...private conver. I said this isn't private conversation, you're doing public business you know I would like the ah...the ah...you know I'm going to continue to do this and I said I'd like the records. Well and so then he said that I didn't have so I had to quote off Jacobucci v. Boulter which I don't know if you're familiar with that case.

Q Not, not...

A It's ah...it happened in 1999 it was where a journalist went to ah...a historic commissions, commissioners meeting where they were talking about different historical sites and they asked him several times to stop recording and he just ignored it. He had then went to ah...there was one applicant that was missing that was supposed to go in front of the board that night and didn't go ah...he then seen the man outside with what looked to be plans rolled up under arm in the hall, in the corridor outside of the, the chamber where they were meeting and ah...he began you know to record because he believed that was that applicant and that was that commissioner and you know public servant talking to a member of the public completely legal. Well they told him to stop and then this cop ended up getting called and he came down and he cites the. Long story short, he gets arrested for disorderly conduct um...and they wiped his camera and he ended up suing for that made a considerable amount of money um...and you know so that right there is you know I understand some of these cases I'm quoting off are you know a different federal, are under different federal circuit court jurisdictions but you know so far four circuit federal courts have upheld recording is a right so.

Q Okay well and, and I'm not disputing that right at all, but I just wanted to make sure the facts in this particular case so um...in the clerk's office ah...the clerk there finally giving you a form to fill out to get the transcript?

A Uh huh. I, I had the form until a couple a weeks ago.

Q Oh that's okay but um...so while you're filling out the form, you place your camera on the counter?

A Uh huh.

Q Due to the low storage capacity of it, you turned it off?

A Uh huh.

Q During that time Deputy Jensen walks up behind you to your right. You can't see out of your right eye?

A Correct.

Q Um...and identifies himself or you, you obviously he's in uniform so you were able to.

A Actually he just came right to my ear and said um...if you're going to keep coming in here and being disruptive, you and I are going to have a problem and you know so I turned kinda startled that and I turned and there he was and ah...the reason I brought my eye issue up is I forgot to add that while we were in the hallway he looked you know with his hand on my throat looked in my eyes and said have you been smoking something. I said cigarettes. He goes have you been smoking something? I said no and then I realized cause I've had it you know and you know previous contacts with police they'll look at that and you can see my pupils aren't quite dilated and ah...that's because one does not dilate.

Q I, I did not realize that was an artificial eye when you walked in okay so.

A Yeah and ah...and you know his hand is still on my throat at this point. I took my eye out I said no I lost an eye to cancer and that's when he, he released me.

Q Okay.

A And ah...

Q So just that he came up behind you and said ah...if you're going to continue to cause problems in here we're going to have a problem or something like that?

A Uh huh.

Q Um...you picked up your camera?

A Uh huh.

Q Turned it on correct?

A Uh huh, right.

Q And, and that is when from on the video that it starts there um...and um...he's in your face you say?

A Uh huh.

Q Ah...you back up, he tells you can back up as far as you like and wants a private conversation.

A But when he tells me I can back up as far as I like, he keeps moving towards me.

Q Towards you.

A So.

Q So you ah...offer okay let's take this out in the hallway trying to get out of everybody else's um...hearing and stuff so it's private between you and the deputy? Ah...you lead, you precede the deputy out through the doors into the hallway and it's like a glass door and there's a long hallway in from of you correct?

A Uh huh.

Q And you just kinda go to the right there?

A Yeah.

Q Near a trash can?

A Uh huh.

Q Okay so you go to the nearest trash can, you have your camera in your hand?

A Uh huh.

Q The deputy knew that's a camera in your hand?

A Yeah I mean it's well out, it's visible.

Q Okay I mean there is no doubt in your mind that he's aware that's a camera?

A Yes.

Q Okay um...once you get outside um...what exactly; did you turn back towards him because he's behind you now or what happened then?

A Um...yeah I did turn back towards him cause we were in the hallway.

Q Uh huh.

A I felt that we had just enough distance from the clerk's office ah...you know we could just step out there in that corner where the trash can was.

Q Sure.

A And talk and ah...so I stopped right there. Maybe a little further, I'm not quite sure due to the length of time but yeah.

Q A few steps out there. So, so you turn around and you're recording?

A Uh huh.

Q And ah...he knows you're recording you have the camera out there?

A Yeah.

Q And, and what happens? What is his first response?

A He just grabbed me by the throat and shoves me against the wall as hard he could.

Q So when you say grabs you by the throat I mean is he, he's I mean you're making.

A He's got, he's got one.

Q He's got your hand.

A He's got one hand on the throat and the other is on the shoulder and it just goes right up against the wall. I believe he had a hold of my ah...my jacket.

Q Okay so he's grabbing you with one hand and push you on your throat with the other hand?

A Uh huh.

Q Okay and what do you do at that point?

A Um...that's you know I'm just, I'm shocked and, and I trying to keep my camera on as long as possible but you know that's when he grabbed the camera bent it over the garbage can and took it out of my hand.

Q Okay and so in doing it closed the LCD screen which in turn turns the camera off?

A Yes.

Q Got it okay. So um...after that approximately how much longer did your interaction with him go at that, at that point right there in the hallway?

A 20 seconds.

Q Okay so, so pretty, pretty quick?

A Uh huh.

Q And um...he returned your camera to you?

A Uh huh.

Q He did not take it with him did he?

A Ah...no.

Q He did not attempt to manipulate it?

A No.

Q Erase it or anything like that?

A Nope.

Q Okay ah...did he make any threats to you in returning the camera?

A Um...he did tell me that ah...there's nothing my punk faggot ass could do about him using that as evidence against me after he had took it and.

Q Okay.

A I just you know I just started quoting off cases of you know previous things where like this has happened and he gave it back you know and I'm, I'm grateful for that but.

Q Did he order you to leave the building or anything like that?

A No.

Q Okay so after that you were under the impression of what?

A That I guess the whole thing was over.

Q Over and you're free to do or go or record whatever it is you needed to do?

A Yeah.

Q Okay did you get to take care of the business that you were there originally for?

A Um...I did not because um...we had given a RCW code to ah...the clerk's office in regard that all we want to do is just inspect. I just wanted to listen to the audio, I don't need a copy of it ah...you know I just need to figure out what happened, take some notes and I'll be out of your hair. I'll save you a CD and time burning it, I just need, if there's a way we can just set-up and listen to the audio perfect. Um...um...the clerk quoted off a case which court records don't apply to um...

Q Public disclosure.

A Yeah and um...and when you look up the law for ah...for the WAC code that they gave me, it might be in my briefcase still, um...it said that ah...public disclosure only applies to agency but not court records. But the court is technically a corporation in a sense and so by being a corporation I think that would qualify as an agency and hide an attempt to make that argument with him at that point. I just, I was...

Q That's for brighter minds than me to figure out.

A Yeah.

Q Um...okay and where was Mr. Stumpf during this?

A Um...he was usually um...usually off to my side.

Q Okay ah...during your interaction with ah...Deputy Jensen out in the hallway?

A Um...at first ah...when Deputy Jensen first arrived ah...there at, at the counter um...filing I believe that is in that far counter?

Q Uh huh.

A Yeah he was at filing and ah...that's where we were trying to obtain what we needed and I'm not sure where he went from there but I think he followed um...after that because he wanted to make sure our records got called but he also wanted to keep me in sight so his attention was I believe was torn between both.

Q Did he come out in the hallway with you?

A No.

Q So he stayed inside?

A He stayed inside trying pay attention if our record request got called or something.

Q Okay.

A And but he did see Jensen slam me against the wall um...but the way it, but the way that he was turned which I can understand the way that Jensen was turned he didn't get to see whether the, the throat or the camera or.

Q Okay.

A None of that so.

Q Alright um...Mr. Rupert what would you like to see come of this investigation?

A I would like Deputy Jay Jensen charged with assault in the fourth degree, official misconduct and theft. Um...that was beyond and, and if nothing else some sort of reprimand you know that, that was just out of control and ah...there's, there's no reason to be treating people like that and I'm not, I'm not out to sue anybody you know. If I wanted to sue the place I would have done it but we can't have officers acting that way you know that's, that's how Ferguson gets started and, and you know 92 race riots that's how things like this happen and we don't need that happening again.

Q Okay.

A So.

Q Are there any questions that we can answer?

A Um...no um...I would like to add ah...cause I did mention to you about my complaint ah...or new complaint I'll be filing which.

Q Yeah.

A Which is still pretty much one and one linked to ah...this thing here.

Q The one on the 17th correct?

A 12th.

Q Or 12th okay.

A Um...they're all well to me they're linked together but it might be different. Deputy J...we had went there to repr...not to represent but I'm representing Tony like I said with the Office of Administration Hearings and it's quite a mess right now cause I gotta get all these witnesses and everything put together but um...so you know I'm going in there a lot listening to these court hearings with him and, and trying to you know make sense of all these things that's going on so I can you know put it in you know as our notice of appearance and our and our you know appealing arguments and what, what we're going to argue exactly was wrong with the case. He you know has been you know pretty easy to ah...to do this with you know because I aspire to be a lawyer so I've been going to cases a lot and doing that and ah...so we went into the um...um...first we went to court room 100 and we waited there like an hour, no response. Then we went to ah...friend of ours approached the ah...the clerk there in ah...room 100 and he told us oh it's been you know we've had to send it to another court room, it's been changed, it will now be heard, be heard at 2:30 in room ah...117 in front of Commissioner Mary Dickey and ah...so we went in there and we're sitting there and ah...I decided you know court wasn't in session, there was not a gag order put on the case, let's go ahead and record what we and ah...so we first get in there and we're, we're the only people in there except the clerk at the bench and ah...here comes ah...the, the lawyers from the other side and ah...I'm not involved in the Pierce County case just the appeal for the Office of Administrative Hearings. What ended up happening, ah...is this lawyer comes over to Tony named Peter Harleton and I, I felt that he extorted him ah...I truthfully did and ah...you know I recorded the interaction, it's still a public court room, court wasn't in session, that wasn't his client um...so I felt that was acceptable. Um...Deputy Shook and I like I said I like Deputy Shook a lot and we did disagree on whether it was okay to record in the court room and um...I had a friend of mine with me that kinda didn't take it exactly easy on Deputy Shook but you know that's neither here nor there. Then Jensen ah...arrived because I believe Shook called him in as backup and what ended up happening is Jensen arrived and we continued to chat with him you know that it's okay to record and he says well the commissioner tells me I can't record, I'm sworn to the you know, sworn to these people so and I says no you're sworn to the Sheriff you don't have to listen what the commissioner tells you to do. The only person the Sheriff can't and by old English law arrest is the county coroner and that's the, the county coroner is the only the person that can arrest the Sheriff. I don't know if you knew that. It's old English law and ah...somehow it made its way into our laws but and so I ended up you know and ah...I says well if you're going to tell us we can't record show us the law that says we can't and we'll stop you know if we find out we're breaking the law we'll, we'll cease at once. No I'm not going to give you the law. I says well you're going to give us the law, well we're not going to do this and I say we are going to do this. I said either you're going to give us the law or we're not going to stop simple as that. We're trying to be reasonable stop it and ah...he, he leans down in my face cause I'm sitting on the court pew and he says you just don't fucking give a shit do yah and then he gets out of my face and I said wow are you serious and ah...he goes yeah I'm serious and then he comes back and leans into my face and ah...keeps leaning into my face. I had threatened him with citizen's arrest by attempting to place him under citizen's arrest. He threatened to arrest me for disorderly conduct for just quietly calling someone a prick um...you know and if you read the statue to disorderly conduct using abusive, abusive language towards someone is ah...and I don't feel that I used abuse you know what is abusive but you know I feel that he went way above and beyond the level I did in the clerk's office and threatened to arrest me for that now he's

threatening you know now he's doing it even worse than I am in a court room nonetheless and I, I and he would not adhere to that um...he, we, I ended up telling up him I said you know all you like to do is just slam people into walls and it's just like the other day when you assaulted. He said I didn't assault you, he says you raised your camera at me and he says and I, and I if that same thing had happened again I would do it again. So you know a camera that's clearly in the opening and he says well you can still hit someone with a camera.

