

Citizen Complaint and Inquiry Form

Nature: Crime/ Rule/ Policy IA Control #: 08-0061

Complainant Name: Internal Race & Sex: \_\_\_\_\_

Home Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Business Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

If applicable, list other complainants/witnesses, include address, city, state, zip, phone #  
Stevens County Sheriff's Office

Member Involved: (1) David L. Byrnes Division: DEM

Member Involved: (2) \_\_\_\_\_ Division: \_\_\_\_\_

Member Involved: (3) \_\_\_\_\_ Division: \_\_\_\_\_

Location of Incident: Stevens County Date/Time: 10/06/2008 1947

Complaint Received By: Greg Conner Date/Time: 10/08/2008

Forwarded for Investigation to: \_\_\_\_\_

Summary of Incident: Disposition of Complaint or Inquiry

- COURT ISSUE (Civil Issue)
  - INQUIRY – Resolved with Citizen and/or No Further Action Deemed Necessary
  - COMPLAINT - Service
  - COMPLAINT - Personnel
  - WITHDRAWN
- Date: \_\_\_\_\_ Time: \_\_\_\_\_

Preliminary Investigation Comments:

Dave Byrnes was arrested for DUI by the Stevens County Sheriff's Office on 10/06/08 at approximately 1947 hours after a one car collision.

Routing: Responsible Shift Commander: \_\_\_\_\_  
Responsible Division Commander: \_\_\_\_\_  
Responsible Undersheriff: \_\_\_\_\_  
Office of Professional Standards: \_\_\_\_\_

**OFFICE OF THE SHERIFF SPOKANE COUNTY**  
**Internal Investigation**  
**CASE FINDING NOTICE**

**TO:** Mr. Dave Byrnes **Date:** 10/30/08

**FROM:** Sheriff Ozzie Knezovich **I. A. #:** 08-0061

An internal investigation has been conducted concerning certain allegations of misconduct. These allegations stem from an incident that occurred on:

**DATE/TIME:** 10/06/08 **AT** 1947

**COMPLAINANT:** Internal

**INCIDENT NUMBER:** Stevens County 08-07898

**COMPLAINT:**

- 1) Criminal Conduct
- 2) Use of Alcohol
- 3) Failed to Report for Duty

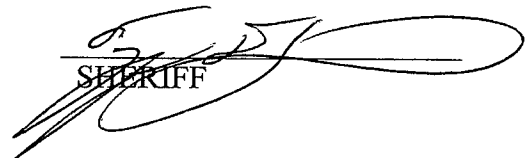
You are hereby advised of the following finding:


- |  |   |
|--|---|
| <input type="checkbox"/> EXONERATED                        | <input checked="" type="checkbox"/> SUSTAINED |
| <input type="checkbox"/> NOT SUSTAINED                     | <input type="checkbox"/> UNFOUNDED            |
| <input type="checkbox"/> POLICY/TRAINING/EQUIPMENT FAILURE |   |

~~Narrative~~  
*Termination as of 10/30/08*  
*See Termination letter*

This case file will be maintained by the Office of Professional Standards.

\_\_\_\_\_  
Division Commander

  
SHERIFF

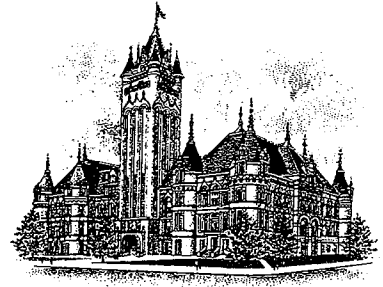
  
\_\_\_\_\_  
Member

30 Oct 08 / 1425  
Date/Time Received

25K 58401  
Served By



**Spokane County Sheriff's Office**  
**Ozzie D. Knezovich, Sheriff**



*"In partnership with the community - Dedicated to your safety"*

October 8, 2008

David L Byrnes  
Spokane County Sheriff's Office  
1100 W. Mallon  
Spokane, Washington 99260-0300

**RE: POTENTIAL FOR DISCIPLINARY ACTION (Loudermill Notification)**

Dear Mr. Byrnes:

This correspondence is official notification that I am considering disciplinary action against you, up to and including termination.

Our records indicate that you were employed as Deputy Director of Emergency Management on February 20, 1996. You were employed as Region IX Coordinator, Homeland Security on January 3, 2006.

On October 8, 2008, the following information was brought to my attention concerning the performance of your official duties. The following facts, assertions, and/or allegations of misconduct are being alleged:

- 1. On October 6, 2008 on or about 1947 hrs, you were placed under arrest by the Stevens County Sheriff's Office and charged with RCW 46.61.502 Driving Under the Influence, incident # 08-07898. The resulting investigation determined that your BAC was [REDACTED] at the time of the incident. You engaged in criminal conduct by driving under the influence of intoxicating liquor.**
- 2. On October 6, 2008 on or about 1947 hrs, you were placed under arrest by the Stevens County Sheriff's Office and charged with RCW 46.61.502 Driving Under the Influence, incident # 08-07898. The resulting investigation determined that your BAC was [REDACTED] at the time of the incident. You failed to adhere to the Sheriff's Office alcohol use policy.**

Mr. Dave Byrnes  
IA #08-0061

3. **On October 7, 2008, you did not show up for work and did not contact your supervisor to explain your absence or request leave prior to your scheduled work day. You failed to report for duty.**

Your work history with the Spokane County Sheriff's Office consists of:

- March 14, 2007, Sustained – 1) Criminal Conduct (DUI); 2) Fail to report for duty; 3) Violation of alcohol policy; 40 hours suspension without pay.

The aforementioned allegations of misconduct, if proven, lead me to believe that you have demonstrated disgraceful conduct, and have caused injury to public service. Your conduct is unbecoming an employee and in violation of:

**Civil Service: RCW 41.14.110 TENURE - GROUNDS FOR DEPRIVATION**

The tenure of every person holding an office, place, position, or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons.

- (1) Incompetency, inefficiency, or inattention to, or dereliction of duty;
- (2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder.
- (4) Dishonest, disgraceful, or prejudicial conduct;
- (7) Any other act or failure to act which in the judgment of the civil service commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

**RCW 46.61.502 Driving under the influence.**

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

**Rules and Regulations 7.06.08 CRIMINAL CONDUCT**

Members will obey all laws of the United States, Washington State, and this jurisdiction. Violations of any law, an indictment or information filed against a member, or a conviction will be cause for disciplinary action up to and including termination of employment. See Policy 6.4.4.

**Rules and Regulations 7.06.10 USE OF ALCOHOL**

Use on duty: A member while on active duty shall not drink intoxicating liquor or alcoholic beverages of any kind except in the actual performance of his/her assigned duty requiring its use. A member who reports for duty or is on duty under the influence of liquor or drugs to any degree or is unfit for duty because of excessive use, or who has the odor of an alcoholic beverage on his/her breath when reporting for duty, or while on active duty, shall be deemed in violation of the rules and regulations and subject to disciplinary action.

Use off duty: No member while off duty shall consume any alcoholic beverage to the extent which would result in the commission of an obnoxious or offensive behavior which might tend to bring discredit upon him/her self or the Sheriff's Office, or conduct him/her self in a manner that is unbecoming, or use intoxicating liquors to the extent which renders him/her unfit to report for his/her next regular tour of duty. See Policy 16.3.17.

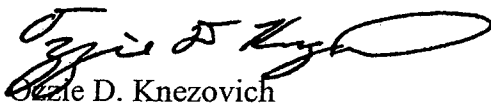
**Rules and Regulations 5.04.00 REPORTING FOR DUTY**

All personnel will report for duty on time and be physically and mentally fit to perform their duties. They will be properly equipped and make themselves aware of any information necessary for proper performance of the duties on their shift. See Policy 13.8.

Prior to determining what ultimate disciplinary action, up to and including termination to take, I will afford you the opportunity to respond to the facts and assertions within this correspondence.

Accordingly, I will give you until **1000 hrs on the 10<sup>th</sup> day of October 2008**, to submit in writing any comments and/or information which you believe may have a bearing upon the above information and what, if any, disciplinary action I should take with respect to such information.

Very Truly Yours,



Ozzie D. Knezovich  
Spokane County Sheriff

Date and Time Served: 1455 10/08/08

Served by: WLL 59991

9 October 2008

Ozzie D. Knezovich, Sheriff  
Spokane County Sheriff's Office  
1100 W. Mallon  
Spokane, Washington 99260-0300

**RE: Potential for Disciplinary Action**

Dear Sheriff Knezovich:


I am writing this letter to express my deepest regrets for my actions this week. I was arrested for Driving Under the Influence and was absent without leave. When I arrived at work Wednesday, 8 October 2008 I disclosed the situation to Tom Mattern.

I have been in continuous treatment for alcoholism at [REDACTED] since May of 2006. I have struggled with this disease for many years. My treatment has included nightly and weekly meetings at [REDACTED] and one on one meetings with an individual counselor. In addition I attend a regular Tuesday night Alcoholics Anonymous meeting.

Immediately after talking with Tom Mattern Wednesday morning, I called my counselor at [REDACTED] I attended my regular two hour meeting that night. I met with my counselor today, Thursday 9 October 2008 and we discussed the possible causes and effect of my relapse. We also discussed the possibility of seeking a deferred prosecution. If this were granted I would be in an extensive two (2) year treatment program at [REDACTED] and be on probation for five years. The successful completion of this deferred prosecution could clear my record.

I have been a contributing member of this community for many years. I take full responsibility for my actions. I believe a thirty day suspension would be more than fair. I appreciate your consideration of my situation.

