

OPS COMPLAINT NUMBER: OU15-0392 (Operation Cody)
EMPLOYEE(S) INVOLVED: Deputy Chief Mike CENCI
TYPE OF INVESTIGATION: Complaint
COMPLAINANT: Internal Investigation - Administrative
LOCATION(S) OF OCCURRENCE(S): Washington State
DATE(S) OF OCCURRENCE(S): September 18, 2012 and February 13, 2013
INVESTIGATED BY: Lieutenant Jason L. Ashley
Investigator Daniel E. Eikum
POLICY AREA(S) ADDRESSED: Department of Fish and Wildlife Policies and Regulations:
2.00 Rules of Conduct (9) Unbecoming Conduct
5.47 Media Relations and Public Information Responsibilities

SYNOPSIS:

On January 14, 2015, the department received information alleging that on September 18, 2012, and February 13, 2013, Washington Department of Fish and Wildlife (WDFW) Deputy Chief Mike CENCI was involved in the following misconduct:¹

Allegation One

- On September 18, 2012, it is alleged you released information prior to and during the service of search warrants to the media regarding Operation Cody that may have affected officer safety. It is further alleged you did not coordinate media releases as outlined in WDFW Chief Bjork and USFWS Special Agent in Charge Paul Chang contract/agreement for Operation Cody dated June 29, 2011.

Allegation Two

- On February 13, 2013, it is alleged that you directed Captain Mike Hobbs to be interviewed with a Seattle Television station regarding Operation Cody that may have affected officer safety.

On March 30, 2015, Internal Affairs initiated an administrative investigation into the alleged misconduct by CENCI pursuant to WSP Contract K10753.²

¹ Refer to OPS Documents/Timeline tab, copy of the Internal Incident Report.

² Refer to OPS Documents/Timeline tab, copy of advising paperwork.

NARRATIVE:

Allegation One

- On September 18, 2012, it is alleged you released information prior to and during the service of search warrants to the media regarding Operation Cody that may have affected officer safety. It is further alleged you did not coordinate media releases as outlined in WDFW Chief Bjork and USFWS Special Agent in Charge Paul Chang contract/agreement for Operation Cody dated June 29, 2011.

Deputy Chief Mike A. Hobbs said he was assigned as the Statewide Investigative Unit (SIU) supervisor on April 1, 2011, and replaced retired Captain Ed Volz. According to Hobbs, Detective Todd Vandivert and Detective Jennifer Maurstad had worked undercover on a case called Operation Cody. Hobbs described Operation Cody as,

“So Operation Cody was an investigation. Um, it was kind of a -- it was the brainchild of Detective Vandivert. He wanted to set up a -- an Internet market, an Internet business that -- similar to a storefront business, would uh offer for sale and for -- and offer to buy legal wildlife parts. So the theory there if you offer legal parts, and you offer legal meat and you offer to buy legitimate product that, that being on the Internet would attract people who would uh want to do business on the black market. So uh, items like bear gall or even deer, elk, any native species. The target was black market for native species within the state of Washington with the full realization that once it's on the Internet, we're going to be dealing with interstate prob- -- and perhaps even um international type uh exchanges.”³

Hobbs indicated the Operation Cody timeline was from November 2010 through September 2012. Hobbs said on February 29, 2012, there was a meeting held at WDFW in Olympia regarding Operation Cody with Special Agent in Charge Paul Chang, Retired Chief Bruce Bjork and Deputy Chief Mike CENCI, and his peer from the Department of Interior U.S. Fish and Wildlife Service. Hobbs stated,

“during the meeting, we discussed parameters. We discussed um, what's the timeframe. By that point in the investigation we had run into several um, several people who had been um suspects in a US Fish & Wildlife Service case out of Oklahoma, Missouri. There was a big paddlefish trafficking case that they had. We had inadvertently -- um these people offered to sell us caviar. Um, we met. I did the videotape of the transaction between Detective Vandivert and a suspect. It turns out that that was paddlefish cav- -- uh, paddlefish rule out of um, Oklahoma. So we -- we had federal crimes. Um, there were already suspects in the federal case so we said we needed to meet. We need to have a -- at that time we were already in a XXXXXXative agreement, but we wanted to make sure that we were uh in touch as far as, when are we going to pull the plug on this thing.

So there were, I want to say 38 cases, and there were -- as far as suspects, I couldn't -- don't quote me -- maybe more than 60, sure.

So the discussion was that we had a number of these cases, and when I say 38 cases, some of these cases were um, mom and pop that inherited a bear

³ Refer to Hobbs' statement, page 3, lines 20 – 28.

rug, or had an -- not a bear rug -- not a good example -- but they had inherited a uh mountain goat that they found in deceased father-in-law's basement. It was dusty, old, dirty. They offered it for sale. Technically that's illegal, but is that a case we're going to write a search warrant on or we're going to be kicking somebody's door in on? Absolutely not. So 38 cases; some like that, some all the way up to uh trafficking in bear gall. Um, the decision -- bless you.

The discussion at the time had to do with um soliciting new clientele -- um, continuing to spend money when, since November of 2010, uh we've been buying illegally um either poached wildlife or it -- that there was a concern on our part that it would shock the conscience that we would just continue to allow this to keep going through another hunting season. So we met early in the year to just -- to decide when we needed to pull the plug.

Um, it seems like we decided on a July date at that meeting. And we had some late developments in May that we wanted to further um explore -- and I believe that had to do with the, um -- there's a bear gall trafficker, um XXXXXXXX - - XXXXXXXX, um, out of the Tri-Cities; he had some connections to Seattle. Um, there was talk on the US Fish & Wildlife Service side that um, they may want to refer part of this to the DEA. Um, and I think that delayed the date. But I -- in the meeting, I believe it was July -- -- 2012. Mm-hmm. Yes, at um, some point in June-ish, maybe late May it was determined September 18th.⁴

According to Hobbs, during the February 29, 2012, meeting the group decided to end Operation Cody in 2012. Hobbs said it was later determined that 14 search warrants would be served by nine search teams made up of WDFW officers and Federal Agents for a statewide takedown that would take place on September 18, 2012. Hobbs indicated the week of September 10, 2012, Vandivert and Maurstad used a PowerPoint when they met with the individual teams and briefed them on the service of the search warrants, suspects and discussed the safety plan. Hobbs said he attended every briefing.

