



McCleary Police Department

Sam Patrick - Chief of Police

100 S. 3rd St. McCleary, WA. 98557

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McCleary Police Department

Officer's Report

CASE: 24-MC0931

DATE: 05-25-2024

OFFENSE: Intimidating a Public Servant/Coercion

On 05-24-2024 at approximately 1227 hours I was dispatched to a phone call request from Max Ross. Ross is a city council member for the City of McCleary. I made phone contact with Ross and he advised that the Mayor of the City of McCleary, Christopher Miller, had sent the entire city council an email that he described as "unhinged". Ross further stated that he called McCleary City Hall and could not reach anyone in the administration. He spoke with [Identity of a [Identity of the City of McCleary [Identity of a [Identity o Ross advised that [Identity o had told him that Miller had been acting strangely the past few days and that she and some of her colleagues in the front office were concerned for their safety. Ross had an incoming telephone call that he believed was from the McCleary City Attorney, Christopher Coker, so I advised him to take the call and I would contact him in person soon.

I went to city hall and contacted [Identity of I spoke to [Identity o in private and asked her what was going on. [Identity of advised that Miller was behaving oddly, he seemed more animated, his eyes looked "more bugged out than usual", he had been "rambling about the aurora borealis", and speaking more about his PTSD from when he was in the military. I asked if she was concerned for her personal safety, and she stated that she was. She was afraid of a possible workplace active shooter situation as the tension between the city council and the mayor seemed to be bubbling over and coming to a head. I asked if Miller had made any threats to anyone, and she stated he had not made any threats to her, and she hasn't heard that he made any to anyone else either. I asked if there were any specific threats in the email that was sent to the council, if she knew what was in the email, and stated she did not believe so. [Identity of and Ross for that matter, stated that they were concerned with Miller's mental health and were afraid that he may have had a mental break. I advised [Identity of that I was going to make a phone call and would be right back with her.

I then telephoned Chief Patrick, who was not on duty at the time, and briefed him on the phone call request to Ross and what I had ascertained so far. While conferring with Chief Patrick it was decided to send all the city employees home and to just close down the city. I advised [Identity of Public Works Foreman Jenna Jarvis, and Light and Power Foreman Paul Nott of this and

requested Jarvis notify the sewage treatment plant operators as well that we were shutting down the city do to some safety concerns that had just come to light. All employees of the City of McCleary then went home, except for me.

I responded to Ross's residence and contacted him in person. He had me read the email at that time. While I was reading the email that Miller had sent out Chief Patrick phoned Ross who answered it on speaker phone. I stood by while Chief Patrick and Ross spoke for a few minutes and then Chief Patrick requested I contact him after speaking to Ross.

While reading the email I observed that Miller had given the city council two options at the very end which appeared to me to be intimidating a public servant and coercion. It appeared to me that Miller was attempting to influence the vote of the council by advising them that he would go after the previous mayor and public works director by initiating criminal investigations and prosecutions against them for acts committed while they held their previous positions. I asked Ross if he felt intimidated or coerced by the email and he stated that he did not wish to be a victim in this incident but that I should go see Brycen Huff, another city council member, as he believed this is how Huff perceived the email. I thanked Ross for calling and advised him to call back if he needed us.

I then contacted Huff at his residence. I greeted Huff and asked him about the email. Huff stated he wished to have the incident investigated and felt that Miller was trying to sway the council's vote if they did what he wanted. Per the email Miller stated that he would not pursue investigations/prosecutions against Todd Baun and Brenda Orffer if the council passed the camera and public records resolutions as written and approve the funds for a "Space Needs Study." Huff forwarded me the mail and I have attached it to this report. After speaking to Chief Patrick on the phone and advising him that Huff wished to pursue an investigation into the matter, I obtained an audio/video recorded statement from Huff via my department issued body worn camera.

During the phone call with Chief Patrick, at Huffs residence, I advised him that it was my recommendation to ask the Grays Harbor County Sheriff's Office to investigate the incident to avoid any conflict of interests. Chief Patrick agreed with my recommendation at that time.

I made contact via phone with Chief Patrick after taking Huff's statement and clearing his residence. Chief Patrick still concurred with the McCleary Police Department not investigating this matter and was waiting to hear from the city attorney before proceeding. I then cleared the call.

At approximately 1928 hours I was contacted by Chief Patrick via telephone, and he advised that there was no immediate threat to any of the city employees and he would confer with the city attorney on Tuesday.

