



Garry E. Lucas
Sheriff

CLARK COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS UNIT

Internal Affairs Investigation: # IC11-009

Investigated by: Sergeant John Horch

Date received: March 15, 2011

Date completed: April 24, 2011

Complainant(s): Chief Mike Evans

Involved employee(s): Detective Ryan Taylor

Allegation(s)/Finding(s):

#1. Det. Taylor used the ACCESS system for personal use on at least nine occasions. He admitted he ran WACIC and NCIC checks for information about individuals and vehicles for personal use which was not for legitimate law enforcement purposes. **SUSTAINED** for nine violations.

Incident #1 – Occurred between March 13th – March 15th 2011 (Four inquiries on an individual and two vehicle license plate inquiries.)

Incident #2 – Occurred October 2, 2008. (One inquiry on an individual and two vehicle license plate inquiries.)

#2. Det. Taylor used his MDC (Mobile Data Computer) from March 13th - March 15, 2011 to run WACIC / NCIC inquiries for his own personal use. **SUSTAINED.**

Policy Violation(s):

#1. G.O. 02.09.380 ACCESS MISUSE

#2. G.O. 02.10.030 (C) PROCEDURE USE OF THE MDC

Summary:

On March 15, 2011, the Internal Affairs Unit was notified that Detective Ryan Taylor had possibly used the Washington State Patrol's (WSP) ACCESS system (A Central Computer Enforcement Service System) for personal use on or about March 13, 2011. It was alleged that Det. Taylor used the ACCESS system to run a computer check on an individual and a vehicle plate to gain information about this person that was possibly dating his ex-wife (Deanna Taylor). Det. Taylor admitted during his IA interview, that he did in fact run numerous unauthorized computer checks on a subject by the name of Michael R. Melton, including Melton's vehicle plate. He also admitted to running these checks on the MDC (Mobile Data Computer) that is in his patrol vehicle.

During his IA interview, Det. Taylor admitted to another incident in which he used the ACCESS system for personal use. Det. Taylor suspected a person by the name of Garret Hergert was having an affair with his wife, and he ran a driver's license check and a vehicle registration check to gain information. Det. Taylor could not remember the exact date when this occurred, but thought it was in 2008 and possibly again in 2010. A WSP records search located that on October 2, 2008, Det. Taylor ran a driver's check on Hergert and also checked on his vehicle plates.

Det. Taylor is ACCESS certified through our department and took his last update class in September of 2010. Det. Taylor said he was aware of our ACCESS policy and knew it was against our policy to use this system for personal use.

The Washington State Patrol requires us to report to them suspected ACCESS violations, as well as concluded investigations into ACCESS violations. This matter has been reported to WSP.

Recommended Findings:

After analyzing all the documentation and statements made by Det. Taylor during his interview, the IA Unit has come to the conclusion that Det. Taylor did in fact violate our ACCESS use policy G.O. 02.09.380 MISUSE and our MDC use policy G.O. 02.10.030 (C) PROCEDURE USE OF THE MDC.

The most recent incident of this ACCESS misuse occurred from March 13 – March 15, 2011. There were a total of six inquires made during this time that were for personal use.

The other incident occurred on October 2, 2008. Three inquires were made at that time which were also for personal use.

The IA Unit recommends a finding of **SUSTAINED** for two separate incidents - with each incident including one or more separate violations, regarding our ACCESS MISUSE policy.

With regards to the PROCEDURE (MDC) policy, the IA Unit recommends a finding a finding of **SUSTAINED** for one incident (most recent). The October 2nd 2008 incident was done from a computer terminal at the Sheriff's Central Precinct Office.

G.O. 02.09.380 MISUSE

ACCESS requires that all agencies investigate allegations of misuse. The Agency TAC is required to notify the agency head and the Information Security Officer with ACCESS if misuse is suspected. Examples of misuse include:

1. Running the criminal history of a family member or friend.
2. Running a vehicle registration for personal use.
3. Visiting or sending inappropriate administrative messages across a mobile data terminal ACCESS connection.

Users do not have to disseminate information for the action to be a violation. Accessing CJIS data for personal reasons is specifically prohibited by state and federal law. (Emphasis added).

Once misuse has been reported, the Clark County Sheriff's Office will notify the ACCESS Section and investigate the allegation per department policy. Results of the investigation must be communicated to ACCESS; disciplinary action, if necessary, will be in accordance with Sheriff's Office General Orders.

If misuse is confirmed, ACCESS has the authority to decertify a person for reasons of misuse or arrest record findings. Decertification may be considered for a certain time period or indefinitely.

G.O. 02.10.030 PROCEDURE (MDC)

1. All communications via the MDC will be professional and conducted in a businesslike manner.
2. **Communications between dispatch and field units by MDC are permitted for official business only. No personal business of any kind will be conducted via the MDC. All communications via MDC are a matter of public record. As such, they may be subject to periodic review and use by the courts for civil and criminal proceedings.** (Emphasis added).
3. Other than for traffic stops or for emergency traffic (i.e. Code 0), unit status changes will be accomplished via MDC. This includes but is not limited to clearing from calls, going enroute to calls, clearing from self-initiated activity, etc.
4. Except in emergency situations, changes in location will be done via MDC with simultaneous voice communication.
5. Traffic stops by field units will be initiated by voice radio communication and may be cleared by either voice communication or MDC at the deputy's discretion unless special circumstances dictate otherwise.
6. If time and circumstances permit and the MDC can be safely used, self-initiated activities, follow up, Code 7 (lunch), breaks, and field contacts will be done via

- the MDC. If the dispatcher or deputy believes there are safety issues involved, voice communications are expected.
7. **Data received and sent via the MDC is subject to all security restrictions that apply to an ACCESS terminal. DOL and wants checks will be conducted within the guidelines of ACCESS restrictions and will be done via the MDC if and when the deputy is in the vehicle.** (Emphasis added).
 8. All wants and warrants must be confirmed through CRESA via voice communication. CRESA will confirm wants and warrants and advise the deputy via voice communication.
 9. Deputies may occasionally make general information requests to dispatch via the MDC. Deputies must keep in mind that their "administrative message" requests will be viewed as general information requests and will be handled on a lower priority basis. The dispatcher's time to process these requests may be limited due to call taking and dispatching responsibilities.
 10. The use of the MDC while the vehicle is being operated creates a potential risk to the deputy because of the change of focus from driving to operating the MDC. Accidents resulting from inattention to driving while operating the MDC will be handled through the Sheriff's Office discipline process.
 11. The transmittal of any sexist, racist, vulgar, derogatory, or discriminatory message is specifically prohibited. **The MDC shall be utilized for Sheriff's Office business purposes.** Personal conversations and/or comments are prohibited. (Emphasis added).