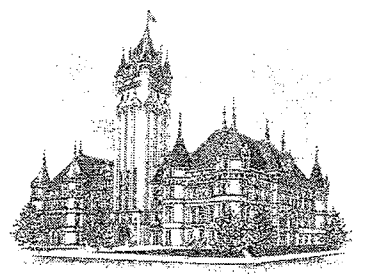
Respectfully,

  
David L. Byrnes



Spokane County Sheriff's Office

Ozzie D. Knezovich, Sheriff



*"In partnership with the community - Dedicated to your safety"*

## OFFICE OF PROFESSIONAL STANDARDS

**FAX  
COVER  
SHEET**

**TO: STEVEN'S COUNTY SHERIFF RECORDS DIVISION**

FAX NUMBER : 684-7536

**FROM: LT. WILLIAM ROSE**

FAX NUMBER: 477-2576

**DATE: 10/08/2008**

REGARDING: 08-07898

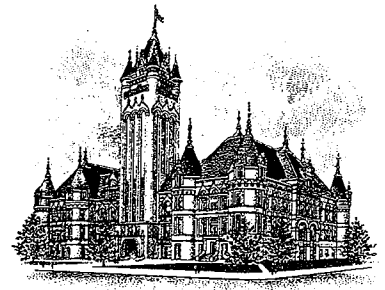
TOTAL NUMBER OF PAGES INCLUDING COVER: 2

PHONE NUMBER FOR FOLLOW-UP: 509-477-6930

**COMMENTS: THANKS**



**Spokane County Sheriff's Office**  
**Ozzie D. Knezovich, Sheriff**



*"In partnership with the community - Dedicated to your safety"*


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October 8, 2008

To Whom It May Concern:  
Steven's County Sheriff's Office

We have been informed that a member of our office was arrested by one of your deputies on 10/06/2008 at approximately 1947 hours. Your case number is 08-07898. We are conducting an internal administrative investigation and would appreciate it if you could FAX us a copy of your report as soon as practical. Our FAX number is 477-2576. Thank you for your assistance

Sincerely,  
Ozzie Knezovich, Sheriff

  
Lieutenant William Rose  
Office of Professional Standards  
477-6930



# OFFICE OF THE SHERIFF SPOKANE COUNTY

## MEMORANDUM

**TO:** David L. Byrnes  
**FROM:** Sheriff Ozzie Knezovich  
**DATE:** 10/08/2008  
**RE:** Administrative Leave Conditions

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As a result of an incident which occurred on 10/06/2008, I am placing you on paid Administrative Leave effective 10/09/2008.


I take this action in order to facilitate the investigation of this incident and in recognition of the potential stress and anxiety which you might experience during this investigation. During the period of Administrative Leave, you are to comply with the following conditions:

### WRITTEN ORDER

As Sheriff, of the Spokane County Sheriff's Office, I hereby order:

- I. You are hereby placed on paid Administrative Leave.
- II. While on Administrative Leave, you will strictly adhere to the following guidelines:
  - a) While on Administrative Leave, your normal working hours will be 0900-1700, Monday through Friday;
  - b) You are to remain at your residence, available to the department, during your normal working hours so that we can reach you telephonically or in person as needed;
  - c) No alcohol use during work hours;
  - d) If you find it necessary to leave your residence for any reason during your normal working hours, you are to notify Tom Mattern (477-7607), Lt. William Rose (477-6930) or Lt. Earl Howerton (477-2695) by telephone:

Administrative Leave Conditions Memo

  
10/8/08

# OFFICE OF THE SHERIFF SPOKANE COUNTY

## MEMORANDUM

**TO:** David L. Byrnes  
**FROM:** Sheriff Ozzie Knezovich  
**DATE:** 10/10/2008  
**RE:** Rescinding of Administrative Leave Conditions

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As of 10/10/08 at 1000 hours I am rescinding my order of 10/08/08 placing you on Administrative Leave. You are reinstated to your prior schedule and are to work in accordance with the directives of Tom Mattern who will be your direct supervisor throughout the remainder of this process. You are to report to Tom Mattern at your assigned work site upon receipt of this order.

*Sewed 10/10/08 0930*

SPOKANE COUNTY SHERIFF'S OFFICE

Complaint/Inquiry Investigative Report

*\*NOT FOR RECORDS\**

IA # 08-0061

DATE: October 16, 2008  
CHARGE / INCIDENT: Criminal Conduct  
COMPLAINANT: Internal  
LOCATION OF INCIDENT: Steven County, WA  
DATE OF INCIDENT: October 6, 2008

**10/08/08**

I was directed to prepare a Loudermill Notification regarding this investigation. I did prepare that Loudermill Notification and gave it over to Lt. Bill Rose.

**10/09/08**  
**0830 hrs**

I was aware that Lt. Rose had made request by fax to the Stevens County Sheriffs Office requesting a copy of the incident report regarding this investigation. We had not received the report by fax as expected.

I contacted the Stevens County Sheriffs' Office Records Division and spoke with [REDACTED]. She confirmed that they had received our agency fax requesting the report, #08-07898. I was told that I would need to speak with Stevens County DPA Lloyd Nichols at (509)684-7500 regarding the release of that report.

I did speak with Nichols, although I don't remember the exact time. I believe it was in the afternoon that I spoke with him. Nichols told me that he would not release the report to our agency at this time. He cited his belief that it was non-conviction data and not releasable until after the case went to court. He also stated that if he released it to me he would have to release it to members of the media and he didn't want that to happen.

I explained to him that Byrnes was an employee of ours and that we needed it to be able to conduct our administrative investigation. I told him that this wasn't a public records request but an agency request. I also cited my belief that it was releasable under a public records request because the investigation was complete and had been submitted to the prosecutors. I cited Cowles Pub. Co. v. SPD, City of Spokane 139 Wn.2d 472, 987 P.2d 620 (1999), as legal authority for this argument because I am aware of that case and it provides for limited release of police reports after the

investigation is complete. I did not know the cite number at the time and did not give him that as part of my argument.

Nichols told me that I would be allowed come to Stevens County and view the report or interview the arresting officer for the information that I need.

After speaking with Nichols I consulted with Spokane County DPA Steve Kinn regarding this matter. Kinn told me that Nichols was not applying the Public Records Act appropriately in withholding the report. He told me that if they were not willing to send the report as a matter of an agency request that we may need to send a formal public records request. He sent me the cite number for Cowles Pub. Co. v. SPD, City of Spokane to include if I made such request.

#### **1400 hrs**

I briefed US Conner on my lack of progress and the obstacles that I had encountered in this matter. I told him of Steve Kinn's advice and wanted him to be aware of the situation. We discussed contacting the Sheriff of Stevens County Sheriff, Craig Thayer, about the matter. I mentioned that I personally knew Sheriff Thayer and would try to call him.

#### **1410 hrs**

I called the Stevens County Sheriff's Office back and asked to speak with Sheriff Craig Thayer. I was told he was unavailable but that [REDACTED] was available. I asked to speak with him. I was then told that he had stepped out of the office and would call me back.

#### **1540 hrs**

[REDACTED] called me back. I explained my request and why we wanted a copy of the report. I told [REDACTED] that Dave Byrnes was an employee of the Sheriff's Office and that as a result of his arrest we needed the report for our administrative review. [REDACTED] was already aware of my conversation with DPA Nichols and told me that DPA Nichols was wrong and that we could have a copy of the report. He did say that he wanted to discuss the matter with Sheriff Thayer prior to sending the report but that he would be able to do that the next morning.

I told [REDACTED] to consider this my formal request for the report. I provided him a fax number (477-2576 – Civil) in which to fax it to us.

While on the phone, [REDACTED] did give me details from the report and read the narrative to me. He told me that he had the report in his hands and was reading from it. The facts of this incident are as follows:

- A husband and wife were traveling along a road on the southwest side of Loon Lake when they came across a pickup in a ditch with a lone male occupant. The driver was attempted to drive out of the ditch but was not successful.
- The husband and wife stopped to help. The wife contacted the driver of the pickup.
- The driver of the pickup refused help and got out of the pickup.
- The wife had to help him out of the pickup.
- The driver stumbled 2 times while getting out of the pickup, nearly falling.

- The driver left the scene walking alongside the roadway.
- The driver took with him a paper bag with a bottle inside.
- A Stevens County Deputy responded to the incident and after contacting the husband found the driver walking a short distance away.
- The driver was identified as David L. Byrnes and was cooperative. There was evidence of intoxication regarding Byrnes.
- The pickup was registered to Byrnes
- Byrnes told them he worked for Spokane County
- Byrnes submitted to a BAC with results of [REDACTED]
- The paper bag Byrnes was found to be carrying contained a sealed bottle of Scotch.
- Byrnes admitted to driving the pickup that was in the ditch
- Byrnes admitted to having a few drinks at home, driving to Geronimo's (Springdale) where he had a few more drinks, then drove home whereupon he became stuck in the ditch.
- Byrnes was cited for Driving While Intoxicated.

**10/10/08**

I did not receive a faxed copy of the report from the Stevens County Sheriffs' Office nor did I receive any phone calls from anyone at the Stevens County Sheriff's Office.

The objective to obtain the incident report from Stevens County was turned back over to Lt. Rose.

Lt. Earl Howerton 59459  
Spokane County Sheriff's Office  
Office of Professional Standards

## Administrative Report

October 9, 2008

Reference: David L. Byrnes/59 10277

On Monday, October 6, 2008 at 0957 hours, I received an Email from David advising that he had hurt is back and eluded that he was reporting taking the day off.

On Tuesday, October 7, 2008, prior to the 0900 hour Spokane Disaster Council meeting I checked my phone messages and Email to ascertain if was going to call in sick again and I did not receive any such notification and Dave did not show up at the meeting. I arrived back at my office at about 1145 hours and checked my phone messages and Email and there were no reports from Dave as to his location.

I checked Dave's Outlook calendar and noticed that he had a scheduled meeting in Ferry County also on Tuesday, October 7, that indicated he was scheduled to be there at 1300 hours. I called and Spoke with [REDACTED] and asked if he had heard from Dave and he said that he had not. [REDACTED] stated that he attempted to call both his desk and cell phone and was not able to reach him. [REDACTED] said that he was attempting to call Dave and advise that the 1600 hour meeting had been cancelled. I asked [REDACTED] that if Dave showed up or he heard from him to please give me a call.

At about 1400 hours, Tuesday October 7, 2008 I received a phone call from [REDACTED] (Providence Health Care) asking if I knew where Dave was. Ben said that he called Dave's cell phone and some lady answered saying that she wasn't sure whose phone this was that it had been left at "Geronimo's" restaurant and lounge (Springdale), unknown when. I also tried several attempts to call Dave's cell to attempt to get an answer from the same person to attempt to determine when the phone was left however, no one ever answered. At about 1605 hours [REDACTED] called and stated that Dave never did show or leave a message.

I called Dave's residence at about 1705 hours on Tuesday, October 7, 2008 and Dave answered the phone. His voice sounded rough and slightly mumbled. I asked what was going on. Dave replied he was just "kicking back". I asked Dave if he had been drinking and he said no, then I asked again and this time he replied yes and that he had was arrested last night for DWI. Dave stated that the officer drove him home and Dave also stated that his blood alcohol was a [REDACTED] Dave said that he had picked up his phone from "Geronimo's" a couple hours ago. I asked Dave why he didn't call and tell me that he wasn't coming in. Dave replied he didn't know why.

I ended the conversation with Dave and Dave stated that he intended to coming into the office in the morning of the 8<sup>th</sup>.

**On October 8, 2008 I spoke with Undersheriff Conner and Undersheriff Tower and briefed them on the incident with Dave Byrnes. I also had a brief conversation about the incident with Lt. Rose and Lt. Howerton.**

A handwritten signature in black ink, appearing to read 'T. Mattern', with a long horizontal flourish extending to the right.