Q Did you record this?

A I did. Now let me if a camera is in the open and you've seen you know the video he, he won't get the hell out of my face so I can get a clean shot. I raised it to get a shot of his face. Now he's trying, I'm sure that's his argument well I felt he was going to hit me with the camera. I can let you see the camera and take a picture of it. The camera is that big and about that tall. It's boxy but not only would it have destroyed the camera, it would hurt, it's not enough to knock someone out with or.

Q (Det./Sgt. Berg) So for the recorder you're showing us about 3 by 6 does that sound right?

A 3 by 6, 3 by 4.

Q (Det./Sgt. Berg) Okay.

Q (Det. Donlin) I'm kinda looking at the ah...transformer for the computer plug right there that black box right on the first shelf to the left.

A Right here?

Q Yeah.

A Yeah it's smaller.

Q Smaller than that?

A It's smaller but a little taller.

Q Okay.

A About that much taller.

Q Yeah and that's just like about 6 inch long by...

A So I'd say, I'd say about that much.

Q Okay.

A Maybe a little a more.

Q About 4 inch long okay.

A Yeah.

Q Pretty small.

A Yeah um...so I opted to begin recording now with the cell phone ah...which the Bambuser App which I don't know if you're familiar with Bambuser.

Q Not at all.

A The Bambuser is an application is a Smartphone App that allows you, you have to be near Wi-Fi and there's plenty of it in downtown lately that you can pick up on and ah...it will, it will live stream and store it in a separate place from your phone and ah...so if that happens again that's precaution I took that you know it will catch him snatching, it pretty much catch him snatching my camera I felt but I wish.

Q And you'll be able to give me a copy of the...

A The new one yeah?

Q The new one okay.

A Yeah.

Q Alright any questions?

Q (Det./Sgt. Berg) Yes just a couple. Um...you mentioned that you attempted to do a citizen's arrest?

A I did.

Q (Det./Sgt. Berg) Okay Deputy Jensen is that right?

A Yeah.

Q (Det./Sgt. Berg) And when you say that what did you mean?

A Um...I, I told him that I was placing him under citizen's arrest ah...he's breaching the peace in the court room ah...causing disruption and you know alarming people. I told him to turn around and place his hands behind his back and hand over his handcuffs. He then tried to call me out into the hallway and I knew better than that.

Q (Det./Sgt. Berg) Uh huh.

A Than go back out in the hallway with him again so.

Q (Det./Sgt. Berg) Okay did you attempt to lay hands on him at all?

A I did not and he told me if I laid hands on him he would arrest me and I told him if he laid hands on me I would arrest him so we went toe to toe on that for I don't know went back and forth for a good minute.

Q (Det./Sgt. Berg) So were you letting him know that you would fight with him if he attempted that?

A Ah...if he attempted to lay hands on me without cause, I was prepared to defend myself yes.

Q (Det./Sgt. Berg) Okay and to what degree would you do that?

A Whatever it took necessary to, whatever force was necessary to keep him from doing you know doing evil upon me or...

Q (Det./Sgt. Berg) Okay.

A Anyone else in my group that cause in order...

Q (Det./Sgt. Berg) Uh huh.

A To touch someone you've got to have as a police officer you've got to have pretty good reason to that person is pretty well out of control. No one was out of control there, no one was raising their voices.

Q (Det./Sgt. Berg) Okay and I have one other question or maybe a couple. Um..so earlier back at the in the hallway incident.

A Uh huh.

Q (Det./Sgt. Berg) Um...when he grabbed you on the throat you said that you attempted to did you remove his hands or what were you doing?

A No.

Q (Det./Sgt. Berg) What were you doing?

A No I didn't remove his hands, I just stayed right there.

Q (Det./Sgt. Berg) You said that that you attempted to get his hands off of you, what did you mean?

A Um...what I had meant when I said I'd, I don't know if I said that but um...I did try to you know basically just play along with him ah...

Q (Det./Sgt. Berg) What do you mean by that?

A Um...you know hey I'll stop, I'll stop you know just stop, stop you know get your hands off me.

Q (Det./Sgt. Berg) Did you put up your hands?

A Ah...yeah my hands actually were raised um...after he got the camera. My hands were, did stay.

Q (Det./Sgt. Berg) Okay before that when had his hand, one hand on your throat...

A Um...as soon as he got the camera...

Q (Det./Sgt. Berg) And one hand on your shoulder.

A As soon as he got the camera out of my, my ah...possession.

Q (Det./Sgt. Berg) Okay.

A Hands went up that way.

Q (Det./Sgt. Berg) Okay when he first grabbed you around the throat and pushed you against the wall, where are your hands?

A Um...one was on a camera, one was down here nothing in it, not in a pocket very visible.

Q (Det./Sgt. Berg) And for the recorder, you're showing us that the camera would have been in right hand?

A Ah...yes right hand.

Q (Det./Sgt. Berg) And your left hand would have down by your side?

A Correct.

Q (Det./Sgt. Berg) Correct?

A Correct.

Q (Det./Sgt. Berg) Okay alright and then um...tell us again how was his hand on your throat?

A Ah...basically the palm like in a choking manner ah...

Q (Det./Sgt. Berg) With his palm on a, on a front of your throat?

A Fingers ah...thumb on one side, fingers wrapped around the other side.

Q (Det./Sgt. Berg) Okay.

A Um...

Q (Det./Sgt. Berg) And he pushed with that, did he squeeze?

A Yes he did squeeze.

Q (Det./Sgt. Berg) Both?

A Yeah.

Q (Det./Sgt. Berg) Both pushed and squeezed?

A Yes.

Q (Det./Sgt. Berg) Okay alright.

Q (Det. Donlin) Did you have difficulty breathing?

A You can hear, yeah you can hear.

Q (Det. Donlin) Okay you're nodding your head yes?

A Yes.

Q (Det. Donlin) Okay.

A Um...my heart rate was absolutely out of control. I...

Q Were there any visible marks on your throat?

A No I mean there was some you know some like where it had been a little roughly you know touched but it, it didn't bruise or nothing like that it went away so (unintelligible).

Q Anything else?

Q (Det./Sgt. Berg) I'm just curious um...if you don't mind Mr. Rupert why do you record?

A Why do I record?

Q (Det./Sgt. Berg) Yeah.

A It's my right.

Q (Det./Sgt. Berg) I, I understand that...

A It gives me.

Q (Det./Sgt. Berg) No I understand that.

A It gives me an accurate, it gives an accurate account of everything that happens.

Q (Det./Sgt. Berg) Uh huh okay, okay and that's your purpose?

A Absolutely and then the person can't say I didn't say that.

Q (Det./Sgt. Berg) Uh huh okay.

A You did say that you know you did do that it's right here and if you do turn in something that's been edited or screwed with.

Q (Det./Sgt. Berg) Uh huh.

A The, the file numbers is gonna, is gonna be altered and then they're going to know there's stuff missing and so it's pretty much a fool proof way of.

Q (Det./Sgt. Berg) So you don't trust that people, it'll be an accurate record of your interaction with people?

A Absolutely and ah...so that way if an allegation is made or a, a remark is made or, or.

Q (Det./Sgt. Berg) Uh huh.

A You know I, I need that as far as a complaint if I was.

Q (Det./Sgt. Berg) Uh huh.

A Or someone else is mistreated hey we did it.

Q (Det./Sgt. Berg) Okay and then one last question you said that you, did you say that you represent Mr. um...

A Yes.

Q (Det./Sgt. Berg) In what capacity?

A Um...I am representing him, his in the terms of ah...he's appealing Adult Protective Services findings that he abused a vulnerable adult.

Q (Det./Sgt. Berg) That he, that Mr. Stumpf abused?

A Yes.

Q (Det./Sgt. Berg) A vulnerable adult?

A Yes.

Q (Det./Sgt. Berg) Oh okay, okay.

A Um...he's appealing that to the Office of Administrative Hearings.

Q (Det./Sgt. Berg) Okay.

A The Washington State Office and in that.

Q (Det./Sgt. Berg) Uh huh.

A I wouldn't say that I mean it is a court per say um...

Q (Det./Sgt. Berg) It's, it's official hearing isn't it?

A It's an official hearing but, but ah...in that particular side of things.

Q (Det./Sgt. Berg) Uh huh.

A Nonmembers of the bar and members of the bar can represent and ah...we don't like the bar administration very much and the group that we belong to um...so that's what we do you know ah...I decided I read the paperwork I said that I, I called around and found out if I was eligible to represent. I was eligible to represent.

Q (Det./Sgt. Berg) Uh huh.

A So I represented.

Q (Det./Sgt. Berg) Okay does he pay you?

A No.

Q (Det./Sgt. Berg) Okay alright.

Q (Det. Donlin) Okay Mr. Rupert, oh...

Q (Det./Sgt. Berg) No I'm good.

Q (Det. Donlin) Any final questions or comments that you would like to make around this?

A Now who's going to be if there are, these are for your records.

Q (Det./Sgt. Berg) Okay we, we got those we're fine.

Q (Det. Donlin) Yeah okay the result of this investigation what happens here.

A Uh huh.

Q I mentioned on the phone we do the internal side ah...Deputy Shook wrote an incident report which went to um...the prosecutor's office. They make any decisions on whether or not they're gonna charge or anything like that. We are totally separate. Ah...we are we do the employment section that you know did he violate Sheriff's Department policy or procedures um...and if so the discipline.

A If, if nothing else if he can't be criminally charged ah...termination needs to be sought I think but.

Q So what we do is we investigate and document the facts. We do not um...put in an opinion or recommendation ah...you know we gather the facts ah...it would be too easy you know for us to ah...develop some type of opinion in here and whether for or against or whatever so that is left out of it. Ah...we do the investigation and then it's forwarded to their chain of command ah...and it's reviewed at every level of the chain up to and including the Sheriff. Um...so and they each form their own opinion of what happened and make a recommendation on ah...what if any discipline that is given out.

