

# OLEO2025-006

## Executive Summary

<b>Date of Incident</b>	June 22, 2025
<b>Location of Incident</b>	Covington
<b>Date of Complaint</b>	July 31, 2025
<b>Corresponding IIU Case Number</b>	IIU2025-177; ART2025-003
<b>Allegation Types</b>	Excessive Use of Force; Fourth Amendment Violation

On August 7, 2025, the Sheriff’s Office Internal Investigations Unit (IIU) notified the Office of Law Enforcement Oversight (OLEO) that it was initiating an investigation into an incident where the subject deputy inflicted a traumatic brain injury on a community member while using force to prevent him from fleeing an investigatory detention. A captain who reviewed the incident referred the case to IIU based on concerns that the subject deputy lacked valid legal authority to initiate the detention of the community member, and that the subject deputy did not use proper critical decision making or de-escalation techniques before using force.

During its investigation, OLEO reviewed body-worn camera and security camera video of the incident, conducted a cognitive interview of a witness, and interviewed the subject employee jointly with IIU investigators. OLEO also attempted to obtain statements from the involved community member and an additional witness but was unsuccessful.

OLEO finds that the allegation of Acts in Violation of Sheriff’s Office Directives, Rules, Policies, or Procedures is **Sustained** because the subject deputy lacked reasonable suspicion that the community member had committed a crime when he attempted to stop him. OLEO further finds that allegation of Excessive Use of Force is **Sustained** because the subject deputy was not using force for a lawful purpose, and because the subject deputy failed to engage in critical decision making before using force.

## Allegations and Findings

Sheriff’s Office Personnel	Allegation	Finding
Deputy John Welch	Excessive Use of Force	Sustained
	Acts in Violation of Sheriff’s Office Directives, Rules, Policies, or Procedures	Sustained

## Applicable Laws and GOM Policies<sup>1</sup>

1. GOM 6.00.020: Critical Decision Making

<sup>1</sup> The General Orders Manual (GOM) contains policies of the King County Sheriff’s Office. Policies applied are those that were in effect when the underlying incident giving rise to the complaint occurred.

2. GOM 6.00.025: Physical Force, When Permissible
3. GOM 3.00.020(3): Performance Standards
4. GOM 5.00.020: Detention/Search Short of Arrest
5. U.S. Const. amend. IV
6. Wash. Const. art. 1, § 7
7. RCW 10.120.020

## Investigative Summary

### Interviews

OLEO conducted interviews with:

1. Deputy John Welch (subject employee)
2. [REDACTED] (witness)

OLEO made repeated attempts to contact the subject of the use of force and the other man who was arrested on scene – [REDACTED] and [REDACTED], respectively – but was unable to reach them to obtain a recorded statement. OLEO also did not request an interview with Deputy William Gavigan, who participated in the arrest of Mr. [REDACTED] and Mr. [REDACTED], because it appeared unlikely to yield useful evidence. Body-worn camera (BWC) video showed that Deputy Gavigan arrived after Deputy Welch contacted and used force on Mr. [REDACTED].

### Evidence

OLEO reviewed the following additional evidence:

1. Body-worn (BWC) video from Deputy John Welch
2. BWC video from Deputy William Gavigan
3. Security camera video from Rocket convenience store, 17624 SE 272<sup>nd</sup> St, Covington
4. Sheriff's Office reports for case #C25018936
5. [REDACTED]'s medical records
6. CAD<sup>2</sup> history for police event #K25189125
7. Police radio traffic recording, June 22, 2025
8. Flock Safety<sup>3</sup> alert sent on June 22, 2025
9. Photographs of the scene, Deputy Welch, Mr. [REDACTED], and Mr. [REDACTED] taken by Sergeant James Ryan on June 22, 2025
10. Google Map showing driving distance between location of Flock security camera and Rocket convenience store

## Fact Summary

On June 22, 2025, at approximately 7:33 pm, Deputy Welch received a notification from Flock Safety that a reportedly stolen van had been captured on a security camera while traveling south on 180<sup>th</sup> Avenue in Covington. Deputy Welch was at the Sheriff Office's Covington substation when he received the notification. Per his compelled statement, he and another officer who was also at the station,

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<sup>2</sup> Computer-Aided Dispatch (CAD) from the Sheriff's Office Communications Center.