**Thomas F. Mattern**

**59454**

## CITIZEN COMPLAINT

IA #: 08-0061

COMPLAINANT: Internal

MEMBER INVOLVED: David L. Byrnes

COMPLAINT: Crime/ Violation of Alcohol Policy

By: Lt. Bill Rose

Date: 10/16/2008

In the morning hours of 10/08/08 I was contacted by US Conner and advised that David Byrnes had been arrested for DUI the night before. He was not certain what jurisdiction he was arrested in or the time of the arrest. He asked that we look into the allegation and complete the appropriate paperwork including an administrative leave order.

Tom Mattern was able to provide more detail regarding the arrest. He told us that the arrest occurred in Stevens County. He also told us that Dave Byrnes was cited and released.

I called Stevens County Dispatch at 1-800-572-0947. I was advised that the incident actually occurred on Monday 10/06/08 at approximately 1947 hours. They supplied me with their report number 08-07898. They transferred me to their records division to request the report.

I spoke to a Stevens County records clerk at approximately 1030 hours. She told me that if I faxed a written request to 509-684-7536 she would immediately fax back the report. I prepared a request and faxed it to the number provided.

Lt. Howerton prepared a Loudermill Notification while I prepared an Administrative Leave memo. I was directed to make the administrative leave effective 10/09/08 due to projects that Dave Byrnes was working on. The Loudermill Notification gave Dave Byrnes until 10/10/08 at 1000 hours to respond in writing to the accusations.

At approximately 1500 hours Lt. Howerton and I contacted Dave Byrnes at the Fire Training Center. We served him with the Loudermill Notification and the Administrative Leave Memo. He did not have any questions and appeared to be quite emotional. He told us that he had been in treatment for his alcohol problem for some time but that it did not seem to be working. **He told us he would be staying with his wife [REDACTED]. He gave us a home phone number of [REDACTED] and a cell phone number of [REDACTED].** He told us he would keep Tom Mattern informed of his location.

When I returned to the office at approximately 1520 hours the report had still not arrived. Lt. Howerton called Stevens County and was told someone wanted to talk to us regarding the report. It was time for me to leave so Lt. Howerton advised them he would be working until 1600 hours.

I was scheduled for in-service training on 10/09/08 and asked Lt. Howerton to follow-up on the report if it did not arrive by the time he got to work. (See administrative report by Lt. Howerton)

At 1639 hours on 10/09/08 I received a voice mail from US Conner. He stated that if I had not received the reports in time for the Sheriff to deal with this incident on Friday that I was to



rescind the Administrative Leave Memo. He told me that Tom Mattern should be advised that Dave Byrnes was returning to work and should be limited to working at his desk while this investigation is completed.

On 10/10/08 I was advised by Lt. Howerton that an attorney from Stevens County had insisted that the report fell under the non-conviction exemption of the Public Records Act. He said we could come up and view it but they would not release a copy. Lt. Howerton later contacted [REDACTED] because the Sheriff and Under Sheriff were out of town. [REDACTED] apparently felt the attorney was incorrect. He told Lt. Howerton he would talk to the Sheriff on Friday and send us the report. (See administrative report by Lt. Howerton)

At approximately 0830 hours I was contacted by US Conner and advised that the Sheriff wanted the Administrative Leave Memo rescinded. He told me to make certain I contacted Tom Mattern and advise him of the change in Dave Byrnes' status. He again stated that Dave Byrnes needed to be limited to doing desk work. I prepared a memo rescinding the administrative Leave effective 10/10/08 at 1000 hours. I used this time because it was the deadline for Dave Byrnes to turn in his Loudermill response.

I met with Dave Byrnes in my office at approximately 0940 hours. He told me he had left his response for the Sheriff. I advised him that the Administrative Leave Memo was being rescinded and gave him the memo notifying him of the time and date he was being placed back on duty. He had arranged to spend the day with his wife so I contacted Tom Mattern and cleared the time off with him. He told me to advise Dave Byrnes to give him a leave request on Monday.

On 10/10/08 at approximately 1440 hours I was contacted by Lt. Conner in the OPS office. He asked that I contact Tim O'Brien regarding Dave Byrnes Loudermill response. Included with his written response were documents regarding his outpatient alcohol treatment. US Conner wanted me to see if there were any medical issues that needed to be considered in the disciplinary process.

[REDACTED]

On Monday 10/13/08 approximately 0850 hours I placed a call to Stevens County. We still had not received the report and I asked to speak to [REDACTED]. I was advised that [REDACTED] did not work on Monday. I explained that [REDACTED] had told us he was going to meet with the Sheriff on Friday and send us the report but we had not received it. She told me she would have records look into it.

At approximately 1503 hours on 10/13/08 [REDACTED] left a message stating that [REDACTED] would be meeting with the Sheriff on 10/14/08 and would call us.

On 10/14/08 at approximately 1020 hours I called and left a message for [REDACTED]. I asked that he review RCW 10.97.050 section 3. It allows for the sharing of unrestricted

information between law enforcement agencies. I told him I felt it should alleviate any concerns they might have.

On 10/15/08 I again left a message for [REDACTED]. I had not heard from him as I had been told I would. I asked that he at least call and share their concerns regarding releasing the report. I told him my superiors were interested in the reason for the delay.

On 10/16/08 at approximately 1020 hours I received a call from [REDACTED] US Conner had called and left him a message which precipitated the call. He told me that he was not avoiding me but they had been in budget meetings for the last several days. He had mentioned the situation to the Sheriff but had not been given an answer. He told me he would immediately contact the Sheriff and get back to me.

I received a call from [REDACTED] at approximately 1105 hours. He told me that his Sheriff did not feel our request fell under RCW 10.97.050 because Dave Byrnes was a fireman. I told [REDACTED] that Dave Byrnes is a retired fireman and that he is a Civil Service Employee who answers to the Department of Emergency Management and is supervised by Tom Mattern. I explained that his title is Region 9 Director for the Department of Homeland Security. I told [REDACTED] that our office has disciplined him before. He told me he would talk to the "powers that be" and let me know. I asked about the public disclosure request route and he told me we had already heard their civil attorney's opinion about the report not being open to public disclosure because it is non-conviction data. He also told me that they have concerns because they feel they could be open to litigation should Dave Byrnes be terminated. I asked that he let me know their final answer.

At approximately 1200 hours I received a call from [REDACTED]. He told me the Sheriff still feels that Dave Byrnes is not a criminal justice employee. The Sheriff asked that [REDACTED] contact their civil prosecutors for a final determination. He told me that there would not be a prosecutor available until after 1300 hours.

On 10/16/08 at approximately 1347 hours I received a call from [REDACTED]. He stated that their legal adviser, Lloyd Nichels, did not feel that our request falls under RCW 10.97. He was advised that we would be making a public disclosure request.

Steve Kinn was notified of the decision of the Stevens County Civil Attorney. He was given the phone number for Lloyd Nichels. He said he would attempt to contact him.

On 10/17/08 at approximately 0910 hours I sent a fax to Stevens County containing a public disclosure request letter. The letter was signed by US Conner. I also mailed a copy of the letter to Stevens County certified mail.

I was advised by US Conner that he had received a call from Stevens County and that they were denying our Public Records Request.

At approximately 1105 hours I received a call from US Conner. He told me to direct Dave Byrnes to get a copy of the report from Stevens County and bring it to the Sheriff's Office.

At approximately 1440 hours I paged Dave Byrnes as I was not able to reach him by phone. I advised him of the directive. He told me he would try to get the report on Monday. I asked him to let me know if there were any problems.

On 10/21/08 at approximately 1035 hours I spoke to Dave Byrnes by phone. He told me he called Stevens County and was told by their records division that they would not give him a copy of the report unless he was representing himself. He told him that he would be required to tell a judge in court that he was representing himself before they would provide him with a copy.

Dave Byrnes told me that he spoke to an attorney yesterday and was meeting with him today at 1500 hours. He told me that Stevens County was supposed to fax a copy of the report to his attorney and that he would obtain a copy for the Sheriff's Office. He hoped to have the report here this afternoon.

On 10/22/08 at approximately 0730 hours US Conner brought me his response from Stevens County in regard to our Public Disclosure Request. They denied our request stating that the report was non-conviction data and was exempt under RCW 10.97.080. US Conner asked that I check with our records division regarding the exemption.

At approximately 0840 hours I received a call from Dave Byrnes. He told me his attorney had requested that Stevens County fax him a copy of the report. Dave told me that as soon as his attorney has the report he will bring us a copy. I asked if his attorney had verbalized any problem with supplying him a copy of the report and he told me no.

At approximately 0900 hours I called [REDACTED] at Records. She told me that Stevens County's legal adviser was considering a report to be non-conviction data and that he was not correct. She advised me that a report is simply facts gathered by an officer and not open to challenge under RCW 10.97.080. The RCW is referring to conviction histories and rap sheets. She said it would apply to a Triple I. She also told me that when a case goes to a prosecutor there has been no determination as to guilt. She did say that a prosecutor has the ability to block the release of a report by filing an injunction if he feels it is appropriate.

On 10/23/08 I received a call from Dave Byrnes telling me he had received a copy of the report from his attorney and would send it to me. I received the copy of the report at approximately 1505 hours. It was a complete report with all citations and the BAC slip.

On 10/30/08 at approximately 1400 hours a Loudermill hearing was held in regard to this matter. The hearing was recorded with the consent of Dave Byrnes. The outcome of the hearing was that the Sheriff terminated the employment of Dave Byrnes as of 10/30/08. Dave Byrnes was instructed as to his right to make a liberty interest response. He was given until the close of business 11/06/08 to do so.

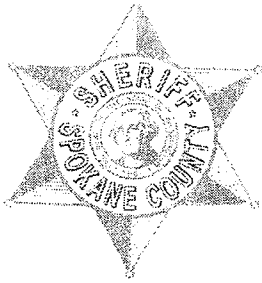
I collected the assigned property that Dave Byrnes was carrying with him. I collected his ID card, pager, telephone and credit card. He told me he did not have any keys.

On 11/04/08 Dave Byrnes called and left a message on my phone. He asked me to call him.

On 11/05/08 at approximately 0900 hours I called Dave Byrnes. He asked me to explain the Liberty Interest response again. I told him it was his chance to put anything in the file that he felt should be there in regard to the investigation that resulted in his termination. I told him this was to allow him to have his side of the incident in the file should a future potential employer choose to review it. I told him if he chose to write a response it would be put in the file without editing; all he had to do was bring it in. I told him a copy would go to Civil Service and a copy in the administrative file.