Investigation:

On March 15, 2011, Sgt. Schaub and I were notified about a possible misuse of our ACCESS system involving Detective Ryan Taylor. Sergeants Shea and Schoening came to our office and explained that Det. Taylor had admitted to running a computer check on a person that was for personal reasons. Shortly after hearing this, Chief Evans signed a "six part" form and we were given instructions to investigate this possible ACCESS policy violation.

About fifteen minutes later, Det. Taylor came to our office and we served him the complaint alleging the possible misuse of the ACCESS system. Detective Rick Buckner was also present as a guild representative when we served him the complaint. At that time, Det. Taylor did not want to delay this investigation and requested to be interviewed right then. Det. Buckner also requested this. Sgt. Schaub and I were not able to conduct this interview without gathering some information, but we agreed to meet him the following day barring there were "no surprises". Before leaving our office Det. Taylor handed me some print outs of a vehicle registration. He said something to effect of, "This is what I did".

That evening I spoke with Sgt. Schoening over the phone. He explained he had worked with Det. Taylor for the past two years in the traffic unit and was friends with him. He was not a Sergeant at that time and had just recently left the traffic unit after being promoted in February. Sgt. Schoening went on to say that a day or so ago, Det. Taylor had told him that he had seen his ex-wife with another man and was concerned. Det. Taylor told Sgt. Schoening that he had checked on this person and he knew he had a suspended license and had a warrant for his arrest. Sgt. Schoening didn't think too much of it at the time, but the following day mentioned this to Sgt. Shea. They both deduced that Det. Taylor had probably used the ACCESS system to check on this person and if this occurred, was probably not done for work related purposes.

Sgt. Schoening went on to tell me that after he explained to Sgt. Shea what Det. Taylor had told him, he and Sgt. Shea went to Commander Kilian and advised him of what they had learned. Commander Kilian told them to do some research and find out how exactly Det. Taylor had obtained this persons information.

Sergeants Shea and Schoening then went to meet Det. Taylor who was working as an EVOIC instructor at Portland International Raceway. Sgt. Shea asked Det. Taylor if he had used the ACCESS/WACIC/NCIC computer system to check on a person for personal reasons. Det. Taylor admitted he had. Sgt. Shea advised him not to say anything more and that he would have to forward this information on. Sgt. Shea wrote a memo to Sgt. Schaub and I about this conversation with Det. Taylor. That memo is attached to this report.

The following day, March 16^h, Det. Taylor was scheduled for an interview for the ACCESS violation investigation (#IC11-009). However, in the mean time, the sheriff's office learned of another possible policy violation against Det. Taylor regarding the use of his county issued work vehicle for his own personal use. Chief Evans signed another six part complaint and we issued this to Det. Taylor in our office around 1500 hours. Det. Rick Buckner was also present as his guild representative.

In addition to this new allegation of misuse of the county vehicle, Chief Evans placed Det. Taylor on "Administrative Leave" for reasons unrelated to this investigation. Sgt. Schaub and I drove Det. Taylor home and we advised him that we would contact him for an interview in the near future to address the two "six part" complaints. Det. Taylor said he understood.

Note – We did not discuss either investigation with Det. Taylor when driving him home.

On April 6, 2011, we interviewed Commander Amy Foster with the Vancouver Police Department. We had learned that Commander Foster lives on the same property as Det. Taylor's ex-wife (Deanna) and had some information as to the events of the past few weeks. She had an occasion to talk with Det. Taylor a few weeks ago about a black truck that he had seen at Deanna's house.

Commander Foster said Det. Taylor drove up to Deanna's house a few weeks ago and stopped to talk with Foster who was outside. He told her something to the effect that Deanna was dating someone who drove a black Ford pickup truck. He also told her the person Deanna was seeing had a suspended driver's license and possibly had a warrant. Commander Foster did not ask how he knew this person might be suspended.

Commander Foster also told us that a few weeks ago, Deanna Taylor saw her at a school function. Deanna mentioned to her that Det. Taylor had been coming over to her house a lot lately, uninvited, and that he shouldn't be "checking" on the person she was dating. Commander Foster gave Deanna advice as to what actions she might want to take if she felt uncomfortable with her ex-husband coming around her house too much. Commander Foster's interview is attached to this report.

On April 13, 2011, we interviewed Sgt. Alex Schoening at the Sheriff's Office Headquarters. Sgt. Schoening had already spoken to me on two separate occasions about this ACCESS matter, once in person and once over the phone. The purpose of

this interview was to further detail some of the information he had already discussed with us regarding Det. Taylor's recent behavior.

As far as the misuse of our ACCESS system, Sgt. Schoening relayed the same information as he had back in March. He advised that on or about March 13th, he spoke with Det. Taylor when they were serving a search warrant at TLC towing. During that conversation, Det. Taylor told Schoening that Deanna was seeing another person and this person had a suspended driver's license and possibly had a warrant. Sgt. Schoening did not inquire at that time as to how Det. Taylor knew this information, but rather consoled him on his recent divorce and the troubles he was having accepting the fact that Deanna was moving on. This taped interview with Sgt. Schoening also covered other topics and those are being addressed in IA case #IC-010. Sgt. Schoening's interview transcript is attached to this report.

On April 21, 2011, Det. Taylor participated in an IA interview. He read and acknowledged the understanding of his employee rights and Garrity Warning. Detective Rick Buckner accompanied Det. Taylor as a guild representative. After some basic questions, I explained to Det. Taylor that there were several issues that we would be discussing and the first was regarding the possible ACCESS violation(s) that he might have committed.