A I would like to meet with the Sheriff about this. I've been asking for every time I go down there, he's never there.

Q Ah...and I'm it doesn't surprise I haven't seen him in quite a long time. Um...I just want to make sure I have your information correct um...you live at 5110 South 372nd Street. So any mailings go to that?

A No that's incorrect um...right now my ah...I'm dealing out of a PO box cause I'm just moving out of my place and I'm living with a friend of mine.

Q Okay.

A Ah...PO Box 761, Napavine, Washington 98565.

Q (Det./Sgt. Berg) 565?

A Thinking so just Google the zip code and ah...ah...another great way to get a hold of me which is better than that is ah...just email me at the...

Q (Det. Donlin) Senator1994?

A Yes.

Q Okay ah...just generally any ah...correspondence that the Sheriff does make, he does send out um...you know what happened, what is the result of this investigation to you so that um...you know something you know and normally that is via mail but ah...so I'll make sure I have this here at gmail.com?

A Yes.

Q (Det./Sgt. Berg) And if you change your address ah...let Tim know please.

A Okay.

Q (Det./Sgt. Berg) So that we make sure that your mail gets to you.

Q (Det. Donlin) And, and I have two phone numbers that I called you at.

A Um...

Q Which one was the better one?

A Ah...the best one ah...880, 880-7786.

Q That's 360 right?

A Yes.

Q Okay the other phone number I think was 666-3499.

A Ah...that's, that's a good one too cause if I'm up here I'm at these numbers.

Q Got it alright okay got anything else?

A (Det./Sgt. Berg) Nothing further.

Q (Det. Donlin) Okay ah...Mr. Rupert everything you told me today been the truth?

A Absolutely.

Q And have I made any threats or promises to you regarding this investigation at all?

A No.

Q Okay.

A If something is out of sequence or you know misquoted or something like that, it's due to memory only, it's how I perceived it.

Q Alright then with your permission, I'll go ahead turn the recorder off?

A Okay.

Q And the time is now ah...1448.

SECTION 5

Deputy J. Jensen
IPR #14-129
IA #14-11-01
Detective T. Donlin #207

ADMINISTRATIVE PROCEEDINGS
for
Internal Affairs Investigation

You are hereby advised that you are about to be questioned as part of an official administrative investigation being conducted by the Pierce County Sheriff's Department. The purpose of this interview is to assist in determining whether disciplinary action is warranted and the answers could result in administrative action against you.

The Pierce County Sheriff's Department will treat this information as confidential and will not voluntarily release it except as legally required and/or as necessary for disciplinary proceedings and appeals of such proceedings. This information is likely subject to release as a result of a public disclosure request.

No employee shall obstruct, hinder, or impede internal investigations, disciplinary review process, or other departmental hearings. Furthermore, no employee will knowingly conceal or misrepresent facts relating to the investigation.

1. You are hereby ordered to fully and truthfully answer all questions asked of you. If you refuse to answer any question, your refusal may constitute a separate allegation of insubordination, which may result in cause for separate disciplinary action up to and including termination.
2. You will be asked specific questions which are directly and narrowly related to the performance of your official duties or your fitness as an employee or member of your department.
3. The answers to the questions or information gained from your interview will not be used against you in a criminal proceeding.
4. If you are a member of a recognized bargaining unit, you may have a Union/Guild representative present.

I hereby acknowledge that I have been informed of the above order and requirement to answer all questions truthfully.

Signed: Jay T Jensen Date/Time: 12/23/14 1303

Witnessed: Timothy J. Donlin #207 Witnessed: 12/23/14

Witnessed: _____ Witnessed: _____

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number: IA 14-11-01/IPR 14-129Date: December 23, 2014Beginning Time: 1307 HoursEnding Time: 1349 HoursLocation: Internal Affairs Conference RoomOfficer: Detective Tim Donlin, unit #207Name of Subject: Deputy Jay Jensen

Date of Birth: _____

Q This is Detective Tim Donlin, unit #207 and this is reference IPR 14-129, IA #14-11-01. Today's date is December 23, 2014 and the time is 1307 hours. The location of this interview is Sheriff's Department Internal Affairs conference room and present ah...is Deputy Jay Jensen and um...Deputy Jensen do I have your permission to record this interview?

A Yes.

Q Okay and Jensen that is J-E-N-S-E-N correct?

A Correct.

Q Alright and, and can I call you Jay?

A Sure.

Q Alright Jay before we got started here, I had um...you read the Administrative Proceedings form.

A Correct.

Q Did you get a chance to read that?

A Yes.

Q Okay did you understand it?

A Yes.

Q And you signed and dated it?

A Correct.

Q That you understood correct?

A Yeah.

Q Alright I'm going to go ahead and sign it as a witness and date it also. Alright okay ah...and, and also I, I gave you a copy of the IPR and ah...did you get a chance to read that?

A Yes.

Q Okay and you're familiar with this investigation it is in regards to?

A Yes.

Q Alright Jay how long, how long have you been with the Sheriff's Department?

A A little over 18 years, 18 years as of February.

Q Okay and where are you currently assigned?

A Ah...court security at the County City building downtown.

Q Okay and how long have you been in that role?

A Ah...since January of 2014 I've been assigned there.

Q Okay and what are your duties and responsibilities ah...as court security?

A Um...court security we respond to incidents ah...within the courthouse of people needing assistance, to respond to individual courtrooms when they call or hit their panic button. Um...we escort people to and from jail when, when needed. The courts will often take people into custody and we escort people over to the jail and take them ah...book them into the jail for the courts um...respond to suspicious people, suspicious items, suspicious packages or things that the contract security people aren't able to deal with.

Q Okay and today you're wearing a Pierce County Sheriff's ah...department uniform. You have the patches on the shoulders, badge um...rank, stripes on your sleeves. Is that your normal duty uniform?

A Yes.

Q Okay so you're clearly identified as a law enforcement officer or deputy sheriff?

A Yes.

Q Okay um...and ah...are you familiar with the reason that you are here today?

A Yes.

Q Okay and ah...on that particular day and I believe was October 31st of this year um...you came into contact with a Mr. Bo Rupert is that correct?

A Correct.

Q Okay and on that date is this the uniform you were wearing? Maybe not this specific uniform.

A Right a, a blue jumpsuit.

Q Okay and you were clearly marked as a law enforcement officer?

A Correct.

Q Okay um...what do you remember about that day?

A Um...I remember receiving, we receive our calls from the G4S Security Center.

Q Okay the G4S Security who are they?

A They're the contracted security people who monitor the doors, entrances and the video cameras.

Q Okay they're the uniformed security ah...civilian security for the?

A For the County City Building.

Q County City Building okay. So you received a call from them?

A Right they act as our dispatch and they called over the radio um...there was a commotion in the court clerk's office in room 110 of the County City Building.

Q Okay.

A As I was heading there, I was up on the second floor when I received the call over my, my two-way radio, when headed that direction I crossed the second floor foyer heading toward the stairwell and an attorney whose frequently in the building. I don't know his name I just see him a lot and say hello just because he's you know he's friendly. He told me there's a commotion going on down in the clerk's office.

Q This is just an attorney that recognized you from prior.

A Recognized me as a law enforcement officer, knew I worked in the courthouse. I assumed that he, he told me there was a commotion going on in the clerk's office.

Q So this is, this is the second notice that you had gotten?

A Correct.

Q One from dispatch and then one from this attorney?

A Correct.

Q Okay.

A Um...so instead of waiting for the elevator I took the stairs down to the first floor. As I'm walking across the first floor foyer entry area, I noticed over at the Sheriff's Department desk which would be to my front left.

Q Uh huh.

A As I came out of the stairwell ah...a taller gentleman, I don't know his name but I know he works for the clerk's office. I see him everyday basically that I'm at work. Um...as I'm heading across towards the clerk's office to go down the hallway, he comes up and contacts me and asks me if I'm going to the clerk's office. He tells me that there's ah...there's two gentlemen in their threatening staff, videotaping, making threats and, and being ah...disrespectful to staff. I get down there and now I had previous interactions with Mr. Rupert on a prior day and we had gone through the, the ability for him to be able to videotape and I had been, when I went through the doors and I found Mr. Rupert and his, his ah...partner. I'm not sure who the other gentleman is I mean I, I the name escapes me I know I learned it at one point but it didn't stick in my head. I walked up to them, the first thing I told them is look guys you can videotape everything you want, you just can't be assaultive or, or disrespectful to the staff.

Q Okay.

A You have to be respectful.

Q Okay let me back up a couple seconds. Um...did dispatch or the attorney even try um...cross paths with, did either of them mention what the commotion was?

A Um...

Q I mean what was your understanding heading to the clerk's office?

A I would, I would have to look at my report to be sure because I know I wrote a supplemental report that day. Um...I know that they told me there was a, a commotion of some sort going on down in the clerk's office. Um...I believe I may have initially been told that there were threats and then that was reinforced by the gentleman downstairs on the first floor.

Q Okay and did anybody ever say what the threats were? I mean threats to hurt, mane?

A No I, not specific threats to me. I didn't even have time to investigate it; I just went to contact them to separate whatever was going on.

Q Okay so when you get to the clerk's office, what do you see?

A Um...the main glass doors um...it looks like business as usual, go through those doors and I look to the, to the front left.

Q Uh huh.

A Then I can see Mr. Rupert and his friend standing there at the counter doing some sort of paperwork thing and everybody from the clerk's office behind the counters standing, I see them way in the back. I see them like they're all looking forward but they're all way in the back.

Q Any words going back and forth between anybody?

A Not as I walked in.

Q Okay.

A And, and my first contact with them was look guys you can videotape anything you want, you just have to do it respectfully. Don't be, I mean you can't instigate violence or, or ah...instigate a riot. You can't cause people to, to become violent; you can't be violent or make threats towards anybody. Um...

Q Now you, now you'd mentioned also that you had a cross path with Mr. Rupert prior to this; did you recognize him when you went in? Did you know this was him?

A I did yeah.

Q Okay so you, you knew it was Mr. Rupert prior to getting there or just when you got there?

A Um...I want to say prior even to getting the call, I suspected who it was by the description that the two males one with a video camera. They've been in the building in and out before several times so.

Q That, that is not the most common type complaint you get in the County City Building I take it?

A Right it's ah...very rare.

Q Okay.

A Um...

Q So this incident ah...where you have two guys and ones videotaping and being abrasive or whatever he was the first person you thought of I guess fair to say?

A Right, yeah.

Q Okay.

A Um...so when I contact him we have a small discussion and um...Mr. Rupert then leads me out we decided we're gonna talk further out in the hallway where it's more of a private setting and Mr. Rupert leads out the door to an area right outside the glass doors of the um...I say the main doors to the clerk's office.

Q Uh huh.