Hobbs said during each briefing he told all the captains not to speak to the media and to forward any media inquiries regarding Operation Cody to Bjork, CENCI or himself because,

"I knew that we were -- we were going to have multiple jurisdictions throughout the state getting search warrants served, and I didn't want -- uh, I wanted a coordinated news release that described the whole operation that -- at least at the high level, one time. I didn't need, you know, small -- small newspaper or a media outlet um running their own story on just a piece of a much bigger operation. That was the intent, was to have a -- uh, one message about it -- an overall operation rather than just uh, a flash in the pan uh, about a single case."⁵

Hobbs said on September 17, 2012, he told Vandivert that CENCI had contacted a television crew to cover the Tacoma search warrant. Hobbs said he thought Vandivert would be upset,

"And to that end, um his response to me was, 'Yeah, I already knew that.' And that was one of our discussions between myself and uh Detective Vandivert. He did all of these search warrants throughout the state and never sealed them, and I asked why wouldn't you seal the search warrant because this is kind of a -- we

⁴ Refer to Hobbs' statement, page 5, lines 4 – 33, and page 6, lines 1 – 14.

⁵ Refer to Hobbs' statement, page 15, lines 24 – 31.

*do these safety plans, we take officer safety seriously. And he said, almost -- almost a direct quote, 'What's the point in sealing the search warrant um, CENCI's going to blab it to the media anyway.'*⁶

Hobbs said Vandivert did not plead with him to get CENCI to hold off on the media until all the suspects had been dealt with. Hobbs stated,

*"I remember having a specific conversation with him in Mill Creek, which I believe we went east to west, so we started on the 10th -- I think it was the 10th -- at least in eastern Washington and moved our way to, to western Washington. I believe Mill Creek was towards the end of that week, but I have to check my dates, but I remember specifically having a conversation with him about sealing the search warrants, and that was when he replied something along the lines of, 'What's the point in ser- -- uh, what's the point in sealing my search warrants, CENCI's going to blab about it anyway?' He went on to say, 'And this is my last undercover assignment anyway. Who cares?'"*⁷

Hobbs said after he told Vandivert that the media had been invited to the service of a search warrant in Tacoma he did not notify the captains around the state,

"the media was going to be high level. Uh, I was going to be on -- what I anticipated was that I would be on camera talking about, um, the importance of consumer protection and that the Department of Fish & Wildlife was um engaged in uh -- or was -- this was the culmination of an investigation over two years, multiple su- -- suspects throughout the state of Washington, and that was going to be it. There was no locations given, no uh -- not even really any, that I can recall, any specific details about cases, suspect names, any of that.

*So the -- again, uh KING 5 was supposed to come by with a camera crew to get some quote 'eye candy' uh, for the, for the story that Chittim was doing. Um, none of that was also -- none of that was set to, to air until the 5 o'clock and 6 o'clock hours that night and that was -- it was going to be anticipated we were going to be done with the warrants by 2 or 3 in the afternoon."*⁸

Hobbs said on September 14, 2012, he attended a briefing held by Vandivert and Maurstad at the Tacoma Police Department regarding the Bona XXXXXXX search warrant which included the Tacoma SWAT team. According to Hobbs, on September 14, 2012, he did not know the media would be at the residence of XXXXXXX. Hobbs indicated he became aware of the media presence from CENCI on September 17, 2012. Hobbs said there would be a camera crew at the Tacoma location and KING 5 Reporter Gary Chittim would be with him at the XXXXXXX Restaurant in Marblemount. According to Hobbs, he believed he sat down with Bjork and CENCI and reviewed the safety plan with them.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators interviewed Hobbs, Officer Jeff Lee, Officer John Ludwig who were assigned to the Search Warrant/interview team and Safety Plan for WDFW Case #10-0230-AA, location (1) XXXXXXX Restaurant, XXXXXXXXXX

⁶ Refer to Hobbs' statement, page 16, lines 26 – 31.

⁷ Refer to Hobbs' statement, page 18, lines 12 – 19.

⁸ Refer to Hobbs' statement, page 19, lines 6 – 18.

Hobbs indicated on September 18, 2012, the Tacoma SWAT team conducted a traffic stop and arrested the suspect Bona XXXXXXX near his residence at 5:59 a.m. and KOMO TV became aware of the police activity and arrived at the residence later in the morning.

Hobbs said he prepared talking points for Bjork, CENCI and himself.⁹ Hobbs stated,

"I prepared the talking points because I was going to be in the Marblemount area and knew I would not have cell service. Or thought I would not have cell service. And uh, Deputy Chief CENCI was going to be with um the Bona search warrant, which was anticipated to take a little longer. What we thought might happen is that media would get wind of any -- any one of these search warrants and would start calling um probably the headquarters. The talking points that I prepared were for Chief Bjork and/or -- well, it was for Chief Bjork, because he was going to be at our headquarters in Olympia."¹⁰

INVESTIGATOR NOTE: For the benefit of the reviewer, none of the WDFW employees interviewed regarding Operation Cody were aware of the talking points except Bjork, CENCI and Hobbs.

Hobbs said he was aware of the XXXXXXXative Agreement between the WDFW and Department of the Interior U.S. Fish and Wildlife Service (USFWS).¹¹

INVESTIGATOR NOTE: For the benefit of the reviewer, the XXXXXXXative Agreement between the WDFW and USFWS section (I) stated, All press releases associated with this investigation shall be reviewed and approved by the Special Agent in Charge of Region 1 and Chief of WDFW and will be released only upon mutual agreement of both. All press releases will be coordinated with the appropriate State District Attorney and U.S. Attorney's Offices.¹²

Hobbs stated, *"I'm not aware that there were any conversations between the Chief and the Special Agent in Charge or any of the uh attorneys involved on that matter. I'm not aware of any conversations that happened."¹³* Hobbs said as was described in section (I) of the XXXXXXXative Agreement, *"review all press releases um that -- that probably is too onerous, but as it's described here, they should have been in touch with each other, reviewed and uh approved the press release I'm not aware if that was done or not."¹⁴*

Hobbs said the last search warrant on September 18, 2012, was to be served at 6 p.m. Hobbs indicated late in the morning on September 18, 2012, he had just finished being interviewed by KING 5 Gary Chittim and Chittim,

⁹ Refer to Addendum A, Operation Cody talking points.

¹⁰ Refer to Hobbs' statement, page 22, lines 29 – 33, and page 23, lines 1 – 2.

¹¹ Refer to OPS Documents tab, USFWS and WDFW Cooperative Agreement dated June 29, 2011.

¹² Refer to OPS Documents tab, USFWS and WDFW Cooperative Agreement (I) dated June 29, 2011.

¹³ Refer to Hobbs' statement, page 23, lines 26 – 28.

¹⁴ Refer to Hobbs' statement, page 24, lines 5 – 9.