For the next hour or so, Det. Taylor explained that he had in fact used the ACCESS system via the MDC in his patrol vehicle to run a person by the name of Michael R. Melton (DOB 03-10-74). He also admitted to running a records check on Melton's vehicle for the purpose of verifying where he lived. Det. Taylor said these incidents occurred between March 13th – March 15th of this year. He also said he used his work computer at his office to run a "Google" search on Michael Melton's business in order to obtain his address. The following excerpt is from Det. Taylor's interview in which he gives a brief description of what he had done:

HORCH: *Okay. And it's in reference to G002-09-380. Um, are you aware of the allegations surrounding --*

TAYLOR: *Yes, sir.*

HORCH: *-- this policy?*

TAYLOR: *Yes, sir.*

HORCH: *Okay. Can you please discuss what you're aware of about it?*

TAYLOR: *Um, that I ran an individual's name, um, for personal use, um, uh, I believe it was in the middle part of, uh, March. Um, this individual, um, is in a dating relationship with my ex-wife and I ran his name when I recognized him, and, um, uh, she told me what his name was after I -- so I put ... well, I dealt with him in the past. I recognized him when she said his name it kind of all came together and that's when I ran his name.*

HORCH: *Okay. When you say "ran his name," how did you ..., how did you run it? Where did you run it at? Which computer?*

TAYLOR: *I ran it in my, uh, my ... my patrol, my ... my MDC. Um, I -- actually, first off, I believe I looked at, um, because I didn't have his date of birth, I looked it up in EPR and that's when I realized that I had, in fact, arrested him and, um, then I got his date of birth and then I ran his, um, uh, and truck driving status in ... in NCIC and, uh, found that he had an outstanding warrant and had a suspended driver's license.*

HORCH: *Okay. And you said some time in the middle of March, to your best recollection?*

TAYLOR: *As of -- maybe the, uh, beginning of March.*

HORCH: *Okay. Some time in March, beginning --*

TAYLOR: *Yes, sir.*

HORCH: *-- to middle?*

TAYLOR: *Yes, sir.*

HORCH: *Okay. Did you run, this individual's name? Do you remember his name?*

TAYLOR: *Michael ... Michael R. Milton. I think it's R.*

HORCH: *Okay. Okay. Do you -- have you checked on his name after that, after you checked on it that time?*

TAYLOR: *Yes. I ran it several times, that, um, uh, well, I mean, within those couple of days.*

Det. Taylor said he ran Melton's name several times through WACIC (Washington Information Center - The state repository for law enforcement data) and NCIC (National Crime Information Center - The national repository for law enforcement data) to obtain information about Melton since he believed he was now dating his ex-wife. Det. Taylor said that he and Deanna had recently divorced as of February 11, 2011, and he found out on March 7th that she was seeing another person.

Det. Taylor explained that on March 7th, he drove to his ex-wife's residence and noticed a black truck parked in her driveway. As he walked up to her residence he saw a male with his arm around his ex-wife and they were sitting on a couch. Det. Taylor rang the doorbell and the male subject answered. Det. Taylor said he partially recognized this person, but couldn't quite make out where he knew him from. Det. Taylor spoke with his ex-wife for a few seconds and then left. Before leaving he noticed a decal on the side of the truck with the words "Rain Country Excavating". Det. Taylor said that seeing this man with his ex-wife was very difficult. He wasn't really prepared for his wife to move on so quickly and thought they were still "best friends".

The following day, March 8^h, Det. Taylor went to work and admitted to running a "Google" search on his work computer looking for information on Rain Country

Excavating. He learned this was a business in Vancouver and the address was near the 6100 block of NE 131st Avenue. Det. Taylor then drove out to this location while he was working to see if the same truck that was parked at his ex-wife's house was there. The following is an excerpt from his interview when he explains this:

TAYLOR: *Yeah, I look at Rain -- that came up. That Rain Country Excavation came up and so I had driven by and I don't ... I didn't see his truck, that truck, there, so I wasn't sure if that was --*

HORCH: *You went by a place of business?*

TAYLOR: *Yeah. Well, it's ... it's, uh, it's, uh, it's off 131st Avenue and it's, uh, yeah, as far as I knew at that point it was ... it was a business.*

HORCH: *How did you find that? You Google searched it?*

TAYLOR: *Yes, sir.*

HORCH: *And you believe you did that at work?*

TAYLOR: *Yeah. I -- it ... yeah. Uh --*

HORCH: *So were you working the day that you went by this business?*

TAYLOR: *Yes.*

HORCH: *Okay. And what was the purpose of you going by that business?*

TAYLOR: *Um, just to see if that truck was ... if that was the truck. Um, uh, hm, just pretty protective over her and so --.*

Det Taylor went on to say that after a few more days of doing some research on this address, he started to piece together who this person was. Det. Taylor said he was working overtime on March 13th when he went over to his ex-wife's house and asked her this person's name and she told him, "Michael".

Det. Taylor then started to research this person using his MDC while he was working. He said he checked for Michael Melton through the EPR (Electronic Police Report) system to obtain a date of birth. While checking EPR, Det. Taylor saw that he had arrested Melton back in 2007 for DUI. Det. Taylor then ran a WACIC and NCIC check on Melton and learned he had a suspended driver's license and had a misdemeanor warrant for a traffic violation out of South Bend (state unknown). The following are excerpts from his interview describing how all of this transpired:

HORCH: *-- you do an EPR check --*

TAYLOR: *Yes.*

HORCH: *-- the electronic police report --*

TAYLOR: *Yes, sir.*

HORCH: -- check?
TAYLOR: Yes, sir.
HORCH: It's our database for --
TAYLOR: Yes, sir.
HORCH: -- if you're in the computer system in Clark County --
TAYLOR: Yes, sir.
HORCH: -- you can pull up information, correct?
TAYLOR: Yes, sir.

(Later in the interview)

HORCH: In -- on your MDC?
TAYLOR: Right.
HORCH: In your car.
TAYLOR: Yes, sir.
HORCH: You say run his name, you did a --?
TAYLOR: Through NCIC or the, you know, when I ... any time I run anybody's DL status, you know, which comes up with wants and warrants as well, just a standard, uh, anybody that I'll ... I'll run on a T stop or a grand theft.

Det. Taylor said the following morning he wanted to show his wife the information on Melton so he drove over to her house in his patrol car (off duty) with his MDC and attempted to show her. The following excerpt is him explaining this:

HORCH: What did you drive over there?
TAYLOR: Um, I think I drove my patrol vehicle --
HORCH: Okay.
TAYLOR: -- because I had the computer.
HORCH: Okay.
TAYLOR: And I wasn't on duty. I drove my patrol vehicle over there because it had that computer in it, and, um, I told, um, I took it inside and I told --
HORCH: The computer is a laptop?

