OLEO2024-004

Executive Summary

Date of Incident	November 4, 2024
Location of Incident	Tacoma, WA
Date of Complaint	November 5, 2024
Corresponding IIU Case Number	IIU2024-338
Allegation Types	Inappropriate Use of Authority; Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures; Personal Business or Recreation While On-Duty or In Uniform

On November 4, 2024, the Office of Law Enforcement Oversight (OLEO) received a complaint from a community member alleging that a King County Sheriff's Office (Sheriff's Office) deputy visited her home, located outside King County in Tacoma, looking for her minor nephew. The nephew was living at her home during an active Child Protective Services case against his father, the complainant's brother. The complainant's brother had suggested to her that he had police working on his behalf and asked if an officer visited her home, specifically naming a deputy by first name who she believes was the deputy that came to her home to intimidate her family on behalf of her brother.

The complainant submitted several pieces of evidence: two doorbell camera videos showing the interaction during the visit, a video of the phone conversation with her brother mentioning the subject employee by name, and a photo of the handwritten note left by the subject employee. As part of its investigation, OLEO searched for any Sheriff's Office reports that may have been written about the visit; inquired about documentation of the visit and records of the subject employee's phone number; reviewed the subject employee's CAD[1] record from the date of the complaint; conducted in-person interviews of two witnesses at their respective homes with the Sheriff's Office Internal Investigations Unit (IIU) investigator; obtained a copy of a Protection Order that was entered a few days after the complaint incident; interviewed the subject deputy in person twice with IIU investigators; and reviewed IIU's interview with a third witness.

After reviewing the evidence, OLEO concludes that the subject employee is **Exonerated** of the allegations of Inappropriate Use of Authority and Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures. OLEO further finds that **an alternative allegation of conducting Personal Business or Recreation While On-Duty or In Uniform** is **Sustained**.

[1] Computer-Aided Dispatch (CAD) from the Sheriff's Office Communications Center.

Allegations and Findings

Sheriff's Office Personnel	Allegation	Finding
Deputy Joshua Davis	Inappropriate Use of Authority	Exonerated
	Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures	Exonerated
	Alternative allegation: Personal Business or Recreation While On-Duty or In Uniform	Sustained

Applicable Laws and GOM Policies[2]

1. GOM 3.00.015(2)(n): Personal Business or Recreation While On-Duty or In Uniform
2. GOM 3.00.020(3): Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures
3. GOM 3.00.020(7)(c): Inappropriate Use of Authority
4. GOM 14.01.145(2)(a): Activation of Body-Worn Cameras/In Car Video
5. GOM 15.00.010: Reporting Requirements

Investigative Summary

Interviews

OLEO conducted interviews with:

1. [redacted] (complainant)
2. [redacted] (witness)
3. [redacted] (witness)
4. Deputy Joshua Davis (subject employee)

In addition, OLEO reviewed an IIU interview with witness [redacted].

Digital Evidence

OLEO reviewed the following additional evidence:

1. Doorbell camera footage of Deputy Joshua Davis at [redacted]'s home
2. Photo of the handwritten note given to [redacted] by Deputy Joshua Davis
3. Video recording of [redacted]'s phone call with [redacted]

Documentary Evidence

OLEO reviewed the following additional evidence:

1. OLEO complaint form
2. Protection Order listing [redacted] as the petitioner and [redacted] as the respondent
3. Deputy Joshua Davis's CAD report for November 4, 2024

[2] The General Orders Manual (GOM) contains policies of the Sheriff's Office. Policies applied are those that were in effect when the underlying incident giving rise to the complaint occurred.

Fact Summary

On November 4 at 2:55 p.m., Deputy Joshua Davis visited the home of [redacted] and [redacted], where [redacted]'s minor nephew, [redacted], was also residing at the time. Deputy Davis was driving a Sheriff's Office car and was in full uniform. When [redacted] answered the door, Deputy Davis introduced himself as a deputy with the Sheriff's Office and asked for [redacted]. When told that [redacted] was not home, Deputy Davis left a note, told [redacted] that nobody was in trouble, and asked for a call back from [redacted]. The note left by Deputy Davis listed his name, rank, and a personal phone number. Deputy Davis was not logged into CAD at this time and was not on duty; the [redacted] residence was a detour out of his way from home to his work in Precinct 2.

Later that evening, [redacted] and [redacted] spoke on the phone with [redacted], who is her brother and [redacted]'s father. The phone call indicated that [redacted] is physically abusive towards [redacted]. [redacted] discussed forcing [redacted] to return home and said that he would use the police in retribution against their family for harboring [redacted], mentioning Deputy Davis by name and asking if he had visited that day. [redacted] would later petition for a Protection Order against [redacted] which went into effect a few days after the date of the complaint.

During an interview, [redacted] insisted he does not know Deputy Davis but said that his friend, [redacted], knows an unspecified deputy. He denied asking Deputy Davis to visit his family.