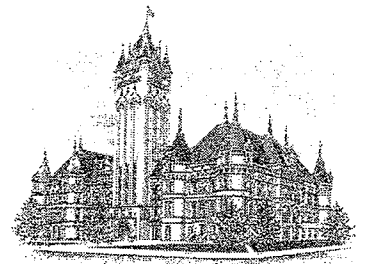
Dave also asked me about the appeal process. I told him he needed to file his appeal with Civil Service and that time constraints existed. I advised him to contact Civil Service ASAP to have them advise him on how to file the appeal and what his time constraint were.

Dave Byrnes did not file a Liberty Interest response on 11/06/08. I sent the letter of termination, Loudermill Letter and Loudermill response to Civil Service.



Spokane County Sheriff's Office

Ozzie D. Knezovich, Sheriff



*"In partnership with the community - Dedicated to your safety"*

# OFFICE OF PROFESSIONAL STANDARDS

FAX  
COVER  
SHEET

**TO: STEVENS COUNTY SHERIFF'S OFFICE RECORDS  
DIVISION**

FAX NUMBER : 509-684-7536

**FROM: GREG CONNER**

FAX NUMBER: 509-477-2576

**DATE: 10/17/2008** *9/10 hours*

REGARDING: REPORT 08-07898

TOTAL NUMBER OF PAGES INCLUDING COVER: 2

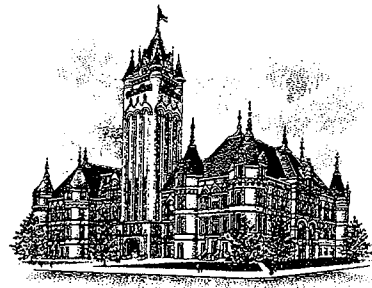
PHONE NUMBER FOR FOLLOW-UP: 509-477-5726

**COMMENTS: PUBLIC DISCLOSURE REQUEST**



## Spokane County Sheriff's Office

Ozzie D. Knezovich, Sheriff



*"In partnership with the community - Dedicated to your safety"*

October 17, 2008

Stevens County Sheriff's Office  
Attn: Records Division  
212 S Oak Street  
Colville WA 99114

As an individual citizen of the State of Washington and Pursuant to Washington Public Disclosure Act, RCW 42.56, and Cowles Pub. Co. v. SPD, City of Spokane 139 Wn.2d 472, 987 P.2d 620 (1999), I am requesting documents and/or records regarding the following:

- Stevens County Sheriff's (Washington State) incident report #08-07898 to include arrest report, copies of citations, field sobriety test results, BAC results and collision report.

The first request for this report was made in writing on 10/08/08 by fax to your records division. Your agency confirmed that the fax was received.

On 10/09/08 your agency was contacted to find out why the request had not been filled. On 10/13/08 your agency was contacted to check the status of the request.

On 10/16/08 your agency advised that you did not feel the request fell within the guidelines of RCW 10.97.050 (3). For that reason I am now putting your agency on notice that I am making a public disclosure request for the above information.

I will be following up on this fax by sending a copy of this letter through the United States Postal Service.

Sincerely,

A handwritten signature in cursive script that reads "Greg Conner".

Greg Conner  
1100 W. Mallon  
Spokane, WA. 99260  
477-5726

**RCW 10.97.050**

**Restricted, unrestricted information — Records.**

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction with the exception of a record being disseminated in response to a request for a conviction record under RCW 43.43.832. A request for a conviction record under RCW 43.43.832 shall not contain information for a person who, within the last twelve months, is currently being processed by the criminal justice system unless it pertains to information relating to a crime against a person as defined in RCW 9.94A.411.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

- (a) An indication of to whom (agency or person) criminal history record information was disseminated;
- (b) The date on which the information was disseminated;
- (c) The individual to whom the information relates; and
- (d) A brief description of the information disseminated.

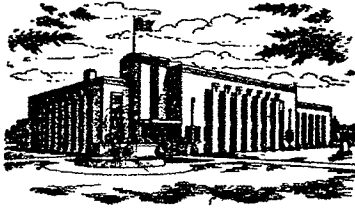
The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, RCW 4.24.550 governs dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in RCW 4.24.550.

[2005 c 421 § 9; 1990 c 3 § 129; 1977 ex.s. c 314 § 5.]

**Notes:**

**Index, part headings not law -- Severability -- Effective dates -- Application -- 1990 c 3:** See RCW 18.155.900 through 18.155.902.



STEVENS COUNTY COURTHOUSE

CRAIG ELLIS THAYER  
STEVENS COUNTY SHERIFF

P.O. Box 186  
COLVILLE, WASHINGTON 99114-0186

BUSINESS HOURS 509-684-5296  
24 HOUR PHONE 509-684-2555  
TOLL FREE 1-800-572-0947  
EMERGENCY 9 - 1 - 1



October 17, 2008

Greg Conner  
1100 W. Mallon  
Spokane, WA 99260

RE: Public Disclosure Request of  
Case Number 0807898



**Enclosed is a copy of the public record(s) you requested. We have released the portions of the record which are not exempt from disclosure per RCW 42.56 and/or other statutes. Information redacted is exempt from public disclosure for the following reason(s):**

Or

**Your request has been denied for the following reason(s):**

- 1. Complainant, victim or witness requested the information not be disclosed (RCW 42.56.240)
- 2. Disclosure of the information would endanger a person's life, physical safety, or property. (RCW 42.56.240)
- 3. Record includes information the non-disclosure of which is essential to effective law enforcement. (RCW 42.56.240)
- 4. Record contains information the nondisclosure of which is necessary for the protection of a person's right to privacy. (RCW 42.56.040, as defined by RCW 42.56.050)
- 5. Record contains information on a juvenile, which is confidential, and may not be released to the public except by court order under the provisions of RCW 13.50.050 and RCW 13.50.100
- 6. The investigative file is currently active with the prosecutor's office and/or a law enforcement agency and non-disclosure is essential to effective law enforcement. (RCW 42.56.240)
- 7. Non-conviction arrest information is exempt from disclosure (RCW 10.97.080)
- 8. The record contains Official Confidential information, protected under RCW 5.60.060(5).
- 9. Booking photos are protected under RCW 70.48.100.
- 10. The record contains medical information protected under RCW 70.02.005 and RCW 42.56.240.
- 11. The driver or vehicle's registration is protected under RCW 46.12.380

MICRO DATA OLYMPIA (800) 570-8400

CRIMINAL  TRAFFIC  NON-TRAFFIC **SCCR06140**

IN THE  DISTRICT  MUNICIPAL COURT OF STEVENS COUNTY, COOLVILLE, WASHINGTON  
 STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT

COUNTY OF STEVENS  
 CITY/TOWN OF

L.E.A. OR # WA0330000 COURT OR # WA033023J

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. [REDACTED] STATE WA EXPIRES 03/10 ID NO. (S&M #00)

NAME LAST BYRNES FIRST DAVID MIDDLE LEE  IF NEW ADDRESS

ADDRESS [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP CODE 99148 EMPLOYER Spokane County

RACE W M HEIGHT 5-09 WEIGHT 200 EYES BLU HAIR BRN GAY OCCUPATIONAL PHONE NO. [REDACTED]

VIOLATION DATE MONTH 10 DAY 06 YEAR 08 TIME 21 40 INTERPRETER LANG: [REDACTED]  
ON OR ABOUT AT LOCATION Shore Acres Rd M.P. Stevens CITY/COUNTY OF

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEHICLE LICENSE NO. [REDACTED] STATE WA EXPIRES [REDACTED] VEH. YR. 2002 MAKE CHEV MODEL K1500 STYLE 7-Car COLOR Gray

TRAILER # LICENSE NO. [REDACTED] STATE [REDACTED] EXPIRES [REDACTED] TR. YR. [REDACTED] TRAILER #2 LICENSE NO. [REDACTED] STATE [REDACTED] EXPIRES [REDACTED] TR. YR. [REDACTED]

OWNER/COMPANY IF OTHER THAN DRIVER ADDRESS CITY STATE ZIP CODE

ACCIDENT NO.  YES  NO BAG READING  YES  NO COMMERCIAL VEHICLE  YES  NO HAZARD FLAGARD  YES  NO EXEMPT VEHICLE  YES  NO FARM  YES  NO FIRE  YES  NO OTHER  YES  NO

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

1. VIOLATION/STATUTE CODE RCW 46.61.502  DV  DUI

2. VIOLATION/STATUTE CODE  DV  MAND

MANDATORY  BAIL U.S. FUNDS \$ MAND

APPEARANCE DATE 10 07 08 TIME 1:00 P.M. RELATED # 0507898 DATE ISSUED 10/05/08

WITHOUT ADMITTING HAVING COMMITTED EACH OF THE ABOVE OFFENSE(S), I PROMISE TO APPEAR AS DIRECTED ON THIS NOTICE.

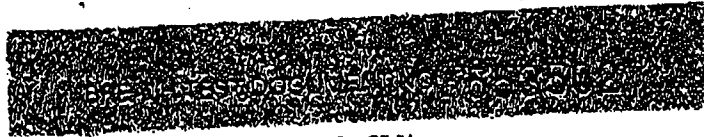
DEFENDANT'S SIGNATURE [Signature] OFFICER [Signature] 126

COMPLAINT / CITATION

CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FND/JUDG DATE
1	G	NG	G NG D SF S	\$	\$	\$	ABS. MLD TO CLY
2	G	NG	G NG D SF S	\$	\$	\$	TO BEAVE
OTHER COSTS \$							WITH DAYS SUBP.
RECOMMENDED NONEXTENSION OF SUSPENSION			LICENSE SUR-RENDER DATE		TOTAL COSTS \$		CREDIT/TIME SVD

SCCR06140





WASHINGTON STATE PATROL  
BAC DATAMASTER 949166  
SOFTWARE VERSION 76016-004 (07/22/99)

OCTOBER 06, 2008

SIM TEMP 34c +/- .2c: YES

OBSERVATION BEGAN: 21:28

CITATION NUMBER: SCCR06140

OPERATOR'S NAME (L/F/M):  
WAKEMAN/JEREMY/D

SUBJECT'S NAME (L/F/M):  
BYRNES/DAVID/L

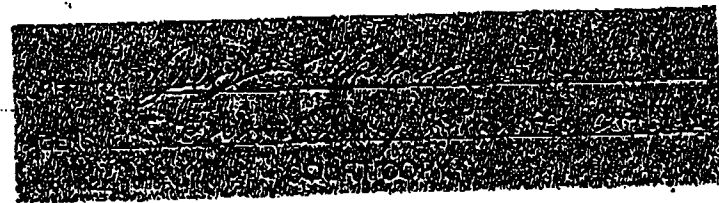
SUBJECT'S DOB: [REDACTED]

EXTERNAL STANDARD BATCH #: 00026

--- BREATH ANALYSIS ---

BLANK TEST	.000	21:51
INTERNAL STANDARD	VERIFIED	21:51
SUBJECT SAMPLE	[REDACTED]	21:52
BLANK TEST	.000	21:53
EXTERNAL STANDARD	.005	21:54
BLANK TEST	.000	21:54
SUBJECT SAMPLE	[REDACTED]	21:55
BLANK TEST	.000	21:56

ALL RESULTS IN 9/210L



WASHINGTON STATE  
DUI ARREST REPORT  
REPORT OF BREATH / BLOOD TEST FOR ALCOHOL OR  
REFUSAL TO SUBMIT TO BREATH / BLOOD TEST FOR ALCOHOL AND DRUGS

SUBJECT'S NAME (LAST, FIRST, MI) <b>Byrnes, David LEE</b>		SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH [REDACTED]	DATE / TIME OF ARREST <b>10/06/08 / 2140</b>
STREET ADDRESS [REDACTED]		CITY / STATE / ZIP CODE [REDACTED]		
DRIVER'S LICENSE NUMBER [REDACTED]	CDL ENDORSED? (CHECK IF YES) <input type="checkbox"/>	STATE <b>WA</b>	COUNTY OF ARREST <b>Stevens</b>	CASE / CITATION NUMBER <b>0807898 / SCCA 06140</b>

Type of Test:  Breath  Blood. Note: Sign and date this page only after toxicology report is received.