*"looked at his phone, said something -- something to the fact that KIRO or KOMO, I can't remember which -- somebody had scooped him, and he said 'We've got to run with this'. Um, I believe -- I, I thought it was a Blackberry -- he did something and I want to say he either tweeted or he did some sort of a post to the KING 5 site that says 'With Fish & Wildlife on scene, you know, tune in at 5 or 6.' I, I didn't see what he typed, but that's what looked like what had happened."*¹⁵

Hobbs said Chittim told him that Operation Cody would air between 5 p.m. and 6 p.m. on September 18, 2012. According to Hobbs, he had no concern with what KING 5 aired on Operation Cody regarding officer safety issues. Hobbs indicated he would have been concerned if KING 5 News had aired Operation Cody at 11:15 a.m. as several search warrants had not been served.

Hobbs said there were no injuries during the service of the search warrants nor did they lose any evidence due to the media involvement. Hobbs indicated Lieutenant Paul Golden and the Tacoma SWAT Team should have been advised that media would be present at the search warrant location.

According to Hobbs, prior to September 18, 2012, CENCI had spoken to USFWS Acting Special Agent in Charge Patricia Rogers and told her the WDFW would be having media involvement in Operation Cody.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators attempted to interview Retired Special Agent Patricia Rogers. Rogers did not make herself available for an interview.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators obtained an email from Hobbs to Bjork and CENCI. Hobbs stated, "The media piece is something that Scott Allee has brought up a couple times. He cited language from our case MOU that said media was to be coordinated between USFWS/WDFW and the US Attorney (Oesterle). We should discuss it but I will have a draft release to try capturing the Operation accurately."¹⁶

Retired Detective Todd Vandivert said he had worked undercover and was the case officer for a case called Operation Cody from November 2010 through September 18, 2012. Vandivert indicated the week of September 10, 2012, he and then Detective Jennifer Maurstad, gave a briefing to all nine teams who would be serving 14 Operation Cody search warrants on September 18, 2012. Vandivert explained he and Maurstad used a PowerPoint presentation at every briefing and one of the slides stated "No Media".¹⁷ According to Vandivert, his concern about media involvement was,

"And, and -- let me expound on that I'll go back a little bit on that media. Uh, and you can stop me if you don't want me to but um because of the fact that we had search warrants to serve on our top eight or nine suspects on September 18th

¹⁵ Refer to Hobbs' statement, page 25, lines 22 – 27.

¹⁶ Refer to Addendum A, email chain between Bjork, CENCI and Hobbs from August 27, 2012 to August 30, 2012.

¹⁷ Refer to Addendum A, PowerPoint Presentation Slide titled "No Media."

leaving us will about a hundred suspects we, we won't touch on September 18th, um, media was more -- it was a concern not only for the events of that day but for the -- for the cases in the future.

So that's why we were adamant about -- you know, it wasn't -- when you say who was the media contact? Um, my, my goal and I know Sergeant or -- yeah, Sergeant Hobbs at the time, goal -- all of our goal was to, to have no media at, at that point, as long as we could because we had a lot of business left to do.”¹⁸

Vandivert said on September 17, 2012, Hobbs told him CENCI had invited KING 5 TV Reporter Chittim to the search warrant in Tacoma and at XXXXXXXXRestaurant in Marblemount. Vandivert explained he was not aware of the talking points prepared by Hobbs. Vandivert explained that the search warrants around the state were scheduled to be served between 5 a.m. and 6 p.m.

Vandivert said the WDFW did not comply with the XXXXXXXXative Agreement they had with USFWS for Operation Cody, “*Scott and Corky were the, the predominant ones that we worked with on Operation Cody and both said that they were never consulted and never talked -- there was no discussion with them about news releases being done prior to them being done.*”¹⁹ According to Vandivert, the U.S. Attorney Jim Oesterle had not been contacted as was agreed to in the XXXXXXXXative Agreement.

Vandivert said he became aware the media aired Operation Cody between 11:30 a.m. and noon. Vandivert explained he then looked on the internet and found a report on Operation Cody.²⁰

INVESTIGATOR NOTE: For the benefit of the reviewer, KING 5 TV said they did not have records from September 18, 2012, to show when Operation Cody had aired. KING 5 Reporter Chittim explained he sent out a Tweet just before 12 p.m. on September 18, 2012, after finding out a KOMO 4 TV reporter was at Bona XXXXXXXX’s residence in Tacoma. According to Chittim, the Tweet was to let viewers know Operation Cody would air on KING TV at the 5 p.m. News Broadcast. Investigators were advised by KING 5 TV that they were unable to determine the time the tweet was sent by Chittim. Chittim told investigators Operation Cody aired during the 5 p.m. News Broadcast on September 18, 2012.²¹ Investigators provided a copy of the video that aired on KING 5 TV on September 18, 2012, regarding Operation Cody.²²

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators obtained a copy of the KING 5 TV Blog “Raids target alleged wildlife poachers and traffickers” posted on September 18, 2012, at 11:15 a.m. The document was copied on September 19, 2012, and

¹⁸ Refer to Vandivert’s statement, page 12, lines 12 – 21.

¹⁹ Refer to Vandivert’s statement, page 19, lines 30 – 33.

²⁰ Refer to Addendum A, KING 5 TV Blog “Raids target alleged wildlife poachers and traffickers” posted on September 18, 2012, at 11:15 a.m.

²¹ Refer to Report tab, Investigators Case Log dated September 1, 2015, at 2:20 p.m.

²² Refer to Addendum C, KING 5 video of Operation Cody that aired on September 18, 2012.

it was last updated at 5:40 p.m. on September 18, 2012.²³ Investigators were unable to obtain the original Blog that was posted on September 18, 2012, at 11:15 a.m.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators contacted the News Desk at KOMO 4 and were advised they had a south sound reporter in Tacoma but no news footage or story ran regarding Operation Cody on September 18, 2012. Additionally investigators conducted an online search of KOMOnews.com and could not locate any online blogs or story related to Wildlife trafficking, Department of Fish and Wildlife, Wildlife poaching, or Wildlife raids on the web for September 18, 2012.²⁴*

Vandivert explained KING 5 Reporter Chittim contacted him at the Senate Hearing on January 14, 2015,

“Gary Chittim came up to me afterwards -- nice guy -- came up and he said, ‘You know the only thing I’ll disagree with you on is we didn’t air the story until 5 p.m.’ And I said really? Well that’s funny. Where’s that little package I gave you? The little binder thing? Oh, okay. Um -- Ah screw it. I’ll just describe -- um, I told Gary that -- you know, I said that’s funny, because I opened up the folder and said here’s off your web site and it says 11:18 or 11:20 or something like that. Oh yeah, I think it is, yeah. And the pictures. And I said so, you know, Gary, how do you explain that because -- -- because I sat there and watched it live on the Internet. And he says, ‘Oh crap, I didn’t realize they aired it on the Internet first.’ 11:15, I was pretty close, yeah. Yep. So that’s -- when you ask how did I first find out, um, that’s how I found out.”²⁵