TAYLOR: Yes, sir.

HORCH: *And it comes out of the car, correct?*

TAYLOR: Yes, sir.

HORCH: Okay.

TAYLOR: Yes, sir.

HORCH: Go on.

TAYLOR: *And, um, I, uh, told her what I had done, uh -- well, no, I didn't even tell her. I just said ... I just said, "I know Michael --" "I found out some information on Michael." I didn't tell her I ran him. I ... I think I just said, "I found out some information on Michael I think you need to know."*

Det. Taylor goes on to say that he checked on Melton's name several more times over the next few days and also drove by his residence to see if his ex-wife was over there. The following is Det. Taylor explaining all of this:

HORCH: *After you ran him on the 13th, did you find an address for him? Did a home address come up on his --*

TAYLOR: Yes.

HORCH: *-- driver's license, that is?*

TAYLOR: Yeah.

HORCH: *Did you ever go by that residence?*

TAYLOR: *I did.*

HORCH: *When did you go by that residence?*

TAYLOR: *Uh --*

HORCH: *And ... and why?*

TAYLOR: *I've gone by there a couple of times, but the, um, night of, uh, I got my six-part on --*

HORCH: *I believe it was the 16th.*

TAYLOR: *I think it was the 16th.*

SCHAUB: *I think so, yeah.*

HORCH: Okay.

TAYLOR: *I had ... I had gone by that ... his house --*

HORCH: *You mean after you ... after you were served the six-part?*

TAYLOR: *Yeah --*

HORCH: *Was that the first time you drove by his residence?*

TAYLOR: *No, I had gone by, uh, in that week.*

HORCH: *When you did the Google search?*

TAYLOR: *When I -- yeah, when I didn't know ... I hadn't confirmed that that was his address, um, because I didn't know if it was Rain Country Gutters or Rain Country Excavation. I didn't know. Um --*

HORCH: *So the night of the 16th, after you're served on the six-part on the ACCESS use, you went by there?*

TAYLOR: *Yes.*

HORCH: *Were you working?*

TAYLOR: *No, sir.*

HORCH: *What vehicle did you drive there?*

TAYLOR: *My patrol vehicle.*

Later in the interview, Det. Taylor describes how he ran a WACIC / NCIC check on a subject by the name of Garrett Hergert sometime within the past few years. Det. Taylor said he suspected Hergert was having an affair with his wife and he ran his name and license plate to locate an address for him. He later called Hergert on the phone and was satisfied with his explanation that he was not seeing his wife. The following is Det. Taylor explaining this:

HORCH: *Okay. Have you ever ran anybody else's name for, uh, personal use, besides the person we're talking about today? Do you recall anybody recently in the last few years running? Do you remember Garrett? Did you run Garrett's name a few years ago?*

HORCH: *Okay. And that was for what purpose?*

TAYLOR: *I -- well, it was for personal. Uh, I ... I thought he ... I thought something was going on and --*

HORCH: *Hergert or what's his last name again?*

TAYLOR: *Garrett Hergert.*

HORCH: *Okay. And you suspected that your wife was having an affair with him?*

TAYLOR: *I thought there was ... I thought something was --*

HORCH: *Okay.*

TAYLOR: *And so I couldn't --*

HORCH: *And so you checked on him then?*

TAYLOR: *Mm-hm.*

HORCH: *Okay.*

TAYLOR: *Yes, sir.*

HORCH: *Did you check on his vehicle plates?*

TAYLOR: *I did. Um, I was at, uh, the home and garden show, uh, because that's where -- and yeah, because his truck was there at the home and garden show.*

HORCH: *And that's where you ran -- and that's where you got the plate?*

TAYLOR: *I think so. If I recall.*

HORCH: *Okay. Did you ever go by his residence to look for Deanna's car?*

TAYLOR: *I didn't know where he exactly lived. I know where his business was.*

HORCH: *And did you go by the business?*

TAYLOR: *I went by his business.*

HORCH: *And how many times did you go by his business?*

TAYLOR: *(Seven second pause) I don't know. Um --*

HORCH: *Okay.*

TAYLOR: *Uh --*

HORCH: *And this was a couple years ago?*

TAYLOR: *(No verbal response)*

HORCH: *Can you give us ... try to narrow it down to, was it 2008, 2009, 2010?*

TAYLOR: *(Seven second pause) Mm, I -- it honestly could have been in 2010 at one point, because I still thought that something -- you know, I wasn't ... I ... I was never, um, I was never certain that nothing ever happened. Uh --*

HORCH: *Why did you ... why did you run his name? To get an address for him or just to check on him? A criminal check?*

TAYLOR: *I ...I -- uh, probably both. I mean, I --*

This interview continued for several more hours covering numerous topics. As stated earlier, these other issues are being addressed in IA case #IC11-010.

The following list shows the dates and times of the ACCESS violations Det. Taylor admitted to in this interview. In all, there are four documented WACIC / NCIC checks done on Michael Melton's person and two WACIC / NCIC checks on Melton's vehicle. The dates and times recorded are from the "I Net Viewer" log which captures all inquires made while logged onto the system. Det. Taylor's psn # is 3802. This I Net Viewer log is attached with this report.

#1. March 13th, 0345 hours - Melton's name is checked on Taylor's MDC.

PSN					
3/13/2011	03:45:02	3802	3802	\$1S81	Unit [1S81] Inf Issue Qry 6407770: where a.LNAME='MELTON' and a.FNAME='MICHAEL R'
3/13/2011	03:45:02	3802	3802	\$1S81	Unit [1S81] Inf Issue Qry 6407769:VA0R4 WACIC.DW.WA00600R4.NAM/MELTON, MICHAEL R.DOB/19740310

#2. March 13th, 0901 hours - Melton's name is checked on Taylor's MDC.

PSN					
3/13/2011	09:01:12	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6408600:VA0R4 WACIC.DW.WA00600R4.NAM/MELTON, MICHAEL R.DOB/19740310
3/13/2011	09:01:12	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6408601: where a.LNAME='MELTON' and a.FNAME='MICHAEL R'

#3. March 13th, 1510 hours - Melton's name is checked on Taylor's MDC.