BAC Readings: 1<sup>st</sup> Sample [REDACTED] 2<sup>nd</sup> Sample [REDACTED] Refused Test \_\_\_\_\_

The subject was lawfully arrested. At that time, there were reasonable grounds to believe that the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503.

After receipt of the warnings required by subsection (2) of RCW 46.20.308, a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.09 or more if the person is age twenty-one or over, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one. OR

After receipt of the warnings required by subsection (2) of RCW 46.20.308, the person refused to submit to a test of his/her blood or breath.

Driver's Hearing Request Information was given to the subject.  Valid Washington driver's license/permit punched.

Notice of Right to Hearing: I have been given written notice of my right to a hearing including the steps required to obtain a hearing, and understand that the notice of suspension, revocation, or denial of license will be mailed to the address furnished on the above portion of this report. I acknowledge that the address indicated is my current address.

*[Signature]*  
SIGNATURE OF DRIVER

**10/6/08**  
DATE

OCT 07 2008

SHERIFF RECORDS

Complete this box ONLY if the arrested person was driving a commercial motor vehicle as defined in Chapter 46.25 RCW at the time of the incident.

Operating a Vehicle Requiring a Commercial Driver's License BAC Readings 1<sup>st</sup> Reading \_\_\_\_\_ 2<sup>nd</sup> Reading \_\_\_\_\_ Refused Test \_\_\_\_\_

There was probable cause to believe that the arrested person was driving or was in actual physical control of a vehicle requiring a commercial driver's license within this state while having alcohol/drugs in his/her system and that a test of his/her breath and/or blood disclosed an alcohol concentration of 0.04 or more. Chapter 46.25 RCW OR

There was probable cause to believe that the arrested person was driving or was in actual physical control of a vehicle requiring a commercial driver's license within this state while having alcohol/drugs in his/her system. The arrested person was requested to take a breath/blood test and informed of the consequences of refusal and his/her rights under Chapter 46.25 RCW. The arrested person then refused to submit to the requested test.

VEH YEAR	MAKE	MODEL	LICENSE PLATE NUMBER	STATE	HAZARDOUS MATERIAL? <input type="checkbox"/> YES <input type="checkbox"/> NO
----------	------	-------	----------------------	-------	--

I certify (or declare) under penalty of perjury under the laws of the state of Washington that the foregoing and the accompanying reports/copies of documents and the information contained therein are true, correct, and accurate. (RCW 9A.72.085.)

**Stevens County Sheriff's Office** <sup>WA</sup> **0330000**  
LAW ENFORCEMENT AGENCY ORI NO. (9 digits)

*[Signature]*  
OFFICER'S SIGNATURE

**10/06/08**  
DATE SIGNED

**215 S. Oak St**  
MAILING ADDRESS

**J. Wakeman**  
PRINTED NAME OF OFFICER

**126**  
BADGE NUMBER

**Colville** **WA** **99114** **Loon Lake, Stevens, WA**  
CITY STATE ZIP PLACE SIGNED (city / county / state)

**(800) 572-0947**  
CONTACT PHONE NUMBER FOR HEARING (include area code)

OFFICER'S E-MAIL ADDRESS \_\_\_\_\_  
OFFICERS: Fax or mail completed report, breath test document, and supplemental reports to: Department of Licensing  
Driver Responsibility  
PO Box 9030  
Olympia, WA 98507-9030  
Fax: (360) 570-7026  
Number of pages faxed 8

USE THIS PAGE AS COVER SHEET

WASHINGTON STATE  
DUI ARREST REPORT

CASE / CITATION NUMBER  
0807898 / SCCR 06140

On the date, time and location of this arrest, I had authority to arrest pursuant to my agency's jurisdiction or RCW 10.03

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
  2. YOU HAVE THE RIGHT AT THIS TIME TO AN ATTORNEY.
  3. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
  4. IF YOU ARE UNDER THE AGE OF 18, ANYTHING YOU SAY CAN BE USED AGAINST YOU IN A JUVENILE COURT PROSECUTION FOR A JUVENILE OFFENSE AND CAN ALSO BE USED AGAINST YOU IN AN ADULT COURT CRIMINAL PROSECUTION IF THE JUVENILE COURT DECIDES THAT YOU ARE TO BE TRIED AS AN ADULT.
  5. YOU HAVE THE RIGHT TO TALK TO AN ATTORNEY BEFORE ANSWERING ANY QUESTIONS.
  6. YOU HAVE THE RIGHT TO HAVE AN ATTORNEY PRESENT DURING THE QUESTIONING.
  7. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FOR YOU WITHOUT COST IF YOU SO DESIRE.
  8. YOU CAN EXERCISE THESE RIGHTS AT ANY TIME.
  9. DO YOU UNDERSTAND THESE RIGHTS?
- I HAVE READ OR HAVE HAD READ TO ME THE ABOVE EXPLANATION OF MY CONSTITUTIONAL RIGHTS AND I UNDERSTAND THESE RIGHTS.

SUBJECT'S SIGNATURE *[Signature]*

I UNDERSTAND MY CONSTITUTIONAL RIGHTS. I HAVE DECIDED NOT TO EXERCISE THESE RIGHTS AT THIS TIME. ANY STATEMENTS MADE BY ME ARE MADE FREELY, VOLUNTARILY, AND WITHOUT THREATS OR PROMISES OF ANY KIND.

*[Signature]*  
OFFICER'S SIGNATURE

*[Signature]*  
SUBJECT'S SIGNATURE

01/25/08  
DATE / TIME

Deer Park, WA  
LOCATION(s)

Constitutional rights (Miranda) were read in the field at 0900 hours from the department issued rights card.

ATTORNEY REQUESTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	ATTORNEY CONTACTED? TIME: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNABLE	ATTORNEY'S NAME	ATTORNEY'S PHONE NO.
EXPLANATION:			

WASHINGTON STATE  
DUI ARREST REPORT

CASE / CITATION NUMBER

0807898 / SCCA 06140

**WARNING! YOU ARE UNDER ARREST FOR:**  
(check appropriate box(es))

- RCW 46.61.502 OR RCW 46.61.504: Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor and/or drugs.
- RCW 46.61.503: Being under 21 years of age and driving or being in actual physical control of a motor vehicle after consuming alcohol.
- RCW 46.25.110: Driving a commercial motor vehicle while having alcohol in your system.

FURTHER, YOU ARE NOW BEING ASKED TO SUBMIT TO A TEST OF YOUR BREATH WHICH CONSISTS OF TWO SEPARATE SAMPLES OF YOUR BREATH, TAKEN INDEPENDENTLY, TO DETERMINE ALCOHOL CONCENTRATION.

1. YOU ARE NOW ADVISED THAT YOU HAVE THE RIGHT TO REFUSE THIS BREATH TEST; AND THAT IF YOU REFUSE:
  - (A) YOUR DRIVER'S LICENSE, PERMIT, OR PRIVILEGE TO DRIVE WILL BE REVOKED OR DENIED BY THE DEPARTMENT OF LICENSING FOR AT LEAST ONE YEAR; AND
  - (B) YOUR REFUSAL TO SUBMIT TO THIS TEST MAY BE USED IN A CRIMINAL TRIAL.
2. YOU ARE FURTHER ADVISED THAT IF YOU SUBMIT TO THIS BREATH TEST, AND THE TEST IS ADMINISTERED, YOUR DRIVER'S LICENSE, PERMIT, OR PRIVILEGE TO DRIVE WILL BE SUSPENDED, REVOKED, OR DENIED BY THE DEPARTMENT OF LICENSING FOR AT LEAST NINETY DAYS IF YOU ARE:
  - (A) AGE TWENTY-ONE OR OVER AND THE TEST INDICATES THE ALCOHOL CONCENTRATION OF YOUR BREATH IS 0.08 OR MORE, OR YOU ARE IN VIOLATION OF RCW 46.61.502, DRIVING UNDER THE INFLUENCE, OR RCW 46.61.504, PHYSICAL CONTROL OF A VEHICLE UNDER THE INFLUENCE; OR
  - (B) UNDER AGE TWENTY-ONE AND THE TEST INDICATES THE ALCOHOL CONCENTRATION OF YOUR BREATH IS 0.02 OR MORE, OR YOU ARE IN VIOLATION OF RCW 46.61.502, DRIVING UNDER THE INFLUENCE, OR RCW 46.61.504, PHYSICAL CONTROL OF A VEHICLE UNDER THE INFLUENCE.
3. YOU HAVE THE RIGHT TO ADDITIONAL TESTS ADMINISTERED BY ANY QUALIFIED PERSON OF YOUR OWN CHOOSING.

FOR THOSE DRIVING A COMMERCIAL MOTOR VEHICLE AT THE TIME OF ARREST: IF YOU EITHER (A) REFUSE THIS TEST OR (B) SUBMIT TO THIS TEST AND THE TEST INDICATES AN ALCOHOL CONCENTRATION OF 0.04 OR MORE, YOU WILL BE DISQUALIFIED BY THE DEPARTMENT OF LICENSING FROM DRIVING A COMMERCIAL MOTOR VEHICLE.