Some parties with whom I had significant contact were advised that the contact is being audio and/or video recorded. This report is intended as a summary of

events. I have paraphrased some conversations and this report may not include the exact sequences of events. For exact quotes or exact sequencing of events, I would refer the reader to my body worn camera footage or electronic recording device at the time of the incident.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND CORRECT AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT (RCW 9A.72.085).

Electronically Signed: Yes Signature/Badge Number: Sergeant R. Bunch/9S1

McCleary/Grays Harbor County/Washington Date: 05-25-2024

06/05/24
10:36

Grays Harbor County Sheriff's Department
Incident Report for 24-009920

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Narrative

RELATED CASE #24-MC0931

On 05/29/2024, I was assigned a threats complaint that occurred on 05/24/2024. It was alleged that McCleary Mayor Chris Miller threatened city councilmembers that constituted Intimidating a Public Servant and/or Coercion. Officer Bunch initially responded to the complaint at 1227 hours after Councilmember Max Ross described Mayor Miller was coming unhinged. Additionally, [Identity of a witness of a] [Identity of] had concerns for Mayor Miller acting strangely the past few days and some of her colleagues were afraid for their safety. [Identity of a] mentioned to Officer Bunch that she even had concerns about a potential workplace active shooter situation as the tension between the Mayor and city councilmembers was coming to a head. There was no evidence provided to support an active shooter situation; simply just her opinion. The McCleary Police Department made the decision to close down the city for the day for safety concerns.

I was provided several emails, including the email in question, dated 05/24/2024 at 1033 hours. This email was sent from Mayor Miller to Chad Bedlington (Public Works Director), Jenna Amsbury (Clerk-Treasurer), Sam Patrick (Chief of Police), and Chris Coker (City Attorney). It is possible the email was BCC'd to others and is not documented on the email provided by Chief Sam Patrick. It is presumed since the email is addressed "Good morning Councilmembers," and Councilmember Ross reported the email to police, that the email was in fact sent to them. The subject of the email was "Log Inquires." I also reviewed a police incident report completed by Officer Bunch reference McCleary PD Case #24-MC0931. The emails and police report are attached for reference.

I reviewed this case in consideration of the following two criminal statutes:

- 1.) Intimidating a public servant - RCW 9A.76.180
 - (1) A person is guilty of intimidating a public servant if, by use of a threat, he or she attempts to influence a public servant's vote, opinion, decision, or other official action as a public servant.
 - (2) For purposes of this section "public servant" shall not include jurors.
 - (3) "Threat" as used in this section means:
 - (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
 - (b) Threats as defined in RCW 9A.04.110.
 - (4) Intimidating a public servant is a class B felony.
- 2.) Coercion - RCW 9A.36.070
 - (1) A person is guilty of coercion if by use of a threat he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he or she has a legal right to

engage in.

(2) "Threat" as used in this section means:

- (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
 - (b) Threats as defined in *RCW 9A.04.110(27) (a), (b), or (c).
- (3) Coercion is a gross misdemeanor.

My analysis of these two crimes, there is a required element of a threat as defined as "To communicate, directly, or indirectly, the intent immediately to use force against any person who is present at the time; or any threat as defined in RCW 9A.04.110(28) as follows:

(28) "Threat" means to communicate, directly or indirectly the intent:

- (a) To cause bodily injury in the future to the person threatened or to any other person; or
- (b) To cause physical damage to the property of a person other than the actor; or
- (c) To subject the person threatened or any other person to physical confinement or restraint; or
- (d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or
- (e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
- (f) To reveal any information sought to be concealed by the person threatened; or
- (g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
- (i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
- (j) To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships

Given the circumstances and facts of this specific case, the only subsection that I considered as a potential threat is (d): To accuse any person of a crime or cause criminal charges to be instituted against any person. In this case, Mayor Miller's email presents two options in his email as follows:

"1.) We can continue on this path and create legal ramifications and repercussions for former Director Baun, potentially former Mayor Orffer and others who may have been involved in the alleged retaliatory acts, or;

2.) We can choose not to create records and find a way to move forward together. This option also includes passing the Camera Policy, the Public Records Ordinance (as currently written) and approving at the next council meeting the contract with MacKenzie for the Space Needs Study to: help create a safe structure for our employees to survive a mega earthquake, to provide a new fire station that can accommodate future fire apparatus, and to provide needed

daycare space for our community.

Please let me know by COB today, Friday, May 24th or I'll just assume you are choosing to default to option one."