Vandivert said after finding out that Operation Cody had aired at 11:15 a.m. his concern was,

“well my immediate concern was officer safety, was our guys. Um, we had a couple people -- Justin XXXXXXXX is certainly one, Bona’s another, although Bona was in custody by then so then he wasn’t an issue. But we had a couple guys that I was concerned about because -- oh XXXXXXXX -- or Sutz (ph), um, you know. You guys know the program, you can -- you try and guess who is gonna -- who is gonna react in what way when, when the door comes flying in. Um, some of the times you’re right, some of the times you’re wrong. The guys you think are gonna be mellow turn out to be aggressive and vice versa. But XXXXXXXX in particular was a big concern to us. Um, and so my, my initial response and Jennifer’s initial response was, ‘Oh shit, we’re sending our guys into harm because the bad guys may know they’re coming in advance and our officers may not know that the bad guys know they’re coming.’ So we literally started calling people. We, we knew which warrants had already been served and which ones hadn’t so we started calling the teams that hadn’t been served yet.”²⁶

Vandivert said he received feedback about the media release from the officers,

²³ Refer to Addendum A, KING 5 TV Blog “Raids target alleged wildlife poachers and traffickers” posted on September 18, 2012, at 11:15 a.m.

²⁴ Refer to Report tab, Investigators Case Log dated September 2, 2015, at 3 p.m.

²⁵ Refer to Vandivert’s statement, page 25, lines 22 – 33, and page 26, lines 1 – 5.

²⁶ Refer to Vandivert’s statement, page 26, lines 7 – 19.

"Well the general consensus is why, why in the hell did we do this? What -- why did -- why would we tell the media that we're doing search warrants across the United States for a trafficking case done by the Internet, you know, dah, dah, dah. What -- why? Why did that happen? Um, there was a lot of -- I mean everybody knew where the blame laid. So it -- they, they weren't mad at myself or Officer Maurstad but we did get a lot of venting on you know why'd you do this. And, and in particular on the search team that did XXXXXX's house, I -- and I don't recall which one of them called and said he phone was wiped clean, his contacts were wiped clean, uh there was no drugs, there was no marijuana, there was no prescription pills, there was no ammunition, there was no wildlife. Um, his place was devoid of evidence. Um, no. It was just a general -- you know, everybody was baffled and pissed off."²⁷

Vandivert said regarding media involvement and whether or not it affected officer safety,

"Was anybody hurt? No. Um, did it -- did it affect officer safety? Absolutely. Well we -- we, our Agency, effectively told um, you know, I guess if, if you look at the Internet and you talk to each other and you made phone calls, we effectively told every suspect in the operation that we're coming. Um, even -- you know we -- Jennifer and I kind of uh chuckled about you know the guys that were Number 65 down on our list, when they aired it, we're going, 'Well, at least their toilets are flushing and they're dumping shit out of the -- out the window of their car right now because they think they're screwed. They think someone's coming.' Um, so yeah, it -- did it affect officer safety? Absolutely; not only for the guys going that day, it, you know it's -- I don't mean to be condescending but it's a no brainer that telling the bad people -- the people that are sus- -- or subjects of a search warrant and an interrogation and, and an arrest, um, that, that officers are coming to their house to search their house for evidence is a bad thing. That's a no brainer. That, that's obvious. Nobody on earth tells people we're coming."²⁸

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators have provided a book written by Vandivert titled "Operation Cody" for the Appointing Authority.²⁹

Sergeant Jennifer Maurstad said she was assigned to work with Vandivert as an undercover detective during Operation Cody. Maurstad indicated the week of September 10, 2012, she and Vandivert gave a briefing to all nine teams who would be serving 14 Operation Cody search warrants on September 18, 2012. Maurstad said during each briefing they used a PowerPoint for their presentation and one of the slides was titled "No Media."³⁰ Maurstad stated,

"we did have one slide in our Power Point that says in bold letters no media. And that was brought up to um all the regions throughout the state that we did not want to bring media in, especially this early in the investigation because there was gonna be so much follow up. And because all the warrants wouldn't be

²⁷ Refer to Vandivert's statement, page 28, lines 2 – 13.

²⁸ Refer to Vandivert's statement, page 28, line 33, and page 29, lines 2 – 13.

²⁹ Refer to Addendum C, book titled "Operation Cody".

³⁰ Refer to Addendum A, PowerPoint Presentation Slide titled "No Media."

*served at the same time. We didn't want word to get out.*³¹

Maurstad said she became aware of a media release regarding Operation Cody because it was on line and someone had printed it out. Maurstad stated,

*"Um at that point, Todd called some of the other regions to let them know the media is aware of what's going on. Um I don't believe I made any of those phone calls. I remember having discussions with Todd saying oh my goodness, I can't believe that the media has been alerted, you know. What is this going to do to our case? Um what potentially could this do to him and I? Um but I believe he's the one that notified the other regions serving warrants."*³²

Maurstad said she was never made aware of the talking points prepared by Hobbs. Maurstad said after the media release her concern was,

*"Well I was definitely concerned for the other officers who had not yet served the warrants. I was afraid that word was going to get out. Um it wouldn't be hard to figure out, you know, a man and woman with um -- you know, with an undercover business selling wildlife parts. Um anybody that -- any of our suspects heard that would not be hard to figure out who those two people are. I was afraid that those suspects would prepare for um the impending warrants um and I was afraid for the safety of those officers."*³³

Maurstad said regarding the follow up on additional cases on Operation Cody after the media aired their report on September 18, 2012,

*"Well that first of all that we just wouldn't be able to find these people. Um um that evidence that may need to be collected would be gone. Um they'd have their stories straight. Um you know, even possibly um ambushing us knowing that we're coming for them and not necessarily Todd and I but any officer that's assigned to do a follow up."*³⁴

Maurstad said she heard from officers,

*"Why in the world would we notify the media before the search warrants were served. That is a good question. Um obviously you know I feel you know it's mine and Todd's case so you feel responsible for it. Um I felt responsible and apologetic and um you know I'm obviously glad that nothing happened but I was certainly afraid that something could."*³⁵

Maurstad said the media release did compromise the evidence that they expected to collect at one of the search warrant locations,

³¹ Refer to Maurstad's statement, page 4, lines 20 – 24.

³² Refer to Maurstad's statement, page 6, lines 16 – 21.

³³ Refer to Maurstad's statement, page 7, lines 23 – 29.

³⁴ Refer to Maurstad's statement, page 8, lines 25 – 28.

³⁵ Refer to Maurstad's statement, page 8, line 33, and page 9, lines 2 – 4.