I HAVE READ THE ABOVE STATEMENT TO THE SUBJECT

I HAVE READ OR HAVE HAD READ TO ME THE ABOVE STATEMENT(S)

*[Signature]*  
OFFICER'S SIGNATURE

*[Signature]*  
SUBJECT'S SIGNATURE

~~10/23/08~~ 10/06/08 2:128 hrs. LOCATION

Dear Park, WA

WILL YOU NOW SUBMIT TO A BREATH TEST?  YES  NO

Did subject express any confusion regarding the implied consent warnings? if yes, explain below.  YES  NO

<input checked="" type="checkbox"/> At the time of this test(s), I was certified to operate the BAC DATAMASTER, the BAC DATAMASTER CDM, and PBT and possessed a valid permit issued by the State Toxicologist.				
DO YOU HAVE ANY FOREIGN SUBSTANCE IN YOUR MOUTH? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	MOUTH CHECKED? TIME? 2:12 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	2 <sup>ND</sup> MOUTH CHECK? (if Necessary) TIME? <input type="checkbox"/> YES <input type="checkbox"/> NO	ANY FOREIGN SUBSTANCES FOUND? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO REMOVED <input type="checkbox"/> YES <input type="checkbox"/> NO	EXPLAIN:
<input checked="" type="checkbox"/> I observed the subject from the time of the mouth check through the completion of the breath test.				
<input checked="" type="checkbox"/> The subject did not vomit, eat, drink, smoke, or place any foreign substance in his/her mouth during the observation time.				
<input type="checkbox"/> I performed the PBT test in accordance with the State Toxicologist's protocols. (Chapter 448-15 WAC)			PBT READING	PBT TIME
<input type="checkbox"/> BOOKED    RELEASED TO: <u>Self</u>				
<input checked="" type="checkbox"/> PRD				

WASHINGTON STATE  
DUI ARREST REPORT  
DUI INTERVIEW

CASE / CITATION NUMBER

080 7898 / SCCA 06140

1. DO YOU HAVE ANY PHYSICAL IMPAIRMENTS? EXPLAIN: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		13. ANYTHING MECHANICALLY WRONG WITH THE VEHICLE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
2. DO YOU LIMP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		14. HAVE YOU BEEN INJURED OR INVOLVED IN ANY COLLISION(S) IN THE PAST 24 HOURS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
3. ARE YOU SICK / INJURED? EXPLAIN: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		15. HAVE YOU HAD ANY ALCOHOL TO DRINK SINCE BEING STOPPED / THE COLLISION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
4. UNDER CARE OF A DOCTOR OR DENTIST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		15A. WHAT?	15B. HOW MUCH?
5. ARE YOU DIABETIC / EPILEPTIC? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		16. TIME COLLISION OCCURRED?	
6. DO YOU TAKE INSULIN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		17. WHERE WERE YOU GOING BEFORE STOPPED / THE COLLISION? <i>Home</i>	
7. HAVE YOU TAKEN ANY MEDICINES/DRUGS IN THE PAST 24 HOURS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		18. WITHOUT LOOKING, WHAT TIME DO YOU THINK IT IS? <i>9:30</i>	(ACTUAL TIME) <i>2:13L</i>
7A. PRESCRIPTION? <input type="checkbox"/> YES <input type="checkbox"/> NO		19. WHAT STREET / HIGHWAY WERE YOU ON? <i>Shore Acres Rd</i>	
7B. NON-PRESCRIPTION? <input type="checkbox"/> YES <input type="checkbox"/> NO		20. DIRECTION OF TRAVEL? <i>South</i>	
7C. LAST DOSE?		21. STARTED FROM? <i>Springdale</i>	
7D. QUANTITY?		22. TIME STARTED? <i>7:00 pm</i>	
7E. COCAINE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		23. DAY OF THE WEEK? <input checked="" type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input type="checkbox"/> Thurs <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun	
7F. MARIJUANA? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		24. WHAT CITY / COUNTY ARE YOU IN NOW? <i>Dear Park</i>	
7G. OTHER? <input type="checkbox"/> YES <input type="checkbox"/> NO		25. WHAT IS THE DATE? <i>6/6/08</i>	
8. DO YOU HAVE IMPAIRED VISION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		26. HAVE YOU BEEN DRINKING ALCOHOLIC BEVERAGES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
8A. DO YOU WEAR CORRECTIVE LENSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		26A. WHAT HAVE YOU BEEN DRINKING? <i>Vodka martini</i>	
8B. WERE YOU WEARING THEM WHEN YOU WERE STOPPED / BEFORE COLLISION? <input type="checkbox"/> YES <input type="checkbox"/> NO		26B. HOW MUCH? <i>1</i>	
8C. WHEN DID YOU START? <i>7:15</i>		26C. WHEN DID YOU STOP? <i>7:15</i>	
9. WHERE DO YOU WORK? <i>Spokane Fire Training Center</i>		27. WHO HAVE YOU BEEN DRINKING WITH? <i>No one</i>	
9A. DID YOU WORK TODAY? <i>No</i>		28. WHERE WERE YOU DRINKING? <i>Gorham's</i>	
10. TIME YOU GOT OFF WORK?		29. TIME OF LAST DRINK? <i>7:45</i>	
11. HOURS OF SLEEP LAST NIGHT? <i>8</i>		30. DO YOU BELIEVE YOUR ABILITY TO DRIVE WAS AFFECTED BY YOUR ALCOHOL AND/OR DRUG USAGE? <i>"Yeah"</i>	
12. WERE YOU DRIVING THE VEHICLE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		31. HAVE YOU EVER BEEN ARRESTED FOR DUI BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, HOW MANY TIMES? <i>once</i>	

If drug use indicated, please contact WSP Communications or local DRE after breath test and continue with DUI process.

PRE-ARREST OBSERVATIONS

1. ATTITUDE <input checked="" type="checkbox"/> COOPERATIVE <input type="checkbox"/> MOOD SWINGS <input type="checkbox"/> ARGUMENTATIVE <input type="checkbox"/> CRYING <input type="checkbox"/> LAUGHING <input type="checkbox"/> OTHER:	2. COORDINATION <input type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input checked="" type="checkbox"/> POOR <input type="checkbox"/> FUMBLING FOR DRIVER'S LICENSE <input type="checkbox"/> OTHER:	3. CLOTHES <input type="checkbox"/> ORDERLY <input type="checkbox"/> SOILED - EXPLAIN <input type="checkbox"/> OTHER: EXPLAIN <input checked="" type="checkbox"/> SHOES (Describe) <i>Sandals</i>	4. EYES <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> WATERY <input type="checkbox"/> DROOPY <input type="checkbox"/> BLOODSHOT <input type="checkbox"/> PUPILS DILATED <input type="checkbox"/> PUPILS CONSTRICTED <input type="checkbox"/> OTHER:	5. FACIAL COLOR <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> FLUSHED <input type="checkbox"/> PALE <input type="checkbox"/> OTHER:	6. ODOR OF INTOXICANTS ON BREATH <input type="checkbox"/> NONE <input type="checkbox"/> FAINT <input checked="" type="checkbox"/> MEDIUM <input type="checkbox"/> STRONG <input type="checkbox"/> OBVIOUS <input type="checkbox"/> OTHER:	7. SPEECH <input type="checkbox"/> GOOD <input checked="" type="checkbox"/> FAIR <input type="checkbox"/> REPETITIVE <input type="checkbox"/> FAST <input checked="" type="checkbox"/> SLURRED <input type="checkbox"/> OTHER:
8. OFFICER'S OPINION (of subject's impairment due to use of alcohol/drugs) <input type="checkbox"/> SLIGHT <input type="checkbox"/> OBVIOUS <input type="checkbox"/> EXTREME		9. SUBJECT'S NATIVE LANGUAGE <input checked="" type="checkbox"/> ENGLISH <input type="checkbox"/> OTHER		9A. SUBJECT APPEARED TO UNDERSTAND INSTRUCTIONS <input type="checkbox"/> YES <input type="checkbox"/> NO		
9B. INTERPRETER REQUESTED? EXPLAIN BELOW: <input type="checkbox"/> YES <input type="checkbox"/> NO TIME:			INTERPRETER PROVIDED <b>RECEIVED</b>			

10. PASSENGER(S) INFORMATION

*None*

OCT 07 2008

SHERIFF RECORDS

WASHINGTON STATE  
DUI ARREST REPORT  
SOBRIETY TESTS

CASE / CITATION NUMBER

080798 / SLCA 06140

**SURFACE**  
 PAVED  GRAVEL  DIRT  GRASS  
 OTHER

**GRADE**  
 LEVEL  SLIGHT GRADE  MODERATE GRADE  
 OTHER

**LIGHTING**  
 DAYLIGHT  DARK  STREET LIGHT  
 OTHER

**1. HORIZONTAL GAZE NYSTAGMUS (HGN)**

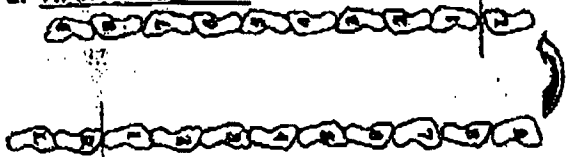
I have been trained in the administration of HGN testing and performed the test in accordance with this training.

EQUAL TRACKING  YES  NO  
EQUAL PUPILS  YES  NO  
RESTING NYSTAGMUS  YES  NO

Lack of smooth pursuit  YES  NO  
 Distinct and sustained nystagmus at max deviation  
 Angle of onset prior to 45 degrees

COMMENTS:

**2. WALK AND TURN**



Cannot keep balance  Starts too soon

	1 <sup>st</sup> Nine Steps	2 <sup>nd</sup> Nine Steps
Stops Walking		
Miss Heel - Toe		
Steps off line		
Raises arms		
Actual # steps		

DESCRIBE TURN

CANNOT DO TEST (EXPLAIN)

COMMENTS:

**3. ONE LEG STAND**



L	R	
		Sways while balancing
		Uses arms for balance
		Hopping
		Puts foot down

COMMENTS:

**SUPPLEMENTAL TESTS**

ABC'S A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

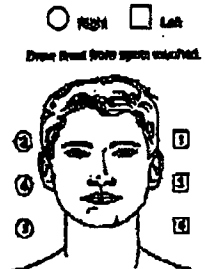
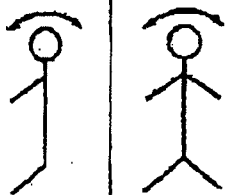
**BALANCE**

**NOTES**

**FINGER DEXTERITY**

**NOTES**

**FINGER TO NOSE**



RECEIVED  
OCT 07 2008  
SHERIFF RECORDS

WASHINGTON STATE  
DUI ARREST REPORT  
NARRATIVE

CASE / CITATION NUMBER

0807898 / SCCA

Vehicle in Motion (Initial Observation, Observation of Stop):

See Attached Narrative

Personal Contact (Observation of driver, statements, pre-exit, sobriety tests, observation of the exit, odors, general observations such as speech, attitude, clothing, etc.)

Pre-Arrest Screening (Field Sobriety Tests):

Administrative Process (BAC and Disposition):

I certify (declare) under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct. (RCW 9A.72.085.)