<sup>3</sup> Flock Safety is an automated license plate recognition system that notifies officers when a specified license plates passes one of Flock's surveillance cameras.

Deputy William Gavigan, decided to go search the area around the Flock camera for the van. They left the station in separate patrol cars.

Deputy Welch drove to Rocket, a gas station convenience store located at 17624 SE 272<sup>nd</sup> St, approximately 1.3 miles from the location of the Flock camera. He saw an unoccupied white van parked near one of the gas pumps and, at 7:38 pm, parked his patrol car facing the van. As he got out of the patrol car, he read the van's license plate number to dispatch over the radio and confirmed that it had been reported stolen. The Flock notification did not contain any information about who was in the van when it was detected by the camera, and Deputy Welch stated in his compelled interview that he did not have any prior knowledge of the circumstances or suspects involved in the theft of the van. He immediately proceeded from the gas pumps to the nearby Rocket convenience store, passing a silver car parked near the entrance as he walked.

Rocket had a single entrance from the parking lot, a glass door near the checkout counter at the front of the store. Tall windows facing the parking lot ran continuously from this entrance to the rear of the store, where a black ATM machine that was partially visible through the windows. For their entire length, the windows were partially blocked on the inside of the store by tall product displays, posters, and, near the ATM, an electronic board showing upcoming lottery jackpot amounts. Packaged bottles of water and diesel exhaust fluid were also stacked high against the exterior of the windows. As shown on Rocket's interior surveillance cameras, three men were inside the store as Deputy Welch approached. Two of them, [REDACTED] and [REDACTED], stood near the ATM at the rear of the store while the store's clerk, [REDACTED], was behind the front counter.



*Front entrance of Rocket, photographed by Sergeant James Ryan shortly after the incident*

There is conflicting evidence about what happened as Deputy Welch approached Rocket. Deputy Welch stated in his written report that, as he walked towards the entrance, Mr. [REDACTED] and Mr. [REDACTED] appeared "suspicious" because they were "looking at [him] wearily through the glass windows on the front of the store." When asked to explain further in his compelled interview, Deputy Welch said that the two men "weren't standing upright, they were ducking, and they were focused on me, clearly concerned

about me being there.” This conduct was not shown during the brief moments on Deputy Welch’s BWC video when the area around the ATM is visible the window. Security camera video from inside Rocket showed both men remaining upright as Deputy Welch passed by on the other side of the window. Mr. [REDACTED] also told an investigator that he did not notice Mr. [REDACTED] or Mr. [REDACTED] acting unusually before Deputy Welch entered the store.

Immediately before he entered, Deputy Welch stated, “Two here in the store” over the radio. Deputy Gavigan responded: “I’m right here at the light waiting to turn around.” Deputy Welch’s BWC and Rocket’s security cameras captured video of what occurred inside the store. As soon as he entered, Deputy Welch pointed at Mr. [REDACTED] and told him to “come here,” put his hands where the officer could see them, and not move. Mr. [REDACTED] took a few steps away from Deputy Welch and into another aisle, while Mr. [REDACTED] remained near the ATM. As the officer moved towards Mr. [REDACTED], he turned into another aisle and began running. Deputy Welch chased Mr. [REDACTED] while saying, “Stop, you’re under arrest.” Mr. [REDACTED] then tripped and fell to his knees near the checkout counter.

Deputy Welch jumped onto Mr. [REDACTED]’s back as he fell, grabbing him around the waist and forcing Mr. [REDACTED] face down onto the ground. Mr. [REDACTED] struggled until he was back on his hands and knees while Deputy Welch continued gripping his waist. Deputy Welch then wrapped one arm around Mr. [REDACTED]’s arm and again pushed him down to the ground. He stayed on top of Mr. [REDACTED] for approximately ten seconds as Mr. [REDACTED] again tried to get back on his hands and knees. Deputy Welch told Mr. [REDACTED] to stop and that he was going to be tased throughout the encounter.