"There was one that I vaguely remember. I was um one of the subjects that we were selling bear gall bladder to and we had some follow up on another individual who uh got rid of his cell phone right before the authorities got there. I would guess that he knew we were coming."³⁶

Maurstad said after the media release,

"I was concerned that Bona was going to send one of his associates out to find us and we're not difficult to find. Um I certainly stick out like a sore thumb in my county. Um took all the precautions that I could by you know letting my husband know that anybody that even drives down our driveway, um I need to know about it. I called all my family members. Um you know if anybody is looking for uh me, you don't know who I am and if you get any strange phone calls or strange visitors, um to let me know right away."³⁷

Officer Jeff Lee said on September 18, 2012, he assisted with the service of a search warrant at the residence of XXXXXXin Rockport. Lee indicated they served the warrant at 9 a.m. Lee said while they were at the location serving the search warrant he became aware there was a media release on Operation Cody,

"Well I mean we're -- we were all kind of shocked because it was like we knew there were so many places around the state, I knew some of them around the, you know, in the Yakima area and a few other places around the state, that were being served at the same time, but there was no way that they could get -- we didn't have enough manpower to go to all the places we had to serve and so it was gonna be like hit -- hitting one place, finishing up, logging the evidence, going to the next place. Some of them were even not even gonna be done that day."³⁸

Lee said he did not remember seeing a news crew at the location of the search warrant he was at. Lee indicated he did not assist with the warrant at XXXXXXRestaurant in Marblemount. Lee said the media release did not affect officer safety at the location of the XXXXXX residence.

According to Lee, regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012, *"Well I mean it's -- again, you know, officer safety, uh undercover UC safety, and then uh destruction of evidence. I mean that would be the obvious one for a lot of our stuff is destruction of evidence. It's so easily disposed of."³⁹*

Officer John Ludwig said at 9 a.m. on September 18, 2012, he assisted with the service of a search warrant at the residence of XXXXXXin Rockport. Ludwig indicated he thought they finished with the service of the search warrant at 11:30 a.m. According to Ludwig, he heard that the media had released information about Operation Cody and his concern was,

³⁶ Refer to Maurstad's statement, page 9, lines 26 – 31.

³⁷ Refer to Maurstad's statement, page 10, lines 15 – 20.

³⁸ Refer to Lee's statement, page 4, lines 12 – 18.

³⁹ Refer to Lee's statement, page 7, lines 8 – 10.

"I had heard that there were several warrants that still hadn't been served yet. An obviously destruction of evidence and if a bad guy knows you're coming to his house for a search warrant, it's a serious officer safety concern. Um you got a guy waiting there to ambush you when you show up."⁴⁰

Ludwig said he never went to the other location where the rest of the team was serving a search warrant at the XXXXXXXX Restaurant in Marblemount. According to Ludwig, the media release did not affect officer safety at the location he was at. Ludwig said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"I mean, yeah, if I knew somebody that was going on a -- on one of those cases after a news release, I'd have been very concerned but I don't. Uh just -- I mean officer safety stuff. I mean, you lose evidence, you lose evidence is one thing but having a guy knowing you're coming to his house, especially if he doesn't like game wardens, there's a lot of people that really don't like us sitting there and waiting to -- to harm somebody, you know."⁴¹

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators interviewed Lieutenant Paul D. Golden, Captain Dan Brinson, Sergeant Ted Jackson, Former Sergeant Carl Klein, Sergeant Tony Leonetti, Detective Wendy Willette, Officer Jason Czebotar, Officer Dennis Flowers, Officer Dustin Prater, Officer Jeff Summit, Officer Mark James, and Retired Sergeant Matt Nixon, who were assigned to the Search Warrant/interview team and Safety Plan for WDFW Case #10-0230-G. XXXXXXXXX

Lieutenant Paul D. Golden said he was the search warrant team supervisor at the Tacoma location involving the residence of Bona XXXXXXXX. Golden explained the first time he learned media would be at his location was just after XXXXXXXX had been arrested by the Tacoma SWAT team at 5:59.⁴²

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators contacted Lieutenant Ed Wade who was the Tacoma Police Department (TPD) SWAT Team Commander and Sergeant Mike Lim TPD SWAT Team Leader. Wade and Lim told investigators they did not recall any media or other security issues when they served the warrant or complaints from their officers regarding media presence.⁴³ Lieutenant Wade also provided investigators with an email, Command Post Log and Operations Order for the service of the search warrant on Bona XXXXXXXX.⁴⁴

According to Golden, at 6:46 a.m. the Tacoma SWAT Team had just finished securing the XXXXXXXX residence when he received a phone call at 6:46 a.m. from KING TV Reporter

⁴⁰ Refer to Ludwig's statement, page 6, lines 4 – 10.

⁴¹ Refer to Ludwig's statement, page 7, lines 31 – 32, and page 8, lines 1 – 4.

⁴² Refer to Addendum B (5), documents provided by Golden from the search warrant on Bunphoath residence on September 18, 2012.

⁴³ Refer to Report tab, Investigators Case log dated September 16, 2015, entries at 10a.m., and 1:10 p.m.

⁴⁴ Refer to Addendum B (5), email from Lieutenant Wade dated September 16, 2015, Command Post Log, and Operations Order dated September 18, 2012.

Chittim to find out where he wanted his cameraman. Golden stated,

"I recall being kind of uh agitated because this was the time where we were moving from the command post to go initiate our search and I was dealing with who -- you know, where was the suspect and where was the vehicle and who was going to drive the vehicle and what are we going to do with the vehicle and everything involved with running a search warrant. And um, so I was pretty short with him I think. And then um, a minute -- um, four minutes later his cameraman called me -- Mark Anderson from Channel 5 and um, asked me where -- where to go. And I don't remember exactly what I told them but when we got to the scene, um, he was on the street. And I talked to him then and told him to stay on the street, that he's not allowed to come into the search warrant and that uh Deputy Chief CENCI would talk with him when he got a chance. And then made uh Sergeant Jackson, who was in charge of the perimeter, aware that he was there and that he would have to deal with him."⁴⁵

Golden said after he found out the media was at his location he advised Hobbs, *"I remember that Deputy Chief Hobbs, Sergeant Hobbs at the time, was apologetic about it. Um, but I don't know that he knew it was going to happen either."⁴⁶* Golden explained he thought Hobbs was apologetic,

"Probably because he didn't know they were going to show up either, I would assume. That was my take on it. I mean I -- his response was -- and not quoting anything -- but my reaction to his response was I'm sorry, you know, please carry on and deal with it. Um, not -- not uh, you know -- it wasn't like he knew this was going to happen and just get out there and do your job, it doesn't -- and he was apologetic."⁴⁷

Golden said he became aware the media aired Operation Cody late in the day. Golden explained regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012, *"My concern is that we would not be able to file the cases because evidence would be destroyed. That people would have information um that would be counterproductive to interviews and interrogations and that officers could be in danger."⁴⁸*

Golden said U.S. Attorney Jim Oesterle told him that the press release that had been done on Operation Cody was done without coordinating it with the Federal Government.