PSN					
3/13/2011	15:10:04	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6412274:VA0R4 WACIC.DW.WA00600R4.NAM/MELTON, MICHAEL R.DOB/19740310
3/13/2011	15:10:17	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6412288:VA0R4 WACIC.DW.WA00600R4.NAM/MELTON, MICHAEL R.DOB/19740310
3/13/2011	15:10:18	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6412289: where a.LNAME='MELTON' and a.FNAME='MICHAEL R'

#4. March 13th, 2300 hours - Melton's license plate is checked by phone call to CCSO records. Hard copy of the vehicle registration sent to Taylor at the traffic office. This was the printout he handed to me in the IA office on March 15th.

#5. March 15th, 0849 hours - Melton's vehicle plate is checked on Taylor's MDC.

PSN					
3/15/2011	08:49:20	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6439892:VA0R4 WACIC.RV.WA00600R4.LIC/B54535C

3/15/2011	08:49:21	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6439893: where a.license='B54535C' and a.eid=b.eid and a.eid=c.eid and a.curent='T' and b.curent='T' and c.curent='T' order by a.cdts
3/15/2011	08:49:21	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6439895: where a.license='B54535C'
3/15/2011	08:49:41	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6439901: where a.license='B53545C' and a.eid=b.eid and a.eid=c.eid and a.curent='T' and b.curent='T' and c.curent='T' order by a.cdts
3/15/2011	08:49:41	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6439903: where a.license='B53545C'
3/15/2011	08:49:41	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6439900:VA0R4 WACIC.RV.WA00600R4.LIC/B53545C

#6. March 15th, 0914 hours - Melton's name is checked on Taylor's MDC.

PSN

3/15/2011	09:14:50	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6440451:VA0R4 WACIC.DW.WA00600R4.NAM/MELTON, MICHAEL R.DOB/19740310
3/15/2011	09:14:50	3802	3802	\$1T1	Unit [1T1] Inf Issue Qry 6440452: where a.LNAME='MELTON' and a.FNAME='MICHAEL R'

There is one documented WACIC / NCIC check done on Garret Hergert's name and two WACIC /NCIC checks on Hergert's vehicles. These are taken from the WSP log file on Hergert's name. I confirmed with John Roughton at CRESA that the ID # used on the Hergert searches on October 2, 2008, were made from the computer terminal that Det. Taylor was signed into at our Central Precinct Office.

#7. October 2, 2008, 1659 hours - Hergert's name is checked from precinct terminal.

10/02/2008 16:59 Sent by DOLDB,

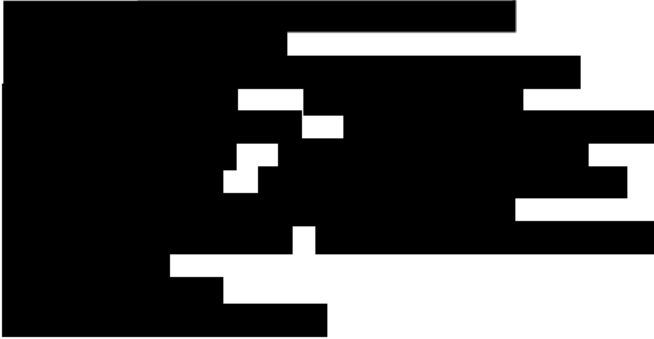
[REDACTED]

#8. October 2, 2008, 1700 hours - Hergert's vehicle is checked from precinct terminal.

10/02/2008 17:00 Sent by DOLDB,

[REDACTED]

#9. October 2, 2008, 1703 hours - Hergert's vehicle is checked from precinct terminal.



According to CCSO records, Det. Taylor took his last ACCESS update class in September of 2010.

It should be noted that Det. Taylor and guild representative Rick Bucker were both advised this could be a lengthy interview. We had several breaks including a lunch break. Breaks were also provided as requested.

At 1445 hours, Det. Buckner had to leave for an appointment and Detective Robert Latter stepped in to be the guild representative. Det. Taylor had no objections to this. We continued the interview and following the next break, Det. Latter mentioned this was a lengthy interview and wanted to give Det. Taylor the option to possibly continue this interview the following day.

I agreed that our Internal Affairs Investigations G.O. addresses unreasonably lengthy interviews, however, there was a large amount of material to be covered and Det. Taylor knew this before we started. Det. Taylor was then given the option to stop and to continue the following day. Det. Taylor said he wanted to keep going and finish the interview.

Conclusion:

This investigation shows that Det. Taylor used the ACCESS system for personal use on at least nine occasions. The most recent violations of this policy, were from March 13th - March 15, 2011. He admitted he ran WACIC and NCIC checks for information about Michael Melton, including his vehicle. All of these inquiries were for personal use and not for legitimate law enforcement purposes.

Det. Taylor also admits to running a WACIC and NCIC check on a Garret Hergert, including Hergert's vehicles. This occurred on October 2, 2008 when he suspected Hergert and his wife were having an affair.

Det. Taylor said he has taken the ACCESS certification class and knows that it is against county policy to use the system for non work related searches.

This investigation also uncovered other possible violations of our county policies and they are being addressed in a separate IA investigation (#IC11-010).

Det. Taylor's said his reasoning for checking on Michael Melton numerous times was to show his ex-wife that she might want to be aware of who she was dating and he wanted

to be protective of her. He said at the time, he didn't think he was doing anything wrong, but looking back, realizes this was a mistake.

Det. Taylor was extremely apologetic for his actions and admitted he was going through a very rough time accepting the fact that his wife had "moved on" after their divorce.

There is no evidence at this time, that Det. Taylor ran a full criminal history check on Melton or Hergert listing arrest and conviction records.

Based on all of the evidence the IA Unit believes Det. Ryan Taylor did in fact violate our General Order regarding ACCESS MISUSE 2.09.380, and recommend a finding of **SUSTAINED**. There are six documented violations made by Det. Taylor from March 13 - March 15, 2011. There are three documented violations made by Det. Taylor back on October 2, 2008.

G.O. 02.09.380 MISUSE

ACCESS requires that all agencies investigate allegations of misuse. The Agency TAC is required to notify the agency head and the Information Security Officer with ACCESS if misuse is suspected. Examples of misuse include:

1. Running the criminal history of a family member or friend.
2. Running a vehicle registration for personal use.
3. Visiting or sending inappropriate administrative messages across a mobile data terminal ACCESS connection.