A And there's just a little square area there, there's a recycle bin that sits outside the door um...and when we got into that particular area; he turned extremely quickly with, with the black camera that was in his hand. Um...but the way it came around I saw it from the side and my, my side vision I grabbed his hand and pushed it back on to the garbage can and then I used my right hand to push him against the wall cause I thought he was going to swing at me. Um...I realized later that that area isn't covered on, on video surveillance from our side. The County City Building doesn't record that area, it's a dead zone. Um...I'm certain he knew that and that's why he walked to that location then his videotape

would be the only evidence of what happened. Um...we had a discussion, I explained to him look you can, you can videotape I'm not trying to stop you from videotaping but you can't be obnoxious and you're certainly not going to strike me in the hallway. I'm not going to let that happen either. I held him by the chest and my hand may have slid up a bit, but my push was him against the chest. He's a little shorter in stature than I am. Um...I did ask him because his eyes looked um...almost like he was tweaker. His eyes just didn't match. One of them was, was ah...not dilated and the other one was. He explained to me that he had glass eye and so he popped that out to demonstrate to me that it was a glass eye. I didn't question it, I believed him when he said it but he for effect I guess he had to show me. Um...which is his right eye which is where his camera always goes so it kinda confused me but anyway. Um...I explained to him you know what I would allow him to be you know the behaviors that was expected and wasn't expected inside the building. You have to be cordially, you can't be obnoxious, you can't incite people, you can't threaten people. Um...and then I released him and let him go. I didn't handcuff him, I didn't do anything other than hold him against the wall until I knew that the threat was diminished and then I released him.

Q Okay alright so um...have you seen the video that he was um...?

A No.

Q That he was taking at the time? Ah...just, just so that you know and we're on record here, ah...it's on YouTube and I can give you the, the address for it and you can.

A I just assume not if that's okay.

Q Um...yeah your, your choice um...I have it, I have it here also and ah...just seems that this laptop is having some trouble opening the ah...file so I'm just going to give it a shot here. Okay but when, when you went into the ah...clerk's office ah...you recognized Mr. Rupert and, and there was another gentleman with him um...they were doing something that wasn't an actual confrontation going on at that point between him and the, the staff?

A Correct.

Q Right and you contacted them um...and telling him that videoing is you know hey you're fine to video but you're fine to ah...you know incite a riot or...

A Make yeah threats.

Q Make threats or you know violence or anything like that is that correct?

A Correct.

Q Okay ah...when you walk in, do you recall where the camera was in his, did he have it on him at that point or was it just kinda laying there if you recall when he picked it up when he contacted you or when you contacted him?

A I honestly don't recall. Um...

Q Okay um...I, I had interviewed and he ah...he said just kinda set it down and then when he got when you contacted him that's when he picked it up. Just because it's a small camera and the limited storage and he says when he's filling out paperwork, he's not going to record 10 minutes of filling out paperwork. But he kinda turns it off and then turns it back on when, when you contacted him. So I wanna show you a video.

A Okay.

Q That ah...let me see if I can, there's multiple videos on him so I can pick the right one and ah...might have to go through them. Okay well this is ah...this is just him getting there but we'll, this is not your contacts. I'm going to fast forward through this part and ah...and actually I think this here is the first contact you had with him and you and Deputy Robinson up at the ah...entry on the second floor.

A Okay.

Q Does that kinda just to make sure here, you can just confirm or that that's what this part is.

A That's what it appears to be yeah. Might have been a couple days earlier I think, maybe a week earlier.

Q Yeah. He's not the best videographer it kind of ah...you can see the view here so this but this is just obviously and these guys are the ah...the...

A G4...

Q G4S Security okay. So let's go through that one and then to the next video and this is the one that has the contact on it actually. Alright right countertop there looked like the clerk's office.

A Clerk's office yep.

Q Alright and we'll just go to where your comments at, begins with him. It, it so this is the area where you contacted him?

A No it's um...

Q Back between towards the other...

A Yeah.

Q Clerk's part. Obviously this is Halloween and ah...there's people in costume here.

A He's, that employee is the one that was at the Sheriff's desk.

Q Okay.

A When I came across. I don't know what his name is but.

Q Alright so but, but is this the door you walked in when you went to contact him and turned to your left?

A Oh, yeah, yeah we were further back.

Q Uh huh right to the entry doors.

A Here yeah the doors go in and that's the back of that main room and then I turned to the left and that's where they were at so. Again, the guy in the Seahawks shirt we just saw is that employee that was at the Sheriff's desk.

Q Okay, okay so then that video stops there without any contact by you yet and we'll go to the third video. I did not label these so. And I'm just going to zip forward through this until I can find the contact with you if it's on this particular video or not. Do you know who that is?

A That's the clerk.

Q Yeah um...

A Kevin Stock.

Q Okay Kevin Stock, that's I wasn't sure who Kevin Stock was. Alright so you're not on that video either. That was number three and we're going to go to the next one ah...that's not a MP3 and it's titled that but like I said I did not label those. Okay so I mean so right here the video starts and it, it starts with, would this be you?

A Yep.

Q Um...a uniform.

A Looks like my rings.

Q Got your ring there and the video camera is not showing your face, it's only showing I mean you can see the PC on the collar tabs there like from your neck down and I don't believe it ever has your face on here.

A Okay.

Q So like I said his video skills leave a little bit to be desired but ah...so this part right here um...is the video starting with you having already initiated contact so at some point you must have started and then he and then the recorder comes on cause nothing before that, that there.

A Well I, is this what he provided because I?

Q Yes this is what, this is what he provided.

A He was recording everything so I don't know.

Q Right okay and this is what he provided and his explanation was that when he was doing the paperwork the video player was off just cause the memory card was only so big and can't leave it

running for hours and then when you contacted him, that he turned it on. Okay so at some point now you are directly, you're in front of each other.

A Uh huh.

Q Okay so just for the record here um...and I'm just gonna go by what he's saying there because he's the voice mainly talking um...he's asking you not to get in his face or in his space he said there and um...he said I'm gonna take two steps back and you tell him you can take all the steps back you want I'm trying to have a private conversation with you and then he recommended or asked can we take it out in the hallway?

A Yep.

Q Is that correct?

A Yep.

Q Okay and that's what we just heard. Okay so as you're walking out of the clerk's office, you're not saying anything sounds like. He's doing the talking saying you don't have the right to invade my space, where's your Sheriff, where's your boss. Is that correct?

A Correct.

Q Okay so then you just went through the doors and ah...okay, okay. So then it looked like we'll, we'll do it again just to make sure. It looked like um...as soon as you go outside and turned something okay.

A I thought he was going to make threats he actually can leave and he said I will stop, I will stop. To me he's says he's making threats and he will stop.

Q Okay um...and, and I'm just being the observer here and, and you said you already, you knew he had a there was someone videoing there and you've dealt with him before because of his videotaping.

A Uh huh.

Q So you knew what, what um...this person was like I mean what is ah...I don't want to say his frame of mind but his beliefs and he, he, he's ah...an avid I can video, it's a public place.

A Yep.

Q I can do whatever I want, I can video wherever I want and there's nothing you can do about it right, wrong or indifferent, fair?

A Yeah.

Q Okay so he says that and then ah...you contact him. He's asked to go out in the hall and you go out and ah...in your report and what you just told me a few minutes ago that when you go out there, he quickly turned had something dark in his hand, you saw it out of the peripheral and grabbed the hand and with the other hand pushed him up against the wall?

A Right.

Q That, that right? Okay um...and you mentioned in your report that you're ah...supplemental report and your use of force report saying in the narrative um...that um...you didn't know what was in his hand you know you saw a dark object?

A Yeah just, in my head I know he records people I, I...

Q You knew you were there because of that.

A Yes.

Q I mean was there any I mean honestly I mean was there did you ever think there was anything other than the recorder in his hand?

A No.

Q Okay.

A I, I but I didn't know I mean I at the time you see a dark object I just and what the video doesn't show is him turning in that portion of it because from the walk out to the hallway towards he got us to. When he turned, that's when, that's when you see the video there all you see is the or the, the wall or something.

Q Uh huh.

A That's, I just held his hand on the garbage can because it was coming towards me.

Q Okay.

A And I stopped it so um...nobody's going to hit me with a camera or a brick or anything I mean I didn't think it was a gun, I didn't shoot him, I, I.

Q Okay and then you, you mentioned that ah...afterwards you know you kinda realized that um...this is an area that is not covered by surveillance by the County City Building.

A Right.

Q And then you know you believed that he was aware of that and that's why he went to this area. Um...however in your report you wrote that you know that you felt, you thought that at the time fearing he had lured me to a location where he there was prior video tapping surveillance of the interior of the courthouse knew there was no video cameras so did that go through your mind then? I mean in your report it doesn't sound like it.

A Well okay we, we knew that there was a dead area there from domestics that happened in that hallway cause that's the domestic violence hallway.

Q Right.

A Um...so I, I knew that, that there was a dead spot um...I don't know, I think my report may, may be worded a little inaccurate in that, in hindsight I think that's what went through my head but I don't know because when I looked at it, when I went up to look for the video because I went to look for video so I didn't really know that there wasn't any until I went to look for it.

Q Okay.

A Um...so I think that was just in hindsight my mind put it all together that way.

Q Alright and then um...and, and you mentioned you quickly blocked his right hand with your left while pushing him in the chest against the wall of the main hallway and that's what you said right?

A Uh huh.

Q Okay um...you said that you're right hand may have gone up his chest a little bit. He says that you pushed him by the throat is that accurate?

A No did not happen.

Q Okay and um...that when you grabbed his right hand the camera that um...the way his camera works is there's a LCD flip out screen and that's what he looks at when he's you know doing all of his stuff. When you close that screen, it turns the camera off and that when you grabbed his hand you closed the screen. I don't know if it was intentionally or unintentionally but and that's why the video stopped right where it did cause that's where it got turned off at.

A Oh um...no I just, I just pushed his hand onto the garbage can. He had his hand coming up, I grabbed it, pushed it down, pushed him back against the wall.

Q It could, it could have been your hand, it could have been the garbage can or wherever.

A Yeah, yeah.

Q Flipped it, something flipped the screen closed. As far, you don't recall it being intentionally though?

A No I would not; I didn't even know that would operate it that way.

Q Okay, okay so since your contact from the moment you walked in to outside, he's talking about I'm backing up peacefully, I'm you know did you ever visually see any type of threatening behavior or confrontational behavior by Mr. Rupert or his associate? I believe his associate's name was um...Stumpf.

A Stumpf.

Q S-T-U-M-P-F.

A Um...no I didn't but I was responding to reports of it as I was heading there so.

Q Uh huh.

A Um...and that tall gentleman in the, in the Seattle Seahawks shirt specifically said threatening staff so I was going to investigate threats to staff, not well was he being threatening at the time I got there or not.

Q So the, the complaint wasn't hey there's some guy in here filming us? The complaint was there's some guy in here threatening staff?

A Yeah the complaint I got well...

Q By a guy filming...

A Three different things you know that occurred, the radio transmission was, were needed down in the clerk's office. The attorney said there's a disruption of some sort, I can't remember what word he used but I put it in my report and then the third report as I'm heading there from the employee who had left the clerk's office, came all the way down to the Sheriff's desk um...he's the one who told me there, it was threats. That's what I remember specifically these guys are threatening staff so I was responding to investigate the threats to staff when these guys are there. I recognized them, I tried to calm it down by saying hey look you guys can record anything you want, you just can't threaten people, you can't incite violence and then they.