Captain Dan Brinson said he was assigned to the search warrant team for Bona XXXXXXX. Brinson said the PIO for Operation Cody would have been Hobbs, CENCI or Bjork. Brinson explained he became aware the media had aired Operation Cody prior to all the search warrants being served,

"the story aired while we were still, still had more search warrants to ah, to serve statewide, that the story was already in the news and, and so that jeopardizes..."

⁴⁵ Refer to Golden's statement, page 9, lines 24 – 33, and page 10, lines 1 – 2.

⁴⁶ Refer to Golden's statement, page 12, lines 8 – 9.

⁴⁷ Refer to Golden's statement, page 13, lines 20 – 24.

⁴⁸ Refer to Golden's statement, page 16, lines 16 – 18.

*Well, um, officer safety again, but also case integrity, evidence, um, you know, can be destroyed before, ah, before officers show up. They have a head's up that they're coming, they can, you know.*⁴⁹

Brinson said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012, *"I mean officer safety and case integrity, you don't, that's not the way you conduct an investigation by, um, letting it all out there in the media and then subsequently trying to do interviews."*⁵⁰

Sergeant Ted Jackson said on September 12, 2012, he was assigned to the Bona XXXXXXX search warrant in Tacoma.⁵¹ Jackson explained after the morning briefing which was held at approximately 3 a.m. on September 18, 2012, *"after the morning briefing as I was walking out uh, we were loading up. The Deputy Chief walked -- Mike CENCI walked past me and said, 'Media may be present.' I said okay and walked past -- past him."*⁵²

Jackson stated,

"So what I did is I told the officers what I was gonna do is line the Fish & Wildlife vehicles as a barrier, uh, along Portland Avenue in front of the house so there couldn't be any weapons or any firing coming down. I put two officers with long rifles in the brush. Uh, Tacoma SWAT cleared and gave me -- lent me two of their SWAT members to maintain the front perimeter. As I was getting everything set up, people in the brush -- the entry team I only wanted people in the house that were gonna do the searching, I did not allow anybody else to go inside that house. I noticed a uh -- one of the TV channels' cameraman right across from the house with his camera set up on a tripod filming us. Yes, yes.

I went over and told the gentleman that uh this is a potential dangerous situation. I need him to back off and he -- I -- he backed off. Uh, one of the SWAT members, I can't recall which one, came up to me and said is it typical you guys have media present at your -- and I said -- at your search warrants? And I said absolutely not. Uh, a few minutes later after we had the uh evidence-collecting team inside the house, the reporter came up again. It was still -- starting to become light. I went up to him and said, you know, I asked you to back off, you need to back off, and he said, 'Well, Deputy Chief Mike CENCI told me to be here.' And I said you still need to back off. Uh, he said, 'Well Deputy Chief told me -- Mike CENCI -- to be here. Where is he?' And I said he's at uh -- at the jail interviewing the suspect. And that was -- and that was the only interaction I had with the photographer at the time."⁵³

Jackson said CENCI arrived at the scene at approximately 9:30 a.m.,

⁴⁹ Refer to Brinson's statement, page 7, lines 30 – 32, and page 8, lines 1 – 3.

⁵⁰ Refer to Brinson's statement, page 10, lines 29 – 31.

⁵¹ Refer to Addendum B (5), Jackson Officer's Notebook notes for September 14, 2012, and September 18, 2012.

⁵² Refer to Jackson's statement, page 7, lines 25 – 27.

⁵³ Refer to Jackson's statement, page 8, lines 21 – 33, and page 9, lines 1 – 9.

"Mike CENCI asked me to go inside and pull weapons out of the house and I said for what? And he said, 'For the money shot.' And I said we're -- we're in the process, I don't want anything out Deputy Chief until we're done collecting all the evidence. And I don't want my officers on TV. Uh, and he said, 'Well, these guys gotta get moving. I'll go talk to this other TV crew. I really don't care about them, these are the ones that I want to deal with, uh, the one with Gary Chittim. And I just want to get a money shot with the guns coming out of the house.' So I walked in the house and asked how the guys were doing and I said do we have any rifles or weapons that can be put into evidence? And they said, 'Yes Sarge, but we're not ready.' And I said your Deputy Chief wants to come out. Paul Golden and Captain Dan Brinson were inside the house, they both shook their head like we can't believe this. And -- so I said -- they had the weapons lined up on the wall, so I said who wants to come out and take them to my truck? One or two of the officers said, 'Hey, we'll help you out.' We loaded the firearms in my vehicle and then at uh -- I think it was 10:45 I cleared there while we were getting ready to wrap everything up to take the firearms into evidence."⁵⁴

Jackson said he thought CENCI spoke to the media between 9:30 a.m. and 10:45 a.m. Jackson explained while he was on his way home around noon on September 18, 2012,

"I received a phone call I believe from uh Todd Vandivert and a retired Chief Deputy Bill Jarmon that they had been getting information or seen it on TV or heard about Fish & Wildlife executed search warrants. 'What the hell are you guys doing?' You know, 'What's going on? Why are we doing this? There's other search warrants to be served."⁵⁵

Jackson said the media involvement did affect officer safety,

"The officers -- the officers were focused on the media trying not to do anything -- anything that looked inappropriate in front of the media. It took away from officer safety in my opinion. Our eyes should have been focused on the road, uh incoming and out-coming traffic, and across the street. Instead, we're staring at a reporter with a camera across the street. It also -- I also had to relieve two squad members that were -- that were wonderful being there, um, for added protection and, uh, and reduce my manpower."⁵⁶

Jackson explained regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012, he was concerned,

"Oh, absolutely. That's -- you would just broadcast -- broadcasted that we're involved in a major case. Anybody with uh any inkling that they were involved would be destroying the evidence or uh getting rid of things that were about ready to forfeit and everything else."⁵⁷

⁵⁴ Refer to Jackson's statement, page 10, lines 31 – 33, and page 11, lines 1 – 12.

⁵⁵ Refer to Jackson's statement, page 14, lines 1 – 6.

⁵⁶ Refer to Jackson's statement, page 14, lines 16 – 21.

⁵⁷ Refer to Jackson's statement, page 15, lines 2 – 4.