While Deputy Welch and Mr. [REDACTED] struggled, Mr. [REDACTED] pressed a button behind the counter that locked the store’s entrance. Shortly afterwards, Mr. [REDACTED] walked towards the door, briefly lifted both hands in a “surrender” gesture, and unsuccessfully attempted to leave the store. He then took a few steps towards where Mr. [REDACTED] and Deputy Welch were wrestling in front of the checkout counter. Mr. [REDACTED] stopped and watched the men struggle with his hands at his sides as Mr. [REDACTED] remained behind the counter.

On the floor, Deputy Welch maintained his grip around Mr. [REDACTED]’s torso. He managed to get into a squatting position and then roll backwards away from Mr. [REDACTED] while still holding Mr. [REDACTED], putting Mr. [REDACTED] back into a prone position on the ground. Seconds later, Mr. [REDACTED] pushed back onto his hands on knees. Officer Welch got onto his knees behind Mr. [REDACTED], still holding the man around the waist. Officer Welch briefly released one arm from Mr. [REDACTED] to activate his radio and stated, “He’s fighting me in the store,” before grabbing him again.

Deputy Welch then rose to his feet, lifting Mr. [REDACTED] off the ground by his waist, and threw him back onto the floor. Mr. [REDACTED] struck the ground with his side and head. As soon as he hit the floor, Mr. [REDACTED] began shaking and making wheezing noises. He vomited. With Mr. [REDACTED] still convulsing, Deputy Welch got onto his back and handcuffed him. Deputy Welch then ordered Mr. [REDACTED] to get on the ground and put his hands behind his head, and Mr. [REDACTED] complied. Over the radio, Deputy Welch asked for immediate medical aid and a supervisor to come to the scene.

Deputy Gavigan arrived on scene less than two minutes after Deputy Welch. After getting out of his patrol car, he first walked to the white van and read its vehicle identification number over the radio to the dispatcher, who confirmed it matched the vehicle that had been reported stolen. Deputy Gavigan proceeded to the store’s front door, but found it locked when it tried to open it. He waved at Mr. [REDACTED], who unlocked the door from behind the counter. When Deputy Gavigan stepped inside, Mr. [REDACTED] was lying prone on the ground and Deputy Welch was handcuffing Mr. [REDACTED].

Deputy Gavigan proceeded to handcuff Mr. [REDACTED]. Deputy Welch rolled Mr. [REDACTED] out of the prone position and onto his side. He asked Mr. [REDACTED] if he wanted to sit up and Mr. [REDACTED] was able to answer that he wanted to, so Deputy Welch assisted him. As he put on a pair of latex gloves, Deputy

Welch told Deputy Gavigan: “He tried to fight with me, he got suplexed<sup>4</sup>, smashed his head on the ground and he puked all over himself.” After about 90 seconds, he walked Mr. [REDACTED] into the parking lot, searched him, and read *Miranda* warnings before questioning him about the stolen van.

Additional officers and paramedics arrived approximately three minutes later. The paramedics eventually advised the officers that Mr. [REDACTED] should be medically evaluated before being taken to jail. As reflected in the CAD history, nearly an hour after Mr. [REDACTED]’s head struck the ground, Deputy Welch walked him to the nearby MultiCare hospital in Covington<sup>5</sup>. Mr. [REDACTED]’s medical records show that he suffered a brain bleed called a subdural hematoma during the incident. Doctors at MultiCare transferred him to Tacoma General Hospital so that he could be seen by their trauma service.

In his interview with investigators, Deputy Welch stated that he believed Deputy Gavigan was directly behind him when he entered Rocket. He acknowledged that he and Deputy Gavigan did not “stack up” at the door before going into the gas station together. When asked to describe his legal basis for stopping Mr. [REDACTED], Deputy Welch stated that his reasonable suspicion was based on the fact that the van was still running, that Mr. [REDACTED] and Mr. [REDACTED] were the only people in the area, and their behavior when they saw the officer.