Q So your intent on the way there was not to stop them from recording?

A Oh no.

Q At all if that's all they were going to do. You just didn't want them to be disruptive?

A Yeah I didn't, I didn't want them to disrupt business from the office, not make threats to anybody and they're free to record anything they want and my other intent was to tell the staff that these guys have the right to videotape. I don't know if that word had gotten out to the clerk's staff.

Q Okay and so I mean is it your understanding that they can videotape in the public areas such as hallways?

A Yeah.

Q And the clerk's office?

A Yeah anything except the courtrooms that each commissioner or judge dictates how that courtroom is.

Q So within the courtrooms it's up to the judge or commissioner?

A Yes.

Q Presiding?

A Right.

Q Alright okay so, so that was that one and then ah...the next video here let me just well while we're watching these let's see what it is. Okay this is just him going to the front desk now. I'm guess, you know that's really not pertinent to this one, it's just his making a complaint to the front the desk and kinda initiating this whole investigation and um...right here he's just um...part is that Mr. Rupert, do you recognize him there?

A Yeah right there.

Q Alright okay so on this particular one here um...in hindsight is there anything you could have done different that you can think of or do you feel that you handled this appropriately um...?

A Um...not at all. In hindsight all the things you could do differently.

Q Sure.

A But um...given the, the circumstances known to me at the time I would have most likely reacted exactly the same way with the situation the way it was. Um...educating the employees of the building and educating the staff that people are allowed and not allowed to do certain things is something that we've started to do to make sure that everybody knows what they can and can't, can't except behavior but.

Q Uh huh.

A Um...at, at the time I would have, I believe reacted the exact same way.

Q Okay but, but I mean we're still not clear on what threats if any were ever, ever made correct?

A Correct.

Q I mean since October 31st have you talked to anybody down there and has anybody mentioned what?

A I haven't but I was, I was told not to. I was going to go down and take, take handwritten reports and I was told not to. I was it was suggested by a sergeant to me that I, that I step back from it and let my sergeant handle that part of it.

Q Okay.

A And find out exactly you know get the handwritten statements from the witnesses or the other, the victims of the threats that kind of thing.

Q Okay um...I did contact Mr. Stock and ah...just to let you know I mean he says that you know there were never any threats made, that ah...he just things were starting to escalate, he thought you know what I'm not dealing with this that's what we have security for. Cops are in the building let them handle it and he got somebody to call and, and that was his words.

A Okay.

Q You know so okay. Um...what I mean we've been around long enough that what one person tells to dispatch or a second person by the time it gets through two or three people things change so um...but um...I mean, I mean just watching this um...from the officer safety perspective I mean you're, you're I mean you and I there's a 3 foot table separating us and to me this is pretty close but you're even closer than this correct? I mean looking at the video I mean...

A Yeah.

Q You guys are on top each other, close enough to go hands on. Um...I mean do you, do you still feel appropriate that you went hands on? I mean was you know should anything...

A Well yeah I, I didn't go hands on until we were outside the door in that area where he had turned towards me and once he turned towards me and all I didn't, I didn't grab him I stopped his hand and then kept him at a distance actually is all I did.

Q Alright.

A He just happen to be against the wall when I did it.

Q Okay so you do not feel that you were being the aggressor? You were being the defensive that...

A Oh yeah.

Q He was doing something and you were...

A I reacted to it defensively.

Q Reacting to his aggression?

A Correct.

Q Alright okay so, so regarding that point there, did you get a chance to read the um...use of force policy that I provided you a few minutes ago?

A Um...

Q It's one of the forms that I handed you.

A Yeah, I yeah I already looked at it.

Q And I mean it's kind of a you know kinda long, it's, it's the ah...Lexipol Use of Force policy well parts of it not all of it. But did you get a chance to read that or kinda in the pass through?

A *Perused*
~~Crused~~, yeah.

Q *Perused*
~~Crused~~ it? Do you feel that you used ah...unnecessary or unnecessary amount of force, what is your opinion of this ?

A I think it was, I used the necessary force that I needed to control the situation at the time.

Q Okay ah...one of the factors to determine a reasonable, a reasonableness of force ah...listed here ah...some of them are eminency or severity of the threat to law enforcement officers or other, ah...conduct the individual being confronted as reasonably perceived by the law enforcement officer at the time, um...the effects of drugs or alcohol. You had mentioned the eyes that so that is playing through your mind?

A It well yeah it's everything you know unwilling but I, I used only soft empty hands.

Q Uh huh.

A I didn't use any of the weapons at my disposal, any of the tools on my belt. I didn't, I didn't use any of those.

Q And you did not grab him or push him by the throat?

A No.

Q Okay um...and once he, once you did this and he says okay I'm gonna stop ah...I think that's what he said I'm stopping okay, okay something like that. What did you do, I mean the video stopped right there. What did you do afterwards?

A Um...

Q Did you just let him go?

A Once he said he was going to stop, then yeah I just yeah I let him go.

Q Okay.

A Cause I, I assume that he understood then that I didn't want him making threats to the people.

Q Uh huh.

A He told me he would stop making threats.

Q Okay.

A So that's I mean that's how I had heard it. I said look you're not going to threaten people, okay I'll stop he said. I said okay then and then were fine you know I'm not.

Q Did you take his camera?

A No I never took it from him.

Q You never took the camera from him?

A No.

Q Okay one of the things he was complaining about was the theft of his camera and then you gave it back. Um...you don't recall ever taking it from him?

A No I held his hand and the camera at the same time to the side that was the only thing that.

Q So he always retained possession of the camera?

A Yeah.

Q Is one that I mean does it have a little strap around it to hold it in their hand or something?

A I don't I, I really don't know it's a little black looks about this big it's not very big at all. Smaller than that, bigger than that.

Q Okay and your pointing at the ah...battery for the laptop here smaller than that and bigger than the ah...mouse?

A Correct.

Q Okay so just a palm sized device?

A Uh huh.

Q Okay um...alright so again ah...just to clarify did you feel that you violated our department's use of force policy?

A No.

Q Alright um...and that was on October 31st Halloween ah...do you recall having contact with him again after that?

A Um...yes in ah...DV courtroom room 117, courtroom 117.

Q Okay and whose the commissioner or the magistrate?

A They rotate um...

Q It was a female.

A It was a female, I don't know which one at the time.

Q Alright and I believe that was on now it would be ah...November 12th or 17th it was a couple weeks later.

A I was yeah.

Q Does that sound about right?

A Oh yeah afternoon docket yeah.

Q Okay um...let's just see if this is right video here cause. I don't need to watch him walking down the hallways.

A Is this one where he records Culpepper in the same corner.

Q And actually this is ah...yeah this is a different video what I'm talking about. Oh it's on a different disk that's why. Actually it should be on one of these here also.

A Did he provide the video where he tried to arrest me?

Q Um...he's not provided video of that, he did tell us or tell me that ah...he had the intent of making a citizen's arrest or something like that.

A Yeah...

Q Is that what you're talking about?

A He tried to arrest me twice. Once going down this hallway and once in the courtroom but okay.

Q How, how did that?

A He said turn around I'm gonna, I'm gonna place you under arrest and then he asked to borrow my handcuffs and I.

Q Alright it must be on this other disk here, hold on one second. Um...see if it auto plays. I think you can tell this is his how he labels everything. What's going on here, okay let's see if we see or not. Um...in the second ah...or I guess this would be the third contact you've had with him. The first one was upstairs with Dennis Robinson.

A Right.

Q At the entry door and then the one in the clerk's office and then now this one inside of courtroom 117?

A There, no there have been several more that he's not showing you.

Q Okay.

A That he's, he's come through and videotaped me and I denied I mean there's been several more that have, that were not useful for him so he didn't provide you those.

Q Okay.

A But okay.

Q But this is the third um...

A This is a recorded one from him.

Q Um...there's some type of hearing going on inside one of the courtrooms and ah...in this particular one I've watched it ah...he's sitting in the benches, ah...your standing. He's in a bench like this, there's a wall to the left and your standing here.

A Right.

Q And there is one of his...

A It's when I call him little shit at some point.

Q You say something to the effect of I don't give a fucking shit, you kind of lean down into him and he's recording and actually somebody else was recording also um...is that what you're referring to?

A Yeah.

Q And that's what I was going to show you.

A Okay.

Q And that was the words I heard. Ah...I don't give a fucking shit. Do you feel that was appropriate to say?

A No.

Q Okay and, and ah...

A Sometimes, sometimes I, I resort to using ah...vulgar language because it's the only thing that will get through to certain people. Um...nothing gets through to this guy so that wasn't, that didn't work either and so it's...

Q Did he get under your skin kinda finally? Is that I mean...

A Um...I, I think what happened at least from in retrospective is that if they're outside in the hallways I really don't give a bloody well rip about anything but if you're going to disrupt the courts, the courts are very sacred to me and if you're going to disrupt the court proceeding then I start to get a little bit upset because you shouldn't be disrupting court proceedings. If it was, if it was your hearing you wouldn't want to disrupt it. The courts have to be able to function and so I think I was a little frustrated with the disruption of the courtroom.

Q And that's what I want to say frustrated.

A Yeah.

Q So and you've dealt with this person before.

A Uh huh.

Q So um...um...I gave you a short little ah...other policy here ah...340.3.2 which is conduct and under K it's discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency. Um...basically it's courtesy.

A Correct.

Q Okay do you feel that um...you violated that portion of the manual?

A (Laughing.)

Q Well you know and if you don't feel you know. Well I don't mean to put you between a rock and a hard space um...well maybe I do. But um...and it's not to admit guilt or anything like um...I mean you know we both been here for a long time and ah...ah...we've both work different shifts and then there are certain people that only understand you or listen to you when you speak to them a certain way.

A Uh huh.

Q Ah...there's certain portions of the public that you know if you don't talk their language they don't hear a thing. Um...this individual is somebody that you've had multiple dealings with um...three that we've talked about here and then you, yourself said that there have been other ones in between there that didn't ah...you know provide him any ammo.

A Right, right.

Q For his case so you've had multiple things and ah...you kinda mentioned that your frustrated in the courtroom there um...

A Should I have acted differently, yes.

Q Okay.

A Does that, does that answer your question?

Q No, no that answers.

A Okay.

Q You know I mean I'm satisfied with that answer.

A Alright.

Q Um...have you dealt with him again since then? I know he has issues with you and ah...Deputy Robinson.

A Right.

Q And um...

A I don't think I have um...and I mean he hasn't done anything to warrant my attention.

Q Okay.

A But I, but I had days off for an extended period during the month of December so um...

Q And, and.

A If he's been there I don't know.

Q You know I mean if he comes in I mean the ah...commissioned um...security, you and the rest of the court security staff there is very limited in that building I mean chances are he's gonna.

A Yeah.