*Jeremy Wakeman*  
OFFICER'S SIGNATURE

126  
BADGE NUMBER

Jeremy Wakeman  
PRINTED NAME OF OFFICER

Stevens County Sheriff's Office  
AGENCY

Logan Lake, Stevens, WA  
PLACE SIGNED (city / county / state)

10/05/08  
DATE SIGNED

10/07/08  
07:52

Stevens Co. Sheriff's Office  
LAW INCIDENT TABLE

Page: 264  
2

STEVENS COUNTY SHERIFF'S OFFICE  
ADDITIONAL INFORMATION REPORT

CASE# 0807898

On 10/06/08 at approx. 1947 hrs. dispatch advised of a single vehicle slide-off accident on Shore Acres Rd. in Stevens County. The reporting party, [REDACTED] stated that she helped a white male out of the truck and asked him if he needed help. She said he refused aid and started walking south on Shore Acres Rd. [REDACTED] advised her husband was following the male to make sure he didn't get hit since it was dark and he was stumbling in both lanes of travel.

I arrived on scene and noted a Gray Chevy pick up [REDACTED] stuck on the embankment on the west side of the road facing south. It was evident the vehicle could not be driven from its location. I continued down Shore Acres Rd. and caught up with a white male walking south in the northbound lane. He was carrying a paper bag which appeared to have a bottle inside. I contacted the male and he advised his name was David Byrnes. He told me he was the driver of the truck. I asked him what happened, he told me he was driving home from Geronimo's in Springdale and missed a curve in the road. He said he was walking to his residence on [REDACTED]

While I was talking with Byrnes I could smell alcohol coming from his breath as he spoke. Byrnes's eyes were watery and droopy. He had trouble maintaining his balance and had to support himself on my vehicle to keep from falling over. He swayed when he stood still and stumbled when he walked. I asked Byrnes how much he had to drink tonight. He told me he had a few drinks at his residence, then drove to Springdale. He had some food and another drink at Geronimo's. He told me he bought the bottle of Scotch he had at Geronimo's before he left. I detained Byrnes at this time and seized the bottle of Scotch as evidence. I noted the bottle was full and the seal was not broken. I placed Byrnes in the back of my vehicle and we returned to his vehicle.

I recontacted [REDACTED] and asked her what she saw. [REDACTED] told me she was driving south on Shore Acres Rd and found Byrnes attempting to drive his vehicle out of the ditch. She said the vehicle was stuck and she approached to see if she could offer assistance. She said Byrnes was driving the vehicle and was the only occupant. She asked Byrnes if he needed help but he refused, stating he was just going to walk. [REDACTED] stated she could smell a strong odor of alcohol emanating from Byrnes. She told me she helped Byrnes out of the truck and onto the road. She said he stumbled twice and she had to help him up. She said he grabbed the bottle in the bag and started walking south. ~~She said she returned to her residence and called 911. Her husband continued to follow Byrnes to make sure he didn't get hit.~~ [REDACTED] provided a written statement, which was forwarded to the case file.

At this time I told Byrnes that based on my observations and witness statements I believed he was operating a motor vehicle under the influence of alcohol. I placed Byrnes under arrest and advised him of his Miranda Rights from my issued card. Byrnes told me he understood his rights and agreed to continue talking with me.

Nitebird Towing arrived on scene and took possession of the vehicle. I transported Byrnes to Deer Park to administer the DUI Breath Test. I again advised Byrnes of his Constitutional Rights and his right to refuse the breath test as part of the DUI packet. Byrnes waived his rights and agreed to a



10/07/08  
07:52

Stevens Co. Sheriff's Office  
LAW INCIDENT TABLE

Page: 264  
3

breath test. I completed the DUI packet and administered the Breath Test. I obtained two samples of his breath which measured [redacted] and [redacted] respectively. Approximately two hours had passed from the time I was advised of the call and the time Byrnes provided the breath samples. (See DUI Arrest Report for further information)

I issued Byrnes Criminal Citation #SCCR 06140 for Driving Under the Influence (RCW 46.61.502). Byrnes signed the Citation indicating he had received his copy and promised to show up to his mandatory court appearance at 1:00 PM on 10/07/08. I punched Byrnes Drivers License and returned it to him, along with his copies of the paperwork. Byrnes was released and I provided him with a courtesy transport to his residence.

DISPOSITION: Forward to Prosecutor.

Date, Time, Reporting Officer:  
10/07/08 0153 hrs.  
Deputy J. Wakeman 126  
Stevens County Sheriff's Office

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct" 9A.72.085.

10/07/08 Loon Lake, Wa

\_\_\_\_\_  
Date and Place Signature

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson	Dama
1	TAPD	Traffic Accident, Prop Damage		0.00
2	DUI	DUI Alcohol or Drugs		0.00

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Wakeman, Jeremy	126	LAW ENFORCEMENT

10/07/08  
08:37

Stevens Co. Sheriff's Office  
Deputy Supplemental Report

Page: 264  
1

Incident Number: 0807898 Nature: TRAF ACCIDENT Incident Reported: 10/06/08

Name: [REDACTED] Date: 08:06:22 10/07/08

STEVENS COUNTY SHERIFF'S OFFICE  
ADDITIONAL INFORMATION REPORT

CASE #

Details of Supplemental Narrative: \*\*\*\*\*NON DISCLOSURE\*\*\*\*\*

[REDACTED] called this morning to advise she would like a non disclosure reference this DUI as the suspect is her neighbor.

Date, Time, Reporting Officer:  
Kristina M. Cannon October 7, 2008 @ 0631

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct" 9A.72.085.

\_\_\_\_\_  
Date and Place Signature

-----  
Responsible LEO:

-----  
Approved by:

-----  
Date



# STEVENS COUNTY SHERIFF'S OFFICE



## VOLUNTARY STATEMENT

### NOT UNDER ARREST

CASE # 070 2898

[Redacted] am not under arrest for, nor am I being detained for any

criminal offenses concerning the events I am about to make known to SCSO without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, and for whatever purpose it may serve.

On 10-8-09 ADDRESS [Redacted] PHON [Redacted]

About 7:30pm I turned off the Leon Lake/Springdale cut off road onto the road (Northside) that goes to Shore Acres estate. I came around the bend by the Y to see a truck w/ the lights on in the ditch. I stopped to see if he needed any help. He was still attempting to get his truck out of the ditch. I called my husband to come + help. Then I walked back and asked him if he needed any help. He was holding a bottle in a brown sack, when he answered his words were slurred. He was trying to get out of the truck unsuccessfully. I helped him out. He then stumbled into the ditch and I helped him up. He had one shoe on + one shoe off. He walked over to my truck and rested on it for a few minutes. He said he lived in the area. I again asked him if I could call anyone for him. He said No im going to walk. He was all over the road. At this point I started allowing him because it was so dark and he was all over the road waving back and forth. My husband showed up, I was talking to the cell operator at this time and I handed the cell phone **RECEIVED** to my husband So I could take my daughter home. OCT 07 2008

I have read each page of this statement, consisting of 1 page(s), each page of my signature, and corrections, if any, bear my initials, and I certify or declare under penalty of perjury under the laws of the State of Washington, that the foregoing is true and accurate.

**SHERIFF RECORDS**

Dated at

this 6 day, of October 2008

Witness

[Redacted]

Signature of Person making Statement

Witness

.....

CHECK ALL THAT APPLY:

- NON-IMPOUND / TOW
- AAA or OTHER ROADSIDE ASSISTANCE
- EVIDENCE
- SEIZED UNDER RCW 69.50.505
- IMPOUND ONLY
- IMPOUND WITH \_\_\_\_\_ DAY HOLD
- INFORMATIONAL COPY GIVEN TO SUSPENDED DRIVER.
- REGISTERED OWNER MAY REDEEM \_\_\_\_\_
- CHECK INDICATES DRIVER IS DWLS/R AND IS NOT THE REGISTERED OWNER. REGISTERED OWNER / LEGAL OWNER OR AGENT OF THE OWNER MAY REDEEM AT THE END OF THE IMPOUND HOLD.
- CHECK INDICATES DRIVER IS DWLS/R AND IS THE REGISTERED OWNER. THEY WILL NEED A SEPARATE RELEASE FORM FROM THE COURT.

UNIFORM WASHINGTON STATE TOW / IMPOUND AND INVENTORY RECORD

CASE / EVIDENCE NUMBER  
0207898

VIN \_\_\_\_\_


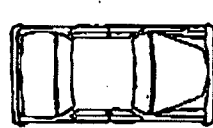
PLATE	STATE	YEAR	MAKE	MODEL
_____	WA	2002	CHEV	PO1 AY
	MILEAGE		STYLE	COLOR
<input type="checkbox"/> Report of Sale			Crow Cab	GRAY

NAME (LAST, FIRST, MI) Same	NAME (LAST, FIRST, MI) AYNES, DAVID L.	NAME (LAST, FIRST, MI) _____
STREET ADDRESS _____	STREET ADDRESS _____	STREET ADDRESS _____
CITY, STATE, ZIP CODE _____	CITY, STATE, ZIP CODE _____	CITY, STATE, ZIP CODE _____
DOB _____	DOB _____	DOB _____

ON THIS DATE OF 10/06/08 AT 2022 (24 HOUR) PURSUANT TO RCW 48.55.085/118 AND HAVING PERSONALLY INVENTORIED THE ITEMS IN THE DESCRIBED VEHICLE, I HEREBY AUTHORIZE Nitebird Towing (TOWING FIRM) TO REMOVE THIS VEHICLE FROM SHORE ACRES RD.

I CERTIFY THAT I HAVE RECEIVED THE ABOVE VEHICLE AND ITS CONTENTS LISTED BELOW.

TOW DRIVER'S SIGNATURE [Signature] POL TOW TRUCK NO. 68832 DATE 10/6/08

<input type="checkbox"/> GLOVE BOX LOCKED	<input type="checkbox"/> FRONT	SHADE DAMAGED AREA 	
<input checked="" type="checkbox"/> KEYS (5)	<input type="checkbox"/> R FRONT		
<input type="checkbox"/> AUTO STEREO	<input type="checkbox"/> R SIDE		
<input type="checkbox"/> AUDIO TAPES/CD'S ( )	<input type="checkbox"/> R REAR		
<input type="checkbox"/> CB RADIO	<input type="checkbox"/> L FRONT		
<input type="checkbox"/> RADAR DETECTOR	<input type="checkbox"/> L SIDE		
<input type="checkbox"/> TRUNK LOCKED	<input type="checkbox"/> L REAR		
<input type="checkbox"/> SPARE TIRE	<input checked="" type="checkbox"/> REAR		
<input type="checkbox"/> JACK	<input type="checkbox"/> TOP		
<input type="checkbox"/> CHAINS	<input type="checkbox"/> UNDERCARRIAGE		
<input type="checkbox"/> OTHER _____	<input type="checkbox"/> OTHER _____		

(List reason(s) for impound.)