According to Jackson, Special Agent Steve Furrer told him the USFWS,

"He said that, 'They were pissed; that this was unprofessional.' And, and -- and it's a constant that this is just typical Mike CENCI, that's what people say, so. One, to uh announce to -- announce to anybody that's watching or looking online that there's a search warrant being issued all throughout the state -- search warrants being issued, uh not communicating with the Feds about what Mike CENCI was intending on doing and just basically running rogue, just doing what Mike CENCI thinks he should do, so. Correct. He didn't go into the officer safety but it was something that we -- I mean we both new that this could be dangerous; officers now knocking on doors and people expecting you're coming."⁵⁸

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators attempted to interview USFWS Special Agent Steve Furrer on August 3, 2015, and he declined to be interviewed.*

Jackson said on September 20, 2015, he received a phone call from CENCI,

"And Mike CENCI called, it was during one of the -- we had a big fire up there so I was stuck in traffic going over the pass and Mike CENCI called and said, 'Hey, I heard you were upset about having the media present.' And for the next 45 minutes he told me why he needed to have the media present to control, as he kept on saying, you know, 'They don't understand what we do so I needed to control it.' And I did express my concern about not being notified. I told him it wasn't fair to the officers, it wasn't fair to the Tacoma Police Department and not being notified ahead and -- and that was about the extent of what I said, but for the next 40, 45 minutes he told me why he had to do it. I think he knew he stepped in it. I think he knew he got himself in a little bit of hot water."⁵⁹

Former Sergeant Carl Klein said his last day with the WDFW was June 9, 2015, and he now worked for the United States Secret Service. Klein explained on September 18, 2012, he assisted with the search warrant at Bona XXXXXXX's residence in Tacoma. Klein said the media arrived at the residence shortly after they served the search warrant. Klein indicated he and Jackson were surprised how soon the media showed up at the residence. According to Klein, he became aware of the media release on Operation Cody from other officers later in the day.

Klein said after hearing about the media release his only concern was how it would impact the other warrants that were to be served after the media release. Klein indicated he was not aware of any officer safety concerns because of the media at XXXXXXX's residence.

Sergeant Tony Leonetti said on September 18, 2012, he was assigned to the Bona XXXXXXX search warrant in Tacoma. Leonetti explained he and CENCI transported XXXXXXX to the Pierce County jail where they interviewed him. According to Leonetti, he found out about the media release from a text message from his wife mid-day, *"her text to me I believe was just, 'Hey you guys are on TV. Is this what you've been doing?'"*⁶⁰ Leonetti said regarding the follow

⁵⁸ Refer to Jackson's statement, page 16, lines 25 – 33, and page 17, lines 1 – 5.

⁵⁹ Refer to Jackson's statement, page 16, lines 1 – 10.

⁶⁰ Refer to Leonetti's statement, page 11, line 33, and page 12, line 1.

up on additional cases on Operation Cody after the media aired their report on September 18, 2012, *"The concerns is that evidence is going to be gone, statements are going to change, um, people are -- they're not going to talk, they're going to lawyer up."*⁶¹

Leonetti stated,

*"The right thing to do would have been just let us do our job and wait till the case was fully completed before we submitted anything or gave any knowledge to the media. In Tacoma it could be any -- any given day when SWAT shows up to serve a warrant. Does the news always show up every day that SWAT serves a warrant? Not to my knowledge. It's common business."*⁶²

Detective Wendy Willette said on September 18, 2012, she was assigned to the Bona XXXXXXX search warrant in Tacoma. Willette indicated she did not remember media being at the location she was at and did not recall any officer safety issues. Willette said regarding the follow up on additional cases on Operation Cody after the media aired their report on September 18, 2012, she had several cases to follow up on and she did not have additional officer safety concerns regarding the media release.

Officer Jason Czebotar said on September 18, 2012, he was assigned to the Bona XXXXXXX search warrant in Tacoma. Czebotar indicated while they were in the process of serving the search warrant the media arrived. Czebotar stated,

"Yeah, so um right away my sergeant notified me and -- that the media was here. I mean he got the word out really quick and so he did his best to keep them you know out and away. And uh, he just said, 'Let me handle it, you know, I'll -- I'll take care of it.' So he was primarily dealing with that, and that's actually -- it took him away from being able to supervise us because that became a full-time job for him as people were coming in -- or as the -- as the media was coming in, so.

*'He was doing his best to um protect us because again the, the threats, the allegations from that guy saying, you know, 'whoever rolled on me you know I'll come back and kill him.' Uh, Todd Vandivert believed that very much so and I had no reason to doubt him on that, so I -- I'm not one to shy away from the media because I don't care. But in that instance it didn't make me feel real comfortable, especially because they weren't supposed to be there to begin with. We were trying to get in and out and do what we needed to do."*⁶³

Czebotar's said he had a concern about the media being present,

*"Absolutely. Um, you know just, just for those reasons that we -- that we talked about. Um, yeah, I didn't -- I didn't want to be on TV in that instance and um I think Sergeant Jackson was trying to get them to kind of blur out our, our faces which didn't happen. I know he had talked about that; I don't know if he ever got a chance to, to talk to the reporter about it or not, um, but it was on the news. I mean it was definitely me."*⁶⁴

⁶¹ Refer to Leonetti's statement, page 13, lines 20 – 21.

⁶² Refer to Leonetti's statement, page 14, lines 19 – 23.

⁶³ Refer to Czebotar's statement, page 5, lines 3 – 15.

⁶⁴ Refer to Czebotar's statement, page 5, lines 18 – 22.

Czebotar said he became aware the media aired Operation Cody the evening of September 18, 2012. Czebotar indicated regarding the follow up on additional cases on Operation Cody after the media aired their report on September 18, 2012,

"Yeah, it was -- we were all kinda joking about it because it was like they know -- they know what the gig is. I mean we'll follow it up but what's the point now? I mean it was -- it -- it completely -- you know, we, we felt that it ruined any sort of ability for us to actually investigate. Because a big part of it is the element of surprise, is when we show up in uniform knocking on the door and go, you know why we're here, don't ya, and getting that initial reaction, that initial shock. We use that in our favor of getting them to talk right away before they have a chance to process it and that's very, very common in any investigator's line of work, that element of surprise. And now that that element of surprise was gone, um, people are gonna start ditching evidence, start getting their stories straight, um, just flat out you know not wanting to talk to us because they had time to prepare. So we didn't -- I wasn't assigned any follow-up cases but there were some in, in Pierce County and you know just -- it was -- it was almost like it was gonna be pointless. And I don't know if anything developed out of those cases or not, I lost interest in it you know right away. Part -- partly because nothing was assigned to me and then partly because I -- I didn't think that it was gonna produce anything. Because they had knowledge that we were serving these search warrants and that this was going on."⁶⁵

Officer Dennis Flowers said on September 18, 2012, he was assigned to the Bona XXXXXXX search warrant in Tacoma. Flowers indicated while they were in the process of serving the search warrant the media arrived. Flowers indicated the media involvement at his location did not affect officer safety. Flowers said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"Well like I said before, obviously if they're connected with the people that were aired on TV, they were gonna have some up-front, you know, warning that uh you know someone's gonna be coming knocking on their door and if there was anything that they either didn't want to be found, it would be gone evidence-wise or they could, if they wanted to do harm to any of the officers, they'd be prepared, you know."⁶⁶

Officer Dustin Prater said on September 18, 2012, he was assigned to the Bona XXXXXXX search warrant in Tacoma. Prater indicated while they were in the process of serving the search warrant the media arrived. According to Prater, he did not have any concerns about the media being at the location he was at. Prater said he became aware of the media release either late in the day or the next day. Prater stated his concern about the media airing Operation Cody was,

"Yeah, I, I -- I mean when -- when you -- when you're part of a team and, and if um -- part of a team and, and you want everything to go, go 100 percent

⁶⁵ Refer to Czebotar's statement, page 7, lines 19 – 33, and page 8, lines 1 – 4.