Users do not have to disseminate information for the action to be a violation. Accessing CJIS data for personal reasons is specifically prohibited by state and federal law.

Once misuse has been reported the Clark County Sheriff's Office will notify the ACCESS Section and investigate the allegation per department policy. Results of the investigation must be communicated to ACCESS; disciplinary action, if necessary will be in accordance with Sheriff's Office General Orders.

If misuse is confirmed, ACCESS has the authority to decertify a person for reasons of misuse or arrest record findings. Decertification may be considered for a certain time period or indefinitely.

Based on Det. Taylor statements, the IA Unit believes Det. Taylor also violated our MDC policy by using his MDC to run the computer checks on Michael Melton. Det. Taylor could not remember which computer system he used to run the check on Garret Hergert. The IA unit recommends a finding of **SUSTAINED** for violating our USE OF THE MDC 02.10.030 (C)

G.O. 02.10.030 PROCEDURE (MDC)

12. All communications via the MDC will be professional and conducted in a businesslike manner.
13. **Communications between dispatch and field units by MDC are permitted for official business only. No personal business of any kind will be conducted via the MDC. All communications via MDC are a matter of**

public record. As such, they may be subject to periodic review and use by the courts for civil and criminal proceedings.

14. Other than for traffic stops or for emergency traffic (i.e. Code 0), unit status changes will be accomplished via MDC. This includes but is not limited to clearing from calls, going enroute to calls, clearing from self-initiated activity, etc.
15. Except in emergency situations, changes in location will be done via MDC with simultaneous voice communication.
16. Traffic stops by field units will be initiated by voice radio communication and may be cleared by either voice communication or MDC at the deputy's discretion unless special circumstances dictate otherwise.
17. If time and circumstances permit and the MDC can be safely used, self-initiated activities, follow up, Code 7 (lunch), breaks, and field contacts will be done via the MDC. If the dispatcher or deputy believes there are safety issues involved, voice communications are expected.
18. **Data received and sent via the MDC is subject to all security restrictions that apply to an ACCESS terminal. DOL and wants checks will be conducted within the guidelines of ACCESS restrictions and will be done via the MDC if and when the deputy is in the vehicle.**
19. All wants and warrants must be confirmed through CRESA via voice communication. CRESA will confirm wants and warrants and advise the deputy via voice communication.
20. Deputies may occasionally make general information requests to dispatch via the MDC. Deputies must keep in mind that their "administrative message" requests will be viewed as general information requests and will be handled on a lower priority basis. The dispatcher's time to process these requests may be limited due to call taking and dispatching responsibilities.
21. The use of the MDC while the vehicle is being operated creates a potential risk to the deputy because of the change of focus from driving to operating the MDC. Accidents resulting from inattention to driving while operating the MDC will be handled through the Sheriff's Office discipline process.
22. The transmittal of any sexist, racist, vulgar, derogatory, or discriminatory message is specifically prohibited. **The MDC shall be utilized for Sheriff's Office business purposes.** Personal conversations and/or comments are prohibited.

Attached Documents:

1. I NET Viewer Unit history showing dates and times Melton's name and vehicle are checked.
2. WACIC hit on Melton's plate dated 3-13-11 (Taylor made phone call to CCSO records to run his plate - had hard copy sent to the Traffic Unit Office).
3. WSP WACIC/NCIC report on Garret Hergert – shows Det. Taylor ran a check on Hergert and two of his vehicles back on October 2nd 2008.
4. Interview transcript of Commander Amy Foster
5. Interview transcript of Sgt. Alex Schoening
6. Interview transcript of Det. Ryan Taylor

7. Memo from Sgt. Shea.

Internal Affairs Report Tracking Sheet

Completed by IA Investigator _____

Received by IA Manager _____

Received by IA Chief _____

Received by Branch Chief _____

Received by Undersheriff _____

Final Disposition _____



Garry E. Lucas
Sheriff

Enforcement Branch

Chief Criminal Deputy Mike Evans

Sergeant John Horch
Internal Affairs Unit
Clark County Sheriff's Office
P.O. Box 410
Vancouver, WA 98666

June 2, 2011

Re: IA Case #IC11-009---Deputy Ryan Taylor

Sergeant Horch;

I have reviewed the report that you filed in regards to this incident. After careful consideration, I concur with your findings as outlined below:

- 1. Sustained—ACCESS MISUSE, General Order 02.09.380 (2 counts)**
- 2. Sustained---PROCEDURE USE OF THE MDC, General Order 02.10.030 (C)**

These sustained violations stem from Deputy Taylor's actions in October 2008, where he admittedly used a department computer to make several inquiries via the WSP ACCESS system for personal reasons, and in March of 2011 where he admittedly used a department computer (MDC) to make several inquiries via the WSP ACCESS system for personal reasons. These actions clearly violate department general orders as highlighted above.

Due to the sensitive nature of some of the information contained in this internal affairs investigation, this matter is not forwarded to the Enforcement Branch Board of Inquiry for their review. Deputy Taylor may raise concerns, if he has them, whether or not the investigation was conducted thoroughly, fairly and impartially directly to me. Please conduct a disciplinary review for Deputy Taylor and forward a report of that review to me.

Respectfully,


Chief Mike Evans



Garry E. Lucas
Sheriff

Enforcement Branch

Chief Criminal Deputy Mike Evans

Sergeant John Horch
Internal Affairs Unit
Clark County Sheriff's Office
P.O. Box 410
Vancouver, WA 98666

June 2, 2011

Re: IA Case #IC11-010---Deputy Ryan Taylor

Sergeant Horch;

I have reviewed the report that you filed in regards to this incident. After careful consideration, I find the following;

- 1. Sustained---De Minimus Personal Use of County Vehicles While on Duty, General Order 01.16.052; Detective Taylor used his Clark County issued unmarked Ford Expedition for personal use from approximately March 2009 – March 2011. This activity included the use for his exclusive and personal use, to include transporting his children in violation of this department general order.***
- 2. Sustained—Unauthorized Passengers, General Order 01.16.037; Detective Taylor transported family members in a Clark County issued vehicle for personal reasons not related to his official duties and responsibilities as a Deputy Sheriff***
- 3. Sustained---Cellular Phone, General Order 01.35.090; Detective Taylor used his county issued cell phone for personal calls for the past two years in violation of the Sheriff's Office policy regarding the use of issued cellular phones.***
- 4. Sustained---Off Duty Conduct, General Order 01.29.310; Detective Taylor engaged in off duty conduct which would discredit the Sheriff's Office by using information he gathered on Michael Melton (ex-wife's new boyfriend), to visit Melton's residence on and off duty, including taking family members by this residence. His use of county issued equipment (vehicles and cellular phone) for personal and private purposes would bring additional discredit upon the Sheriff's Office.***



Garry E. Lucas
Sheriff

Enforcement Branch

Chief Criminal Deputy Mike Evans

Due to the sensitive nature of some of the information contained in this internal affairs investigation, this matter is not forwarded to the Enforcement Branch Board of Inquiry for their review. Deputy Taylor may raise concerns, if he has them, whether or not the investigation was conducted thoroughly, fairly and impartially directly to me. Please conduct a disciplinary review for Deputy Taylor and forward a report of that review to me.