Q Have to be in contact with one of you all, it's not like there's 400 people that he can pick and choose um...so I'm just wondering you know what if anything you would be able to do if he comes in again? I mean you're gonna have to contact him I mean you can't just say.

A Well if he doesn't violate any of the you know the appropriate rules, I don't have to contact him but if he wants contact, I will talk to him all day long if he wants talk. I'm not...

Q Alright well Jay is anything about this case or this person or anything that you think that I should be made aware of that I didn't ask you about?

A Um...no I assume that you are doing an outstanding job of investigating it and you probably know more about this case and these people than I do.

Q Ah...has everything you told me today been the truth?

A Yes

Q Alright and did I make any promises or threaten you in any manner regarding this investigation?

A No.

Q Alright with your permission I'm going to go ahead and turn the recorder off.

A Good.

Q Alright.

A Yes.

Q The time is now ah...1349.

SECTION 6



Pierce County Sheriff's Department Use of Force Report



Case/Call Number: 143040723 Incident Date: 10/31/14 Incident Time: 1430
 Reporting Deputy Name/5 digit: Jensen / 96029
 Supervisor Name/5 digit.: Leach /
 Number of other Deputies on scene when force was applied: 0
 Deputy Names / Unit Numbers:
 Incident Type (*as dispatched*): Disruptive Subject / Threats

Type of Force Used (Check all that apply)

☒ Soft empty hands ☐ Hard empty hands ☐ OC ☐ TASER ☐ Less Lethal Tool
☐ Firearm Point & Direct ☐ Impact Weapons ☐ Deadly Force ☐ VNR 1 or 2 ☐ VNR 3
☐ Compliant Cuffing Only ☐ K9 Contact ☐ Other: _____

TASER and/or OC Spray

Approximate distance from suspect at time of force application: Feet
 Was there need for additional application(s)? N/A If so, number of applications:
 TASER: Serial # (*Select One*) N/A Taser Data Downloaded: No
 What type of application? (i.e. Display, Probes, Contact) : N/A
 Did the darts penetrate the subject's skin? N/A No
 Were any injuries caused by the TASER, except from the probes? No
 OC/Gas: Type of Application (*Select One*): N/A

Suspect Information

Total number of subjects: 1 (If force used on multiple subjects, UOF Form required for each)
 Age: 20 Sex: Male Height: 5' 8" Weight: 180 Build: Medium
 Race: White Ethnicity: Unknown
 Weapon Used: No Weapon:
 Were Drugs /Alcohol a contributing factor to this incident? No
 Were Mental Health issues of the subject a factor in this incident? No
 Medical Evaluation at scene: No If Yes by Whom?
 Treated at hospital or scene and released: N/A
 Admitted to hospital for injuries: No
 Mental Evaluation Requested: No
 Booked into Jail: No

Use of Force Details

Was the Use of Force applied effective / did you get the result you intended? Yes
 Were any **Law Enforcement Officers** injured during this incident? No
 If yes, how many?: Most serious Injury Type: N/A
 Were any **EMS/citizens** (other than the subject) injured during this incident? No
 Shift Supervisor provided copy of Use of Force Form? Yes
 Did you complete an Incident Report? Yes
 Use of Force Form completion noted in your General / Supplemental Report? No
 Narrative (*if no Incident Report Completed*) or enter report Case No.: 143040723
☒ Narrative attached

<http://netapps.lesa.net/IncidentSummary/IncidentSummary.aspx?IncNo=> (Ctrl + Click to follow link)

**Save document as follows; UOF, Case No., Your Personnel Number, "UOF 13-123-0123 96-024" and
 Forward this report to the PCSD Training Division with a Copy to the Shift Supervisor**



Pierce County Sheriff's Department Use of Force Report



Please add Narrative Information below

At 1330 hours on the afternoon of October 31st, 2014, G4S Security advised there was a some type of an altercation in the Clerk of the Superior Court's Office (Room 110) and that someone from the office was calling for assistance. As I made my way across the second floor entry, I was contacted by an unnamed attorney who frequents the building quite often. He informed me there was a big commotion in the Clerk's Office on the first floor. I then made my way down the west stairwell, and as I was crossing the first floor entry I noticed a tall male whom I recognized as a member of the Clerk's Staff, at the front desk of the Sheriff's Office. When he spotted me he immediately walked my direction and caught up to me as I was heading down the Hallway. He began telling me that a guy with a camera was in the Clerk's Office threatening staff and calling employee's names. When I entered the Clerk's Office I spotted two individuals whom had been rather obnoxious in the past, standing at the counter. One I recognized as Mr. Bo Rupert and the other one I had not yet identified. I walked up to them and quietly told them they were free to video record whatever they liked but they were not free to be disorderly or hostile towards the employees of the clerk's office. I further advised them that they would not be allowed to behave in a manner that would be offensive to others or to provoke an assault by verbally assaulting the staff. Mr. Rupert then invited me into the hallway to discuss this matter more fully and I followed him into the hallway. No one was more surprised than this Deputy when suddenly; right outside the main office door, Mr. Rupert turned very abruptly towards me while raising his right hand with a dark colored object in it. Fearing he had lured me into a location where he, through his prior video tapping surveillance of the interior of the court house, knew there were no video cameras to capture his assault of me, I quickly blocked his right hand with my left while pushing him in the chest against the wall of the main hallway. I advised Mr. Rupert again that his behavior was not acceptable and that if he were to continue, I would physically remove him from the building if not arrest him for disorderly conduct for his continued disruptions of the Court's Business. He and his friend then left the area of the Clerk's Office.

<http://netapps.lesa.net/IncidentSummary/IncidentSummary.aspx?IncNo=> (Ctrl + Click to follow link)

Save document as follows; UOF, Case No., Your Personnel Number, "UOF 13-123-0123 96-024" and Forward this report to the PCSD Training Division with a Copy to the Shift Supervisor

**Pierce County Sheriff
Department Incident Report**
Incident No. 143040723.1
Page 1 of 3

PDA:	Homeland Security:	Subject:	FIR
IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	00-038 - Shook, Douglas 11/7/2014 15:31:53
Case Report Status:	Approved	Reviewed By/Date:	99-008 - Leach, Rodger 11/10/2014 09:07:27

**Incident No.
143040723.1**
Related Cases:

Case Report Number	Agency
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Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
STMT - Statement / Notes (copy)		2

Location Address:	930 Tacoma Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98402	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	171 - Tacoma	District/Sector:	TA11 - Tacoma
Occurred From:	10/31/2014 14:00:00 Friday	Occurred To:	10/31/2014 15:31:00 Friday
Notes:			

Offense Details: 8305 - Suspicious Person / Vehicle / Incident / Information (FIR)

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:		Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:		Type of Security:		Tools:			
Location Type:	Government Office	Evidence Collected:					
Total No. of Units Entered:							
Entrance Compromised:							
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Other Entity O1: Rupert, Bo Dana
PDA:

Aliases:		DOB:	4/13/1994	Age:	20	Sex:	Male	Race:	White	Ethnicity:	Non-Hispanic
Height:	5' 11"	Weight:	155	Hair Color:	Brown	Eye Color:	Blue	Phone:			
Address:	5110 S 372ND St					County:					

Call Source:		Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	00-038 - Shook, Douglas
Entered On:	10/31/2014 15:26:58	Approved By:	E00217 - Anderson, Ashli
Approved On:	11/10/2014 09:52:41	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:	Jail	Other Distribution:	
Validation Processing	Distribution Date:	County Pros. Atty.	Juvenile
	By:	City Pros. Atty.	Military
		Other	CPS
		DSHS	PreTrial
		Supervisor:	

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Printed: November 19, 2014 - 10:06 AM
Printed By: 032 - Donlin, Timothy

Pierce County Sheriff Department Incident Report

Incident No. 143040723.1

Page 2 of 3

City, State Zip:	Auburn, WA 98001	Country:		Business Phone:	
Other Address:	49 Ne Division St Chehalis, WA 98532			Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:		Employer/School:	
SSN:	4			Place Of Birth:	
Driver License No:	RUPERBD066JL	Driver License State:	Washington	Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Other Entity O2: Stumpf, Anthony Douglas

PDA:

Aliases:					
DOB:	1/24/1969	Age:	45	Sex:	Male
Height:	6' 0"	Weight:	140	Race:	White
Address:	13719 42ND Ave E	Hair Color:	Brown	Ethnicity:	Non-Hispanic
City, State Zip:	Tacoma, WA 98446-1711	Eye Color:	Blue	Phone:	253-666-3499
Other Address:		Country:		Business Phone:	
Resident:	Full - Time Resident	Other Phone:		Employer/School:	
SSN:	4	Place Of Birth:		Driver License Country:	
Driver License No:	STUMPAD319B4	Driver License State:	Washington	Complexion:	
Attire:		Facial Hair:		Facial Shape:	
SMT:		Reporting Statement Obtained:			
Entity Type:	Other Individual				
Entity Notes:					

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

Synopsis:	A male was contacted in the CCB after he was identified as causing a disturbance by staff.
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Narrative:	On 10-31-14, at about 1430 hours, I contacted Bo Rupert at the Sheriff's Dept front desk at the City-County Building located at 930 Tacoma Ave S. Anthony Stumpf was a male identified with him. Rupert was asking for a supervisor (he had asked if I was a Sgt) and a report to be filed regarding him being assaulted by a Deputy. I knew from monitoring the radio transmissions earlier that Rupert had been removed from the Clerks Office by Deputy Jensen (#380). I had heard via radio traffic that staff were asking for assistance due to a male yelling and acting in a threatening manner. I did not witness the contact between Jensen and Rupert. Contact later (by me) would show that the present clerk staff included: Jeff Liengin, Ted Rutt, John Robbins, Kevin Stock, and Chris Hutton. I finished checking on another urgent request for assistance in the courthouse and then returned to the Sheriff's Office desk on the first floor. The departure and return took less than 5 minutes. Sgt Leach was not present in the CCB. I introduced myself and notified them that I would provide a handwritten statement form for them to complete. I provided Rupert with a statement form and obtained his identification information verbally as he stated he did not have any ID on him. Rupert claimed he had been assaulted by Deputy Jensen and that he had been grabbed around his throat. I did not see any redness or marks around Rupert's throat as I talked with him. I then left him in the waiting area to complete his statement. I returned a short time later and received a completed statement. Stumpf then indicated he had witnessed some of the contact but did not see everything. Stumpf indicated he saw Deputy Jensen use force
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**Pierce County Sheriff Department
Incident Report****Incident No. 143040723.1****Page 3 of 3**

to put Rupert against the wall outside the Clerk's Office. Stumpf then clarified that he did not see Jensen grab Rupert by the throat as Rupert had previously claimed.

While Stumpf was completing his statement, Rupert showed me the video footage on his video recorder. Most of the video is of the chest area of a Deputy and no face is seen. Voices are heard and the surroundings are visible enough that you can tell that Rupert was removed from the Clerks Office. There was discussion between Jensen and Rupert about stepping out of the Clerk's Office to continue the conversation/contact. Rupert offered to provide a copy of the video in cd format. I told him that would be great and that he could bring it to the courthouse and it would be given to me.