Deputy Welch told investigators that he was a wrestler in high school and currently trained other deputies in defensive tactics. In describing his initial efforts to arrest Mr. [REDACTED], Deputy Welch stated that he was trying to pull Mr. [REDACTED]’s arms out from under him so that he would “flatten out” and the officer could use his weight to keep the other man under control. Deputy Welch explained that when he saw Mr. [REDACTED] move towards them, he got “more concerned it was about to be a two-on-one” and felt that the “threat level had exponentially increased.” In the interview, Deputy Welch again described the final maneuver he used on Mr. [REDACTED] as a “suplex,” which he described as: “something I learned in wrestling growing up, and you try to throw them to the side.” He stated that he did not intend for Mr. [REDACTED] to strike his head, and that his goal had been to create more space between them and Mr. [REDACTED]. Deputy Welch could not recall another instance where he used a similar move to effectuate an arrest.

## Analysis

### Acts in Violation of Sheriff’s Office Policies, Practices, Rules, or Procedures: Sustained

The first allegation is that Deputy Welch lacked reasonable suspicion to stop and detain Mr. [REDACTED] in connection with the stolen van. Citing *Terry v. Ohio*, GOM 5.00.020 states that in order to detain someone, an officer must have “reasonable suspicion (not a hunch or a guess)” that the person committed or is about to commit a crime. The Washington Supreme Court has described reasonable suspicion as “a substantial possibility” that a crime has occurred.<sup>6</sup> Further, when evaluating whether an officer had reasonable suspicion, Washington courts examine the totality of the circumstances, including the officer’s subjective beliefs at the time of the stop.<sup>7</sup>

<sup>4</sup> A suplex is an offensive wrestling move that involves lifting opponents off the ground and bridging or rolling to slam them on their backs.

<sup>5</sup> Rocket abutted the edge of the MultiCare parking lot.

<sup>6</sup> *State v. Kennedy*, 107 Wn.2d 1, 4 (1986).

<sup>7</sup> *State v. Day*, 161 Wn.2d 889, 897 (2007).

The evidence in this investigation establishes by a preponderance of the evidence<sup>8</sup> that Deputy Welch lacked reasonable suspicion to detain Mr. [REDACTED] when he ordered him to stop in the convenience store. As described in his compelled interview, Deputy Welch’s reasonable suspicion was based on Mr. [REDACTED] and Mr. [REDACTED] being the only people in the store near the stolen van, and their alleged suspicious conduct that he observed through the window as he walked into the store. First, OLEO did not credit Deputy Welch’s claim that Mr. [REDACTED] and Mr. [REDACTED] were ducking behind displays to hide from him as he walked by the windows. The security camera video from inside the store showed both men standing upright as the officer walked by. The store clerk, Mr. [REDACTED], stated that he did not observe Mr. [REDACTED] and Mr. [REDACTED] behaving suspiciously before Deputy Welch entered the store. Second, even if Mr. [REDACTED] and Mr. [REDACTED] weren’t ducking down, but merely looking at him “wearily,” as Deputy Welch claimed in his written report, there would still be an insufficient legal basis for the stop, as the Washington Supreme Court has recognized that startled reactions to seeing the police do not amount to reasonable suspicion.<sup>9</sup>

Mr. [REDACTED] and Mr. [REDACTED]’s presence in the gas station near the stolen van could not, on its own, create reasonable suspicion. Deputy Welch told investigators that he did not have a description of the suspect in the van’s theft before contacting Mr. [REDACTED] and Mr. [REDACTED]. He also did not have any information about the driver of the van or how many occupants were inside when it was captured by the Flock camera. Without knowing anything about the appearance or number of suspects, it was not reasonable for Deputy Welch to assume that Mr. [REDACTED] and Mr. [REDACTED] were associated with the stolen van. Further, Deputy Welch’s BWC video showed that there was a silver car parked in front of the store when he entered, and the store was in a commercial area abutting a parking lot for MultiCare Hospital. Because approximately five minutes passed between when Flock photographed the van and when Deputy Welch entered the store, it was just as likely that Mr. [REDACTED] or Mr. [REDACTED] (or both) could have arrived in the silver car or on foot as in the stolen van.