Respectfully,



Chief Mike Evans



Garry E. Lucas
Sheriff

Clark County Sheriff's Office

Mike Evans, Chief Criminal Deputy

July 20, 2011

Ryan Taylor
Clark County Sheriff's Office
Hand Delivered
Written Reprimand
Termination of Employment

Deputy Taylor;

Internal Affairs matter #IC11—009

In October 2008, you admittedly used a department computer to make several inquiries via the WSP ACCESS system for personal reasons, and in March of 2011 you admittedly used a department computer (MDC) to make several inquiries via the WSP ACCESS system for personal reasons. These actions clearly violate department general orders as highlighted below.

1. **ACCESS MISUSE, General Order 02.09.380 (2 counts)**
2. **PROCEDURE USE OF THE MDC, General Order 02.10.030 (C)**

The Investigation into this matter was not forwarded, due to the sensitive personal nature of some information in the investigation, to the Board of Inquiry, and you were afforded an opportunity to address investigative concerns directly with Chief Mike Evans. A predisciplinary hearing was conducted regarding this matter on June 20, 2011. You had guild representation present during the predisciplinary hearing in the form a guild representative and the attorney for your guild, Mr. Mark Makler. You presented verbal input at the predisciplinary hearing. All of the information provided has been taken into careful consideration before determining a final action.

The Clark County Sheriff's Office views the access of confidential information for personal reasons as a very serious violation of trust and confidence placed upon us by the community that we serve. Such actions bring discredit upon the members of the Clark County Sheriff's Office and the Sheriff's Office as professional law enforcement agency. Therefore, based upon your conduct and violation of the above listed department general orders, you are issued a **Written Reprimand**. Such reprimand will be noted in your personnel file.

Internal Affairs matter #IC11---010

An internal affairs investigation was initiated regarding your use of your assigned Clark County Sheriff's Office patrol vehicle and cellular telephone. That investigation revealed that you used your Clark County issued unmarked Ford Expedition for personal use from approximately March 2009 – March 2011. This activity included using the vehicle for your exclusive and personal use; to include transporting your children which is in violation of department general orders. Also, you transported other family members in your Clark County issued vehicle for personal reasons not related to your official duties and responsibilities as a Deputy Sheriff.

Additionally, you used your county issued cell phone for personal calls for the past two years in violation of the Sheriff's Office policy regarding the use of issued cellular phones.

You engaged in off duty conduct which would discredit the Sheriff's Office by using information you gathered on Michael Melton (ex-wife's new boyfriend), to visit Melton's residence on and off duty, including taking family members by this residence in violation of Sheriff's Office policy.

The investigation and your admissions clearly show that you violated the following Sheriff's Office policies:

- 1) *De Minimus Personal Use of County Vehicles While on Duty, General Order 01.16.052, numerous instances;***
- 2) *Unauthorized Passengers, General Order 01.16.037, many instances;***
- 3) *Cellular Phone, General Order 01.35.090, many instances;***
- 4) *Off Duty Conduct, General Order 01.29.310;***

The Investigation into this matter was not forwarded, due to the sensitive personal nature of some information in the investigation, to the Board of Inquiry, and you were afforded an opportunity to address investigative concerns directly with Chief Mike Evans. A predisciplinary hearing was conducted regarding this matter on June 20, 2011. You had guild representation present during the predisciplinary hearing in the form a guild representative and the attorney for the guild, Mr. Mark Makler. You presented verbal input at the predisciplinary hearing. During that hearing you presented information that prompted some additional review by the Internal Affairs Unit (to include a daily review of your Automatic Vehicle Locator records, as well as Computer Aided Dispatch records). The Internal Affairs Unit contacted you by telephone and asked if you wished to go over this information with them, affording you an opportunity to present detailed explanatory and/or mitigating information for consideration before a final disciplinary decision was reached. You declined such offer, and told the investigator that he could tell Chief Evans that you agree that you drove your county issued patrol vehicle for 8,000 miles for personal use and purposes outside the scope, duties, and responsibilities in your capacity as a Deputy Sheriff. Additionally, a confidential conversation, with your permission, with Dr. Best took place and the information that she shared was taken into consideration. Therefore, all of the information provided has been taken into careful consideration before determining a final action.

The sheer magnitude of miles driven (8,000 miles on the low end, 15,000 on the high end) when coupled with clearly established policy and organization expectations is nearly incomprehensible. The community entrusts its public servants with the confidence that the equipment they purchased for the public good will be used for the community good, on official functions, and will not be converted nor used for personal benefit or gain. When public officials violate this trust, the community loses confidence in its public servants and their ability to perform their essential service

functions. Such transgressions bring an incredible amount of discredit upon the Clark County Sheriff's Office, the law enforcement profession, and you.

As a result of your conduct identified in IC11---010, effective today, July 20, 2011, your employment as a Deputy Sheriff with the Clark County Sheriff's Office is terminated. Additionally, you are required to reimburse Clark County the following amounts:

- 1) 2009 Personal use of your issued Clark County Sheriff's Office vehicle for 4,000 miles. The IRS mileage rate for 2009 was \$.55 per mile. The reimbursement owed for 2009 is \$2,200.00.
- 2) 2010 Personal use of your issued Clark County Sheriff's Office vehicle for 4,000 miles. The IRS mileage rate for 2010 was \$.50 per mile. The reimbursement owed for 2010 is \$2,000.00.

The total reimbursent amount that you owe Clark County is \$4,200.00. Reimbursement will be made in accordance with the Restitution Agreement, which is attached to this letter.