At one point Deputy Jensen went through the lobby toward a 1st floor court room. Rupert walked after him and loudly stated that he was going to take Deputy Jensen into custody under a citizen arrest. Rupert did not make contact with Jensen and returned to the waiting area by the Sheriff's Dept desk. I cautioned him that attempting to take Deputy Jensen into custody would not end as he anticipated and would probably end with him being taken into custody.

Rupert turned to Stumpf and asked him to hurry with his statement.

While Stumpf was still writing, Rupert went back down the hall to the Clerk's Office and turned in a records release form. He returned with different documents than he went in with. I did not get any calls for assistance from the Clerk's Office during that time frame.

Stumpf completed his statement and it was turned in to me. Rupert and Stumpf then went out into the lobby area. It appeared that Rupert was looking for Deputy Jensen, but did not locate him. Both men then left the lobby area and I returned other duties.

Sgt Leach was notified of the contact and told this informational report was being completed.
I have no other information or evidence at this time.

Reviewed By:

Reviewed Date:

000130
**Pierce County Sheriff
 Department Supplemental
 Report**

Incident No. 143040723.2

Page 1 of 2

A:	Homeland Security:	Subject:	FIR	Incident No. 143040723.2
IBR Disposition:	Active	Case Management Disposition:		
Forensics:		Reporting By/Date:	96-029 - Jensen, Jay 11/6/2014 13:09:12	
Case Report Status:	Approved	Reviewed By/Date:	99-008 - Leach, Rodger 11/6/2014 13:31:36	

Related Cases:

Case Report Number	Agency
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Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
Location Address:	930 Tacoma Av S	Location Name:
City, State, Zip:	Tacoma, WA 98402	Cross Street:
Contact Location:		City, State, Zip:
Recovery Location:		City, State, Zip:
CB/Grid/RD:	171 - Tacoma	District/Sector:
Occurred From:	10/31/2014 14:00:00 Friday	Occurred To:
Notes:		TA11 - Tacoma
		10/31/2014 15:31:00 Friday

Offense Details: 8305 - Suspicious Person / Vehicle / Incident / Information (FIR)

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:		Hate/Bias:		Using:	
Criminal Activity:						Tools:	
Location Type:	Government Office	Type of Security:					
Total No. of Units Entered:		Evidence Collected:					
Entrance Compromised:							
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Call Source:		Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	96-029 - Jensen, Jay
Entered On:	11/3/2014 15:03:04	Approved By:	E00217 - Anderson, Ashli
Approved On:	11/10/2014 09:52:46	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:	Jail	Other Distribution:	
Validation Processing	Distribution Date:	County Pros. Atty.	Juvenile
	By:	City Pros. Atty.	Military
		Other	CPS
		DSHS	PreTrial
		Supervisor:	

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Printed: November 19, 2014 - 10:07 AM

Printed By: 032 - Donlin, Timothy

**Pierce County Sheriff Department
Supplemental Report****Incident No. 143040723.2****Page 2 of 2****Synopsis:****Narrative:**

At 1330 hours on the afternoon of October 31st, 2014, G4S Security advised there was a some type of an altercation in the Clerk of the Superior Court's Office (Room 110) and that someone from the office was calling for assistance.

As I made my way across the second floor entry, I was contacted by an unnamed attorney who frequents the building quite often. He informed me there was a big commotion in the Clerk's Office on the first floor.

I then made my way down the west stairwell, and as I was crossing the first floor entry I noticed a tall male whom I recognized as a member of the Clerk's Staff, at the front desk of the Sheriff's Office.

When he spotted me he immediately walked my direction and caught up to me as I was heading down the Hallway. He began telling me that a guy with a camera was in the Clerk's Office threatening staff and calling employee's names.

When I entered the Clerk's Office I spotted two individuals whom had been rather obnoxious in the past, standing at the counter.

One I recognized as Mr. Bo Rupert and the other one I had not yet identified.

I walked up to them and quietly told them they were free to video record whatever they liked but they were not free to be disorderly or hostile towards the employees of the clerk's office. I further advised them that they would not be allowed to behave in a manner that would be offensive to others or to provoke an assault by verbally assaulting the staff.

Mr. Rupert then invited me into the hallway to discuss this matter more fully and I followed him into the hallway.

No one was more surprised than this Deputy when suddenly; right outside the main office door, Mr. Rupert turned very abruptly towards me while raising his right hand with a dark colored object in it.

Fearing he had lured me into a location where he, through his prior video tapping surveillance of the interior of the court house, knew there were no video cameras to capture his assault of me, I quickly blocked his right hand with my left while pushing him in the chest against the wall of the main hallway.

I advised Mr. Rupert again that his behavior was not acceptable and that if he were to continue, I would physically remove him from the building if not arrest him for disorderly conduct for his continued disruptions of the Court's Business.

He and his friend then left the area of the Clerk's Office.

Nothing follows

Reviewed By:**Reviewed Date:**

HANDWRITTEN STATEMENT FORM**PIERCE COUNTY SHERIFF/TACOMA POLICE**Date October 31, 2014 Time 2:43My name is Bo Rupert. I am 20 years of age.I reside at 49 NE Division St. with FamilyI am employed at Chehalis,I have been informed of my constitutional rights. YesNarrative of facts: I went to the Superior Court clerks

Office to view public records. For a case.
I went in to the office filming with my
video camera. I was having a disagreement
with the staff in the clerks office on recording
them. They continued to try to make me stop.
I was filling out a request when deputy
Jensen came behind me put his hand on my
shoulder and said he had no issue with me
recording as long as my behavior was good.
I felt that he was in my space I barked
up he continued coming towards me. I
asked him several times to stop and he
continued to come closer. So, he said we
were having a private conversation and
so, I could get him out of my
personal space I suggested we have our
conversation in the hallway when I
got out there, he took my camera
slammed me up against the wall by my

The above is a true and correct statement to the best of my knowledge. No threats or promises have been made to me nor any duress used against me.

Bo Rupert
 Signature

WITNESSES:

14-304-0723

throat, I want ~~to~~ to press
charges of assault and theft as
well as official misconduct.

I have a witness that seen the
whole thing his ~~name is~~ contact info
is below:

Tony Stumpf
13714 42nd Ave East
Tacoma, WA 98446
253-666-3491

Also see the video surveillance for the
assault and other charges I am requesting
be filed.

~~Belief~~ ~~10/11~~

14-304-0723

HANDWRITTEN STATEMENT FORM**PIERCE COUNTY SHERIFF/TACOMA POLICE**Date 10-31-14 Time 3:16My name is ANTHONY STUMPF I am 45 years of age.I reside at 13719-42ND AVE E. with _____

I am employed at _____

I have been informed of my constitutional rights. _____

Narrative of facts: _____

We went to clerks office to get a public disclosure to get transcripts for my case. They were very rude and kept telling us that we couldn't record audio and that this one guy that seemed to be a hire up with a sea hawk shirt & grey hair said that he would not speak with us. I told him that he was a paid servant and that he had to speak with us. So then an Officer came into the clerks office and said that ~~we~~ ^{my} could not advocate violence. Then they began arguing and my friend and the officer agreed to speak in private about this matter they went. They went outside ~~the~~ and the glass doors shut & heard ~~to~~ my friend say that he said that ~~to~~ the officer was ~~in~~ ^{was} waving his space ~~with~~ ^{and} his ~~cross~~ ^{cross} was around. I heard you do not have the

The above is a true and correct statement to the best of my knowledge. No threats or promises have been made to me nor any duress used against me.

Anthony Stumpf
Signature

WITNESSES:

Bob [Signature] [Signature]

—If you need additional space use other side—

the right to tell me what to do from the officer and then I saw my friend get ~~shot up against~~ slammed up against the wall. ~~the~~ With the glass doors shut I ~~could~~ could hear the concussion of impact. I felt my friend was being pierced.

Toy Trump

SECTION 7



Bo D. Rupert

Community

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About Bo D. Rupert

Page Info

PAGE INFO

Start Info

Launched on May 1

Short Description

A young man seeking a career in politics!!!!!!!!!!!!

Long Description

Bo D. Rupert is a conservative christian from Centralia, Washington. He currently lives in Oklahoma. He has been in a lot of trouble with the law in his young years. He has changed his life and wants to obtain a senate seat as a member of the Republican Party or the Tea Party. He is a very strong advocate for the second amendment. He strongly opposes abortion, same-sex marriage, obamacare, police brutality, judicial corruption, and reckless government spending. He has seen how barbaric the government can be. He has won ten criminal trials. He has been to every juvenile prison Washington state has to offer. He hopes one day to change the Government for the benefit of the people, not the privileged.

Pierce County Sheriff's Office
 Records Division
 930 Tacoma Ave. S. - First Floor
 Tacoma, WA 98402

November 5th, 2014

Dear Public Records Manager,

Under the Washington Public Records Act, §42.56 et seq., I am requesting an opportunity to inspect public records that pertain to a Pierce County Sheriff's Deputy contact on 10/31/2014 at the Pierce County Clerk's Office between Mr. Bo Rupert and Deputy J Jensen. I request that a copy of the documents containing the following be provided to me via e-mail, or made available for my inspection.

- 1) Copies of any and all reports generated resulting from this incident to include but not limited to: Hand-written notes, typed reports, e-mail correspondence, instant messenger logs, hardcopy summaries of any radio traffic, hardcopy summaries of related telephone traffic before/during/after incident. Include copies of any sworn statements of alleged threats or alleged disorderly conduct by Mr. Bo Rupert.
- 2) Copies of the oath and bond (unofficial copies) for the following Pierce County Sheriff Deputies: Deputy J. Jensen, Deputy Dennis Robinson.
- 3) Copies of any audio captured by Deputy J. Jensen's body mic, before, during and after, that relate to this incident.
- 4) Copies of any statute at large, WAC, or RCW that grant Pierce County Sheriff Office employees authority to identify members of the public for being "suspicious." Include also, copies of any statute at large, WAC, or RCW that grant Pierce County Sheriff Office employees authority to seize the property of members of the public absent due process; specifically the authority to seize recording equipment and terminate recording in progress.
- 5) Copies of training materials, guidelines and or policies has Pierce County Sheriff's Office put into place to instruct and train it's employees about the public's civil liberties; specifically but not limited to the public's right to gather, document, and record and disseminate matters of public interest in public spaces.

Relating to items 1-5, please include all available media types, to include but not limited to: Us Postal, fax, e-mail, or video of any format.

6. The number of records responsive to each of the above requests that are being withheld.

The Washington Public Records Act requires a response to this request be made within five (5) business days. If access to the records I am requesting will take longer than this amount of time, please contact me at peacefulstreetslewiscounty with information about when and where I might expect the ability to inspect the requested records. ➤ *peacefulstreetslewiscounty@gmail.com*

Please make note I am requesting to **inspect** these public records. **RCW 42.56.120 "No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying."**

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

We look forward to your prompt response.