In Deputy Davis's first interview, he stated that he has known [redacted] for three to four months and that they were introduced through a mutual friend, [redacted], whom he had known since middle school. He said that he received a call from [redacted] telling him that [redacted] was having trouble in school and, because [redacted] wanted to be a police officer when he was older, asked Deputy Davis to go speak with him.

According to Deputy Davis, he agreed to make the visit so that he can act as a mentor to [redacted]. He stated he did not know nor ask why [redacted] was at another home, saying he shares custody of his own child, so he did not think much about [redacted] not being at [redacted]'s home. He said he didn't intend to intimidate anyone which is why he told [redacted] that nobody was in trouble. He wrote down his personal number, which he has since changed, and didn't activate his body-worn camera (BWC) or create documentation because the visit was a personal errand, but still used his rank and agency when introducing himself to [redacted] because he was in uniform. He never intended the visit to be a "scared straight" moment, never had the impression that [redacted] was using him, and would not have visited them if he had believed that. After the end of the interview, Deputy Davis was not able to provide a phone number for [redacted] and later spoke with the IIU investigator stating that he was unable to find a good contact number for him.

The IIU investigator found [redacted]'s phone number and called him. [redacted] stated he has known Deputy Davis for two or three years, meeting at a gathering at Ocean Shores with mutual friends, and had lived at Deputy Davis's home for a few months. He denies knowing Deputy Davis since middle school. He introduced Deputy Davis to [redacted] six months to a year prior but has no knowledge of the incident.

OLEO and IIU interviewed Deputy Davis again for clarification. He insisted that he has known [redacted] tangentially since middle school, but that their friendship became active three or four years ago after hanging out at a gathering at Ocean Shores. The friendship recently soured after [redacted] stayed with him and subsequently moved out a few months later.

Deputy Davis also insisted that he was unaware of any protection order or Child Protective Services case between [redacted] and [redacted] and stated he would not have involved himself in any way if had known. He did not clarify to [redacted] that he was not visiting in an official capacity because there was a language barrier and he did not want anything to be misconstrued. He believed that telling [redacted] that nobody

was in trouble was sufficient. Deputy Davis stated that he changed his number shortly after the incident as a means of severing unhealthy relationships with certain family members, wholly unrelated to the incident.

Analysis

Inappropriate Use of Authority: Exonerated

Per GOM 3.00.020(7)(c), "It shall be considered a misuse of authority for a member to use his or her authority for any purpose not directly associated with the performance of official duties." Because Deputy Davis was not clocked in for his shift, was outside of Sheriff's Office jurisdiction, and was doing a favor for a friend, it is clear that his visit to the complainant's home was not directly associated with the performance of his official duties. Deputy Davis acknowledges as much.

The question then becomes whether Deputy Davis used his authority that is granted to him as a King County Sheriff's Deputy. During the interaction, Deputy Davis did not undertake any actions that could be considered an exercise of his law enforcement powers, such as detaining someone, issuing a ticket, or using force. Importantly, neither did he threaten the exercise of any such powers to coerce a community member into action. Instead, Deputy Davis carried out actions that any person could have carried out, albeit while dressed in uniform. This, however, does give rise to another allegation discussed below.

Because the evidence shows that Deputy Davis did not exercise any law enforcement authority, OLEO recommends a finding of **Exonerated** for the allegation of Inappropriate Use of Authority.

Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures: Exonerated

Per GOM 14.01.145(2)(a), deputies are required to "activate their BWC before community member contact occurs for all calls for service, as well as for all enforcement and investigative contacts with community members." The evidence is clear that when Deputy Davis visited the complainant's home he was not clocked in for his shift and was out of Sheriff's Office jurisdiction. Neither the complaint nor Deputy Davis's interview statements indicate that this visit was a response to a call for service, an enforcement, or an investigative contact.

Per GOM 15.00.010, deputies must complete documentation for certain incidents, including "(a) citizen reports of crimes or collisions, (b) citizen complaints, (c) criminal and non-criminal cases initiated by department members & (d) incidents involving arrests, citations or summons." The evidence is clear that Deputy Davis's visit to the complainant's home was not within Sheriff's Office jurisdiction and did not meet the requirements for documentation as listed above.

Because the evidence shows that that Deputy Davis was not within his jurisdiction nor was he acting in his official capacity as a law enforcement officer, he was not required to document his visit to the complainant's home. Accordingly, OLEO recommends a finding of **Exonerated** for the allegation of Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures.

Personal Business or Recreation While On-Duty or In Uniform: Sustained

Per GOM 3.00.015(2)(n), deputies, while in uniform, "shall not engage…in personal business" unless it is "in the performance of an assigned duty."

Helping youth who may be going down a bad path is a worthy use of one's time and effort. However, there must be a distinction between when such work is sanctioned or assigned by the Sheriff's Office and when it is not. The evidence is clear, and Deputy Davis admits, that the visit to the complainant's residence was personal in nature and was not sanctioned or assigned by the Sheriff's Office. Accordingly, OLEO finds that an alternative allegation of Conducting Personal Business or Recreation While On-Duty or In Uniform is **Sustained**.

-R.McPhail	3/11/2025
Ryan McPhail *Investigations Monitor*	Date