CD's, Chargers, Assembled Appliance work, sunglasses, Electric Drill

**RECEIVED**  
OCT 07 2008  
SHERIFF RECORDS

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREMENTIONED IS TRUE AND CORRECT. (RCW 9A.72.080)

OFFICER'S SIGNATURE X [Signature] STEVENS BADGE NO. 126

3000-110-078 R 12/02 COUNTY, WA

SUPERVISOR

SCCR 6140

PA

STEVENS COUNTY SHERIFF OFFICE  
EVIDENCE INVENTORY / SEARCH WARRANT RETURN

Related Case #

Case # 08-7198

Date: 10/06/08 Seizing Officer: J. Wakeman

Crime: NWJ

- (  ) Evidence ( ) Safekeeping ( ) Found
- ( ) Destroy Only or Destroy After

Recipient ( ) No one home, or refused to sign.

Certificate of Returnee

I certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ (am) (pm) the above captioned Search Warrant and written Inventory were returned to the District Court Judge who signed the Search Warrant, by delivery to the Stevens County District Court Clerk.

Signature \_\_\_\_\_

Property Obtained From: \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

David Ayones  
Victim/Owner: \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

Same  
Subjects (Suspects) \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

ITEM #	AMT.	DESCRIPTION OF PROPERTY SEIZED	SERIAL #	LOCATION
1	1	1 Full bottle of Cutty Sark whisky		

RECEIVED  
OCT 13 2008  
STEVENS COUNTY  
PROSECUTING ATTORNEY

Date Property Received / Property Room \_\_\_\_\_

Signature Property Officer \_\_\_\_\_

Fax Server

10/15/2008 4:39:16 PM PAGE 2/003 Fax Server



STATE OF WASHINGTON  
DEPARTMENT OF LICENSING  
P. O. Box 9030 • Olympia, Washington 98507-9030

amd

October 15, 2008

The information in this report pertains to the driving record of:

Lic. [REDACTED]  
Name: EYRNES, DAVID LEE  
[REDACTED]  
SPOKANE WA 99228

Birthdate: [REDACTED]  
Eyes: BLU Sex: M  
Hgt: 5 ft 09 in Wgt: 200 lbs  
License Issued: April 1, 2006  
License Expires: March 30, 2010

After a diligent search, our official record indicates that the status on October 6, 2008, was:

Personal Driver License Status:  
• Clear

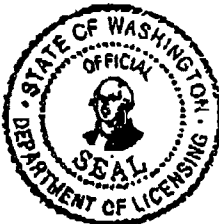
Commercial Driver License Status:

The following also applied:

• No alcohol offenses on record

PDL Attachments:  
• None

CDL Attachments:  
• None



Having been appointed by the Director of the Department of Licensing as legal custodian of driving records of the State of Washington I certify under penalty of perjury that such records are official, and are maintained within the Department of Licensing.

*Annette M. Dailey*

Custodian of Records  
Place: Olympia, Washington  
Date: October 16, 2008

The Department of Licensing has a policy of providing equal access to its services. If you need special accommodations, please call (360) 902-3900 or TTY (360) 564-0116.

9:34:35 Thu Oct 23. 2008

D0091I Top of list

DN2000SX

10/23/06 09:34:32

DN2001MI Defendant Case History (DCH)

STEVENS DISTRICT

PUB 1 of 1

Case: SCCR06140 SCS CT Csh:

Pty: DEF 1

StId: D BYRNEDL562DT WA

Name: BYRNES, DAVID LEE

NmCd: IN 980 83968

CONFIDENTIAL--NOT FOR RELEASE

More>

True Name: BYRNES, DAVID LEE

IN 980 83968

2 Cases

AKA's:

Violation

--- Status ---  
DV Jg CD W F O

S N Case

LEA Ty Crt

Date

Short Title



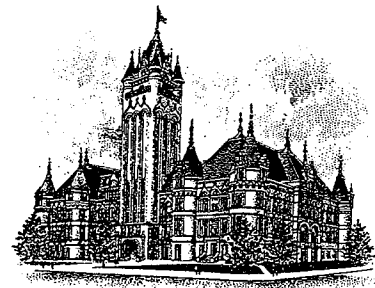
02/23/07 RECKLESS ENDANGERMENT

N G

PF1	PF2	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP	PER	CDK	PLS	CDT	BWD	FWD	DOL	COS	CFHS	EXIT



**Spokane County Sheriff's Office**  
**Ozzie D. Knezovich, Sheriff**



*"In partnership with the community - Dedicated to your safety"*

October 30, 2008

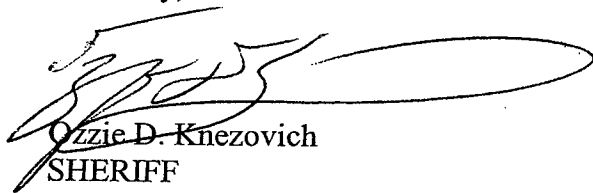
Mr. David L. Byrnes  
Spokane County Sheriff's Office  
W. 1100 Mallon  
Spokane, Washington 99260-0300

For the reasons documented in the attached Case Findings Notice Dated 10/30/2008, I am terminating your employment with the Spokane County Sheriff's Office effective 10/30/2008.

This disciplinary action will be entered into your administrative file. Therefore, it will become a part of your performance history with the Spokane County Sheriff's Office and could affect your future employment. Since a copy of this letter and all attachments will be forwarded to the Spokane County Civil Service Commission as required by law, I am extending for you an opportunity until the close of business, Thursday, November 6, 2008, to prepare and submit any written response you may wish to prepare to this letter and its attachments to fulfill any liberty interests you may have. A copy of your Loudermill responses and any additional written response you may choose to submit will then be attached to this letter and forwarded to the civil Service Commission as well as placed in your administrative file.

You have the right to appeal this discipline through regular Civil Service procedures contained in RCW 41.14.120.

Sincerely,

  
Ozzie D. Knezovich  
SHERIFF

Date and time served: 10/30/08 1921

Received by:   
cc: File

IA #08-0061  
David L. Byrnes  
Letter of Termination



**MEMORANDUM**  
**(Confidential)**

**TO:** Undersheriff Tower/ Captain Shane / Captain Brady/ Chief VanLeuven/ Lt. Fojtik/ Lt. Rose/ Lt. Finke/ Lt. Jones / Lt. Howerton/ Lt. Danner/ Lt. Smith/ Lt. Barbieri/ Lt. Miller/ Lt. Lyons/ Tom Mattern/ Debbie Grover

**FROM:** Sheriff Ozzie Knezovich

**RE:** Notice of Disciplinary Action

**DATE:** October 30, 2008

On this date an internal administrative investigation was completed into the official conduct of Mr. Dave L. Byrnes. After reviewing all available and pertinent information, the following allegations of misconduct have been **SUSTAINED**:

- Criminal Conduct – Charged/Arrested for DUI
- Violation of Alcohol policy
- Failure to Report for Duty

The following progressive discipline was imposed:

- Termination as of 10/30/08

Mr. Byrnes has the right to appeal this discipline.

Each Lieutenant is asked to read and/or inform their employees of the findings and conclusions of this internal investigation so that unnecessary and inappropriate rumors may be avoided. The contents of this notice shall be deemed as **confidential and for internal use only, and any release of the information contained herein shall only be made through the Sheriff.** The duplication or alteration of this notice and/or release of it's contents outside the department shall be considered improper conduct and/or breach of confidentiality and therefore potentially subject to disciplinary action.

Each Lieutenant/Division Commander is responsible for the return of this original notice to the Office of Professional Standards **no later than November 13, 2008.**

Thank you for your assistance and dissemination of this information.

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# MEMORANDUM

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**DATE:** 10/31/08

**TO:** Tom Mattern

**FROM:** Lt. Bill Rose

**RE:** Dave Byrnes

**CC:**

During the hearing on Thursday I tried to talk to Dave about his right to write a response to the disciplinary investigation that brought about his termination. This is called a Liberty Interest response and gives him the option of putting something in the file to explain his side of the event should a future potential employer choose to examine it. He does not have to write a response. It is simply his opportunity to do so. His termination letter states:

*This disciplinary action will be entered into your administrative file. Therefore, it will become a part of your performance history with the Spokane County Sheriff's Office and could affect your future employment. Since a copy of this letter and all attachments will be forwarded to the Spokane County Civil Service Commission as required by law, I am extending for you an opportunity until the close of business, Thursday, November 6, 2008, to prepare and submit any written response you may wish to prepare to this letter and its attachments to fulfill any liberty interests you may have. A copy of your Loudermill responses and any additional written response you may choose to submit will then be attached to this letter and forwarded to the civil Service Commission as well as placed in your administrative file.*

I was not very confident that Dave understood what I was trying to tell him. Could you let him know that he will be granted access to his disciplinary file if he chooses to write a response. All of his files are available to him if he wants access. This will have to be done in the PSB as the files cannot be allowed off site without a protective order. Please extend to Dave the invitation to call me if he has any questions or needs assistance.

You might also make sure Dave is aware there are limits on the time he can bring an appeal to Civil Service if he plans to do so. Thanks

## Rose, William

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**From:** Mattern, Tom  
**Sent:** Friday, October 31, 2008 7:39 AM  
**To:** Rose, William  
**Subject:** Re: Dave Byrnes

Bill, Dave did call me last night. I won't be in the office until Wednesday (11-4). I will have Bill Hansen check his inventory list and come over and pick up DEM items. I will bring any files on the forth. Tom

-----Original Message-----

**From:** "Rose, William" <WRose@spokanesherriff.org>  
**Subj:** Dave Byrnes  
**Date:** Fri Oct 31, 2008 7:27 am  
**Size:** 755 bytes  
**To:** "Mattern, Tom" <TMattern@spokanecounty.org>

Tom, as you probably now by now Dave was terminated on Thursday. I collected the following assigned items from Dave:

Cell Phone  
Pager  
Credit Card  
1 Sheriff ID Card

Dave told me that you keep his inventory so I am not sure if that is everything that needs to be collected. He plans to call you Monday to arrange to clear his office. Please make certain you collect any other inventory that is outstanding. I also need you to come by the office and sign the case findings. When you do would you please bring any personnel files you have for Dave so they can be filed. Let me know if I can be of assistance. Thanks

Lt. Bill Rose  
Office of Professional Standards  
Spokane County Sheriff's Office  
509-477-6930  
wrose@spokanesherriff.org

7007 0710 0000 1584 9047

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10/17/08

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 Street, Apt. No.;  
 or PO Box No. 212 S. Oak St  
 City, State, ZIP+4 Colville, Wa 99114