The facts identified by Deputy Welch therefore do not meet the lawful requirements for an investigatory stop. Accordingly, the allegation of **Acts in Violation of Sheriff’s Policies, Practices, Rules or Procedures is Sustained.**

## Excessive or Unnecessary Use of Force: Sustained

It is alleged that Deputy Welch used excessive or unnecessary force while arresting Mr. [REDACTED]. RCW 10.120.020 and GOM 6.00.025 permit officers to use physical force when necessary to, among other things, stop a person who is actively fleeing a lawful investigative detention, provided that person has been given notice that he or she is being detained and is not free to leave. When using force, officers must use only the type and amount of force that is a reasonable and proportional to effect the lawful purpose intended, or to protect against the threat posed to the deputy or others.<sup>10</sup> Officers have a legal obligation to use when applying force, which includes an obligation to use the least amount of physical force necessary to overcome resistance under the circumstances, and use de-escalation tactics when possible.<sup>11</sup> GOM 6.00.020(8) emphasizes that deputies shall “not unnecessarily jeopardize their own

<sup>8</sup> GOM 3.03.185 states that the standard of proof in administrative investigations is a “preponderance of the evidence” unless a serious policy violation is alleged and there is a likelihood of suspension, demotion, or termination. “Acts in violation” is listed as a “performance standards” issue in GOM 3.00.020, and thus this allegation is subject to a preponderance of the evidence standard.

<sup>9</sup> *State v. Greenwood*, 163 Wn.2d 534, ¶12.

<sup>10</sup> GOM 6.00.040

<sup>11</sup> RCW 101.120.020(3)

safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk, including [...] immediately approaching a person without proper evaluation of the situation.”

As described in the previous section, OLEO found that Deputy Welch’s investigatory stop of Mr. ██████ was unlawful. Because Deputy Welch ultimately used force to keep Mr. ██████ from fleeing this illegal detention, the force was not permissible under GOM 6.00.025, and the allegation should be sustained. But even assuming that the initial detention was permissible, Deputy Welch’s final takedown of Mr. ██████ constituted unnecessary force because he engaged in poor critical decision making before initiating the stop.

As articulated repeatedly in his interview, Deputy Welch ultimately threw Mr. ██████ onto the floor because he did not have a partner with him and was concerned that Mr. ██████ was going to attack him while he was trying to gain control of Mr. ██████. However, there was no sound strategic reason for Deputy Welch to contact Mr. ██████ alone. Deputy Welch explained in his interview that Deputy Gavigan planned to back him on the call, and he believed Deputy Gavigan was immediately behind him as they drove to the gas station in separate patrol cars. Deputy Welch also stated that, once he got out of his car, he saw Gavigan’s car turning around in his peripheral vision and assumed that Deputy Gavigan would thus be entering the store right behind him. On radio traffic from the incident, Deputy Gavigan stated that he was turning around at a light immediately after Deputy Welch said he was going into the store, but Deputy Welch stated in his interview that he had no recollection of hearing this statement. Had he paused for mere seconds before entering the store to pay attention to his radio or confirm Deputy Gavigan’s location, Deputy Welch would not have had to enter the store alone, and Mr. ██████’s traumatic brain injury likely could have been avoided. Slowing down and pausing likely would have also allowed Deputy Welch to consider using distance and shielding to minimize the need to use force inside the store. Deputy Welch needlessly put himself in a dangerous situation. As a result, he created a potentially dangerous encounter that ultimately put Mr. ██████ the hospital.

In sum, Deputy Welch lacked an acceptable legal basis to use force on Mr. ██████, and the amount of force he did use was likely unnecessary because it was the result of poor critical decision making. The allegation of **Excessive or Unnecessary Force** is therefore **Sustained**<sup>12</sup>.

-R.McPhail

Ryan McPhail

*Investigations Monitor*

9/24/2025

Date

<sup>12</sup> <sup>12</sup> GOM 3.03.185 states that the standard of proof in administrative investigations is a “preponderance of the evidence” unless a serious policy violation is alleged and there is a likelihood of suspension, demotion, or termination. “Acts in violation” is listed as a “performance standards” issue in GOM 3.00.020, and thus this allegation is subject to a preponderance of the evidence standard