Your final check will be issued on August 10, 2011 and will include any payment due you through the final date of employment. This final check will be delivered either by registered mail or direct deposit, if you have that already in place. If you would like to make alternate arrangements, or have questions, please contact the Payroll Department at 360-397-2211 ext. 4701.

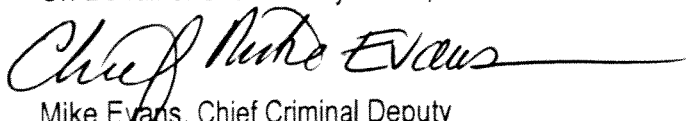
Coverage of health benefits will continue through July 31, 2011. A packet of information will be sent to you regarding continuation of benefits, the cost, length of time allowed, and other specifics. Any questions you have related to COBRA or benefits may be directed to Clark County Benefits at 360-397-2456.

All uniforms and other items that were issued to you must be returned. An itemized list is attached for your convenience. Please return the listed items to Property by July 29, 2011. If alternative arrangements are required, or you have questions, please contact Property at (360) 397-2038.

Additionally information related to the Public Employees Retirement System can be obtained by contacting Department of Retirement Systems at 1-800-547-6657, website <http://DRS.Wa/gov> or by mail at

Department of Retirement Systems
PO Box 48380
Olympia, Washington 98504-8380

On Behalf of Sheriff Garry Lucas,



Mike Evans, Chief Criminal Deputy
Clark County Sheriff's Office

- | | |
|---|--|
| <input type="checkbox"/> Personnel File | <input type="checkbox"/> Garry Lucas, Sheriff |
| <input type="checkbox"/> Clark County Human Resources | <input type="checkbox"/> Candy Arata, CCSO Human Resources Manager |
| <input type="checkbox"/> Joe Dunegan, Undersheriff | <input type="checkbox"/> Bob Mullikin, DSG Guild President |
| <input type="checkbox"/> Mark Makler, Guild Attorney | |
| <input type="checkbox"/> Property | |



Garry E. Lucas
Sheriff

Enforcement Branch

Chief Criminal Deputy Mike Evans

RESTITUTION AGREEMENT

This agreement is entered into between the Clark County Sheriff's Office and Ryan Taylor, a former employee. The intent of this agreement is to acknowledge that Ryan Taylor used a vehicle owned by Clark County extensively for personal purposes. And, that the Clark County Sheriff's Office incurred loss of funds associated with the operation and maintenance of that vehicle for the 8,000 miles that it was operated by Ryan Taylor for his personal purposes.

- Ryan Taylor admits that he caused a loss of public funds from Clark County during the course of his employment at the Clark County Sheriff's Office as a Deputy Sheriff.
- Ryan Taylor acknowledges that the Washington State Auditor's Office ("Auditor") has not fully investigated this loss, and the Auditor reserves the right to conduct further investigation into this matter.

It is agreed:

- Ryan Taylor will make a full restitution of \$ 4,200.00 to the Clark County Sheriff's Office for the amount of loss determined during the time of employment with the Clark County Sheriff's Office.
- The Clark County Sheriff's Office agrees to accept the restitution payment of \$ 4,200.00 from Ryan Taylor. Payment shall be made to the Clark County Sheriff's Office, in full no later than December 30, 2011. Payer agrees to make full restitution to the Clark County Sheriff's Office by December 30, 2011 and agrees to make a single payment of \$ 4,200.00 or partial payments not less than \$ 850.00 per month per the schedule below:

Single payment option;
\$4,200.00 due December 30, 2011



Garry E. Lucas
Sheriff

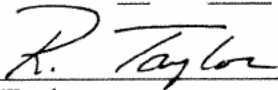
Enforcement Branch

Chief Criminal Deputy Mike Evans


Partial payment option;
\$850.00 due August 31, 2011
\$850.00 due September 30, 2011
\$850.00 due October 31, 2011
\$850.00 due November 30, 2011
\$850.00 due December 30, 2011

- The amount does not include any costs associated with further investigations that the Auditor may conduct. Ryan Taylor will reimburse the Clark County Sheriff's Office if further audit work is performed by the Auditor
- In the event Ryan Taylor does not comply with the foregoing, the (entity) will pursue all legal options available to it to collect the outstanding amount owed, including, but not limited to, initiating legal action for a breach of this Restitution Agreement, proceeding to court, etc.
- Should Ryan Taylor breach this agreement and the Clark County Sheriff's Office be the prevailing party to any enforcement action, Ryan Taylor shall also be responsible for any and all of the Clark County Sheriff's Office cost incurred in bringing the enforcement action, including reasonable attorneys fees.

Agreed to this 20th day of July, 2011.



Ryan Taylor



Chief Mike Evans
Clark County Sheriff's Office



Garry E. Lucas
Sheriff

Clark County Sheriff's Office

Mike Evans, Chief Criminal Deputy

July 20, 2011

Ryan Taylor
Clark County Sheriff's Office
Hand Delivered
Written Reprimand
Termination of Employment

Deputy Taylor;

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- 1. ACCESS MISUSE, General Order 02.09.380 (2 counts)**
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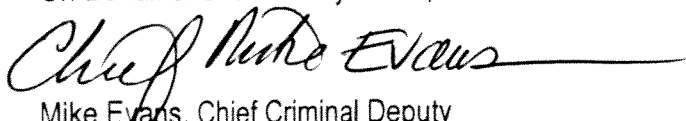
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Department of Retirement Systems
PO Box 48380
Olympia, Washington 98504-8380

On Behalf of Sheriff Garry Lucas,



Mike Evans, Chief Criminal Deputy
Clark County Sheriff's Office

- | | |
|---|--|
| <input type="checkbox"/> Personnel File | <input type="checkbox"/> Garry Lucas, Sheriff |
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| <input type="checkbox"/> Property | |



Garry E. Lucas
Sheriff

Enforcement Branch

Chief Criminal Deputy Mike Evans

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Garry E. Lucas
Sheriff

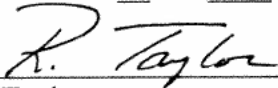
Enforcement Branch

Chief Criminal Deputy Mike Evans


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Agreed to this 20th day of July, 2011.



Ryan Taylor



Chief Mike Evans
Clark County Sheriff's Office