Mayor Miller does not make any threats or directly accuse any councilmembers of any crimes, but simply states the potential ramifications it may cause others, such as the former director, mayor, and others involved. Mayor Miller in no way accuses them of a crime or caused criminal charges to be instituted against them.

Additionally, "Threats" under 9A.04.110(28)(d) cannot be considered for the crime of Coercion. Only subsections (a), (b), or (c) can be considered under the definition of threats for this crime.

I reviewed another provided document labeled "Tuesday, May 28, 2024 - Employee fact finding regarding employee safety - 10:00 a.m. Council Chambers." Present for this meeting was Police Chief Sam Patrick, Director of Public Works Chad Bedlington and Clerk-Treasurer Jenna Amsbury. Interviews of six employees labeled #1-6 were interviewed about any safety concerns. All employees mentioned feeling safe; however, several expressed concerns about a hostile environment in general.

DISPOSITION:

My conclusion is that this case is not criminal in nature, therefore it will not be further investigated. I request this case be forwarded to the Grays Harbor County Prosecutor's Office for review.

ATTACHMENTS:

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City Emails
McCleary PD report

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Electronically Signed: Yes Signature: Sergeant S. Beck, 1S5

Montesano/Grays Harbor County/Washington Date: Thu May 30 08:49:25 2024

Responsible LEO

Approved by

Date

From: Chris Miller
Sent: Friday, May 24, 2024 10:33 AM
To: Chris Miller
Cc: Chad Bedlington; Jenna Amsbury; Sam Patrick; Chris Coker
Subject: Log Inquiries

Good morning Councilmembers,

As I have stated to a few of you previously, we are working to get the logs you requested. As I stated to Councilmembers Huff and Dahl, safety of all employees is very important to the administration.

Three of you have given different timeline requests, and to make it easier I will just go with the farthest back. Councilmember Dahl requested that the log request goes back to the start of my administration on January 1, 2022. I was confused, as everything I do I run through the city attorney to ensure I am conducting everything correctly and legally.

I was also confused on why these logs were such an issue. Then I finally realized that every attack on this current administration, the idea came from something that happened in a previous administration. Looking at this newfound information, as I stated to both Councilmembers Huff and Dahl, we would go back to the very beginning.

I'm not sure what Todd Baun did to any of you to deserve your wrath, but whistleblower retaliation is a crime. We were not aware we could go back that far, and now knowing we should. Councilmember Dahl would have known that if we were able to go back to her requested date, we could go back even farther. I have to believe there was hope I would read between the lines and rectify this, and I have. Thank you, Councilmembers Dahl, Huff and Simmons for pushing so that I can see there are still potential issues we should rectify. I was looking forward to finding a positive path to the future, but sometimes you still have to correct past errors. I didn't believe we could go back more than 30 days, but now knowing that creates opportunities to correct past injustices as you have requested.

We most certainly will gather the information and send it to the appropriate state agencies that investigate whistleblower complaints and retaliation. Given the complaints of the asphalt your friends and family members generated last year, he already has at least one or two investigations that I'm aware of. Fortunately, the city is in a good position because we took the time to correct this misdeed and protect the city and its residents. You are welcome for that.

Also given that there were witnesses to this harassment, myself included, having this timeline certainly will make it easier for a case to be built against him. I truly feel sorry for him, as my hope was that he would just be able to move on to his new career path and the city can finally move forward. For some reason, you all want to see him punished. As this was during the previous administration, the liability will be personally against him and not the city I believe. We will see how that plays out. I imagine, if founded, that this would go against Mayor Brenda Orffer and others as the complaints may not have been dealt with from what we can gather so far. That is for investigators to determine.

So, I present to you two options:

1) We can continue on this path and create legal ramifications and repercussions for former Director Baun, potentially former Mayor Orffer and others who may have been involved in the alleged retaliatory acts, or;

2) We can choose not to create records and find a way to move forward together. This option also includes passing the Camera Policy, the Public Records Ordinance (as currently written) and approving at the next council meeting the contract with MacKenzie for the Space Needs Study to: help create a safe structure for our employees to survive a mega earthquake, to provide a new fire station that can accommodate future fire apparatus, and to provide needed daycare space for our community.

Please let me know by COB today, Friday, May 24th or I'll just assume you are choosing to default to option one.

Thank you all for your input on this sensitive matter and have a wonderful and safe Memorial Day weekend!

Chris Miller
Mayor
City of McCleary