Peaceful Streets Lewis County

Tim Donlin

From: Rodger Leach
Sent: Wednesday, November 19, 2014 09:56
To: Tim Donlin
Subject: phone message

Hi Tim,

I received a vm from Bo Rupert concerning his complaint with Jay. I did not call him back and thought I would pass it along to you. I didn't want to open a dialog that would be more appropriately handled in your investigation.

His # is 253-666-3439.

Thanks

Rodger

Sgt. Rodger Leach #81
Pierce County Sheriff's Dept.
Civil / Court Security Supervisor
930 Tacoma Ave
Tacoma, Wa 98402
Office 253-798-7585
Cell 253-255-7605

SECTION 8

GENERAL AFFIDAVIT

As a resident in the county of Lewis within the state of Washington , Bo Dana Rupert, personally approached me, the undersigned Notary, and made his/her sworn testimony in a general affidavit, that the following statement is completely factual and true to the best of his/her belief and knowledge.

Affidavit of facts:

I, Bo Dana Rupert, Sui Jiris, hereafter "I", a resident of Lewis County within the state of Washington, do depose and say I am competent to testify, and have personal firsthand knowledge of the matters hereafter testified to and hereby aver the following under penalty of perjury of the laws of Washington State.

Sworn Statement:

On October 16, 2014, I went to the Pierce County court to help my friend Anthony Douglas Stumpf with his case. I began video recording when we arrived, and continued as we entered the building. I was told by Morriss, a G4S employee that "you can't film court property." I informed him that my recording activity was constitutionally protected. He again disagreed and I summon law enforcement to settle the issue.

While Morriss made several phone calls, I attempted to explain that was I was doing was legal and proper. After some time passed, deputies Dennis Robinson (#417) and Jay Jensen (#380) arrived. Deputy Robinson asked why I was recording, and when I repeatedly cited constitutional grounds, he demanded ID so that he could complete an "FIR report." I refused and asked to speak with their supervisor or Sargent. Deputy Robinson then threatened to arrest me if I did not produce ID. He stated that the arrest would be for obstructing a law enforcement officer. I told him that I would identify myself, under protest, because I did not want him to act on his threat of arrest. I identified myself verbally and they completed their report. I felt very violated by the encounter.

I returned with Anthony Douglas Stumpf to the Pierce County Courthouse on October 31, 2014 to inspect more records. We again entered, video recording, this time without incident and proceeded to the clerk's office. The clerks on duty refused to serve us unless I shut my camera off. I objected, informing them that I had the right to record our interactions with public officials in a public office. I debated the issue with a clerk named Chris for more than 20 mins. When the head clerk, Kevin Stock arrived, we also debated the legality of my video recording in the clerk's office. He eventually produced a form we could fill out to review the requested records.

As I stood at the counter filling out the form, Deputy Jensen arrived and approached me saying that I would either quit being disruptive or "we were going to have a problem." I immediately retrieved my camera from the counter and began recording my interaction with Deputy Jensen. He approached me, closing to within six inches of me, preventing me from

keeping his face in the frame. I was very uncomfortable with his proximity. As I backed up, he continued to approach and crowd me. As he did this I told him to get out of my space. He continued to advance. I told him I was going to take two steps back. He moved toward me again and I told him to stop. I was beginning to feel threatened at that point. Deputy Jensen replied, "No, I'm having a private conversation with you." I reasoned that since there were quite a few people in the clerk's office listening to our conversation, and that he'd demonstrated that he wasn't going to leave me alone unless I agreed to have a conversation with him, I thought it best to have the conversation in the hallway.

This had to be one of the worst decisions of my life. As we were exiting the clerk's office into the hallway, I told Deputy Jensen that he had no right to invade my personal space. I asked him where his Sheriff was, and that I wanted to speak to his boss. At that point the door of the clerk's office closed and Deputy Jensen grabbed me by my throat and slammed me up against the wall. He yelled in my face, "You do not tell me what I can and cannot do!" He continued, stating that I did not have the right to "come in here and incite violence."

At no time was I threatening anyone or attempting to incite violence. Deputy Jensen then seized my camera and turned it off. He stated he would "use that as evidence against me and my punk faggot ass couldn't do anything about it." I told him he would return my camera or I would seek legal redress. I stated that case law has affirmed my right to record police in public spaces. With apparent reluctance, Deputy Jensen returned my camera.

Mr. Stumpf and I immediately went to the Sheriff's office to lodge a complaint and request charges be filed against Deputy Jensen. Upon arrival I informed the clerk that I had just been assaulted by Deputy Jensen and that I would like someone to come take my statement. Deputy Robinson arrived to speak with me. I told him I would not talk to him because I had already lodged a complaint against him and Deputy Jensen for illegally compelling my identification on 10/16/2014. After a time, Deputy Douglas Shook (#478) arrived and took our statements.

On November 12, 2014, I entered the Pierce County Courthouse to attend a hearing in support of Mr. Stumpf. I began video recording shortly after arriving in courtroom 117, between approximately 1:30pm-2:00pm. Soon after our arrival, an unidentified attorney claiming to represent Tracy Bowerman approached Mr. Stumpf, asking Mr. Stumpf to release control of his family's trust to Tracy Bowerman, threatening legal action if Mr. Stumpf did not agree. When asked several times for the basis or cause upon which Mr. Stumpf should relinquish control, the attorney, later identified to me as Peter D. Haroldson, BAR number 35592, would not respond.

During the discussion with Mr. Haroldson, Deputy Shook arrived in the courtroom. Mr. Haroldson, noting that I was video recording, objected and asked Deputy Shook to confiscate my camera. Deputy Shook declined to take action, but after a debate about the legality of recording in the courtroom, I observed him turn to the side, and speak into his radio microphone. About three minutes later, Deputy Jensen arrived.

Deputy Jensen stated we were not allowed to record in the courtroom and that he had "every right to stop you if the commissioner you're not going to do it." During our discussion, I and Mr. Brian Green repeatedly demanded deputies Shook and Jensen produce the law they were attempting to enforce. Neither deputy cited any RCW, statute, WAC, rule or policy that

granted them any authority to infringe on our recording.

During this debate, Deputy Jensen leaned down toward me with his nose a few inches from mine, while I was seated, saying "you just don't fucking give a shit, do you?!" I felt very threatened as he did this. I had to climb over the back of the bench to get away from him and continued to record.

The 1:30pm hearing finally began at 4:30pm as Commissioner Mary Dickie entered the chambers. She stated that she noticed that some members of the gallery with video cameras and asked if anyone objected to being on video. After a moment of silence, she repeated her question. An unidentified attorney stated that she objected. Commissioner Dickie stated that there was no statutory right to record the public court proceedings. Mr. Green and I both objected, citing a conflict with article 1, sect. 10, of the Washington State Constitution. Commissioner Dickie stated that we could stay if we remained quiet and turned off the camera. I told her I was not turning my camera off. She then told me I would have to leave.

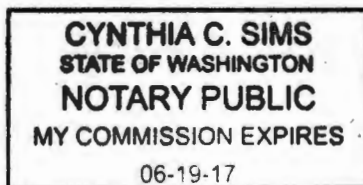
Mr. Green asked, "On what grounds are you going to make him leave?" Commissioner Dickie directed Deputy Shook to hand Mr. Green a few printed sheets of paper, containing RCW's outlining powers and duties of a court commissioner. These documents did not contain any such authority. However, fearing an illegal arrest, we chose to leave and seek other means of redress.

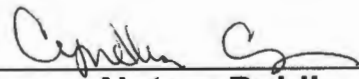
Affiant Signature:

Beleport 

Date Signed: November 26, 2014

Sworn and subscribed to before me on this day, **Wednesday the 26th of November, 2014**




Notary Public

SECTION 9

GENERAL AFFIDAVIT

As a resident in the county of **Pierce** within the state of **Washington**, **Anthony Douglas Stumpf**, personally approached me, the undersigned Notary, and made his/her sworn testimony in a general affidavit, that the following statement is completely factual and true to the best of his/her belief and knowledge.

Affidavit of facts:

I, Anthony Douglas Stumpf, Sui Jiris, hereafter "I", a resident of Pierce County within the state of Washington, do depose and say I am competent to testify, and have personal firsthand knowledge of the matters hereafter testified to and hereby aver the following under penalty of perjury of the laws of Washington State.

Sworn Statement:

On October 31, 2014 I went to the Pierce County Superior Clerk's Office with Bo Dana Rupert, to examine records.

The clerks on duty appeared reluctant to assist us, voicing repeated objections to our video recording our interactions. As their objections continued, they appeared to grow increasingly hostile.

My friend, Bo Rupert, continued to assert his right to record our interactions in a public office, and repeated requests to view the case records we were seeking. At no time did he appear to be speaking in a raised volume, nor did make any threats or advocate violence.

After approximately thirty to forty-five minutes of civil disagreement discussing our request, and asserting our right to record, a Pierce County Sheriff's Deputy arrived; later identified to me as Depty Jay Jensen.

When Deputy Jensen made contact with Mr. Rupert, Deputy Jensen accused Mr. Rupert of advocating violence, finally stating he was there responding to alleged complaints against Mr. Rupert's use of language. I was with Mr. Rupert during our interaction with the clerks and did not hear him use foul language.

Next I observed Deputy Jensen advancing on Mr. Rupert, invading or crowding his personal space, in an apparent aggressive manner that made me feel nervous. Mr. Rupert was unable to keep Deputy Jensen in frame of his camera because he was so close.

Mr. Rupert asked Deputy Jensen twice, to step out of his personal space, but Deputy Jensen continued to advance and crowd him. Mr. Rupert stated that he was going to take two steps back, to apparently diffuse the situation. Deputy Jensen responded, "No, I'm having a private conversation with you," and continued to advance.

Mr. Rupert suggested they take their conversation into the hallway and Deputy Jensen agreed. On their way out the doorway I heard Mr. Rupert request to speak to Deputy Jensen's boss or Sheriff.

At that point the doors to the clerk's office closed and I remained inside waiting for the requested records, and watching Mr. Rupert and Deputy Jensen through the glass. I was shocked as I observed Deputy Jensen slam Mr. Rupert into the marble wall. From my position just inside the glass door and window, I could feel and hear the concussion from Mr. Rupert impacting the wall. Mr. Rupert's eyes were wide and his expression appeared very fearful.

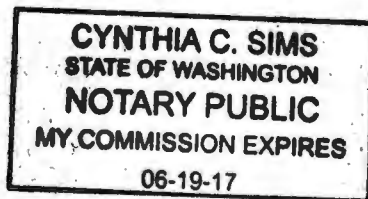
I then heard Deputy Jensen yell, "You do not tell me what I can and cannot do!" Mr. Rupert and I went to the courthouse to review public records. Instead I witnessed an assault.

Affiant Signature:



Date Signed: NOV. 26, 2014

Sworn and subscribed to before me on this day, **Wednesday the 26th of November, 2014**



Notary Public

SECTION 10

IA IPR 14-129
14-11-01

Interviews
Dop. Jensen &
B. Rupert

Verbatim
PUSD

CARTRIDGE YOUTUBE VIDEO