⁶⁶ Refer to Flowers' statement, page 6, lines 28 – 32.

*correctly, you, you don't want any weaknesses in that. And if airing, airing what we did could jeopardize somebody else, the search warrant or another team, search warrant or, or their safety, I, I -- I've got a concern about that for sure.*⁶⁷

Prater said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

*"Well in, in that scenario if, if they've seen, seen the news media, they may be -- obviously think that they're part of that if they, they truly know that what they've done is wrong. Um, in addition, you know, evidence potentially can get destroyed, disappear. Um, if, if they feel that they're desperate, they may react in a -- in a negative, uh violent way towards our officers. Um, and so yeah, I -- it, it - it's just an overall, for me, an overall officer-safety situation.*⁶⁸

Officer Jeff Summit said on September 18, 2012, he was assigned to the Bona XXXXXXX search warrant in Tacoma. Summit indicated while they were in the process of serving the search warrant the media arrived. According to Summit, regarding the media at the location he was at, and the media release of Operation Cody, did not affect officer safety at the XXXXXXX residence. Summit said regarding the media at XXXXXXX's residence and how that affected Sergeant Jackson,

*"I mean as a supervisor you have other things in your mind other than just I'm going to collect evidence, whereas he needs to make sure that there aren't some neighbors that are coming in. Um, there aren't some aspects of the scene that are changing. Uh, while he's dealing with the media, I can see how that would be a hindrance to him doing his job at the scene, yeah.*⁶⁹

Summit said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012, his concern was, *"It could have caused an adverse effect on officer safety and it more than likely would have caused cases that could have been made not to be made.*⁷⁰

Officer Mark James said on September 18, 2012, he and Officer Matt Nixon were assigned to serve a search warrant in Pacific County. James indicated he served the warrant between 9 a.m. and noon. According to James, he heard about the media release after he got home at approximately 5 p.m. James said he believed the media involvement affected officer safety,

"Uh, I believe it did. Yeah. I mean did anything happen? No. But could it have happened? Oh yeah. I mean we're -- I mean we learned and -- and through -- through, uh, just experiences over the years of -- of officers getting killed that, you know, hey if somebody has a plan you don't have a lot of chance. I mean you're lucky if their plan misfires or something and you have a chance to defend yourself but if somebody has a plan to kill you, you know, you're gonna get killed and you kind of have to accept that, um, but, uh, and -- and hope you're lucky

⁶⁷ Refer to Prater's statement, page 6, lines 10 – 14.

⁶⁸ Refer to Prater's statement, page 7, lines 5 – 10.

⁶⁹ Refer to Summit's statement, page 8, lines 31 – 33, and page 9, lines 1 – 2.

⁷⁰ Refer to Summit's statement, page 9, lines 28 – 29.

*enough to get a chance to --to defend your self-but, uh, uh, he, you know, and that's exactly what his was was that you gave somebody the opportunity to have a plan. That's -- that is compromising officer safety.*⁷¹

James said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

*"Um, well I mean my concern is that they -- is that people -- evidence has been destroyed and gotten rid of and, uh, people that didn't know that they were -- that they'd been kind of targeted on this case knew and, uh, and so yeah there's a lot of evidence that got compromised I'm sure."*⁷²

INVESTIGATOR NOTE: For the benefit of the reviewer, James was the President of the WDFW Officers Guild at this time.

Retired Sergeant Matt Nixon said on September 18, 2012, he and James were assigned to serve a search warrant in Pacific County. Nixon indicated he heard from Detective Brian Alexander that information had been released about Operation Cody. According to Nixon, regarding the media release it did not affect officer safety at the location he was at. Nixon said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

*"I remember guys complaining about it. About how they felt like it was a bad way to do business. Um, uh, they felt a -- my detachment collectively was concerned about, um, you know, releasing that information to bad guys and how we operate and how we do -- yeah, I mean, it was a concern. It was a -- it was a concern."*⁷³

Nixon said regarding the media release of Operation Cody and officer safety issues,

"Well, I mean, I've done tons of search warrants, written lots of search warrants, organized, performed, executed lots of search warrants in these communities. Everybody's got a gun, you know? Everybody's at home, um, they're -- they're tweXXXXXXXX. They're crazy guys, right? So if you provide -- I mean, never, not one time ever during the execution of a warrant through my detachment or me, did we call those people up or -- or get on the radio and say we're coming. I mean, that's just crazy. And -- and the fact that, um -- the fact that he -- that CENCI went to the media prior to the completion of the execution of the warrants, was -- I mean, I -- I can't -- I can't think of a cop in this world who -- who -- who would consider that intelligent police work. Ah, it compromised safety. It compromised evidence. It compromised, um -- I mean, our methods. It was -- it was -- it was a -- it was -- it was the worst -- one of the worst judgment calls I've ever seen in the years that I worked there. And I -- and I -- I think what it did was it turned guys -- guys -- guys got away from the media. Guys didn't want to deal with the media. Um, you know, as time went on, we didn't even want to tell CENCI what we were doing because who knows if -- there were -- there were -- there were incidents where we would inform them of something and he would go

⁷¹ Refer to James' statement, page 6, lines 24 – 32.

⁷² Refer to James' statement, page 7, lines 9 – 12.

⁷³ Refer to Nixon's statement, page 5, lines 11 – 14.

*to the paper with it. And we were still working it. I mean, there -- he just -- everything went on Facebook. And everything went to the press. And it was -- it's bad business, you know? You -- you -- you need to have that organized and you need to have that strategized and you need to do it in a way that doesn't compromise number one, your officers, but your sus -- you know, your -- your -- your informants, your sus -- you know, you don't want your suspects hurt. You don't want evidence destroyed. I mean, it's just terrible business. It's the worst judgment and -- and -- and any leader who does that to his guys, is not worthy of being a leader. Is that enough? I mean, I'm just disgusted by it.*⁷⁴

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators interviewed Captain Chris M. Anderson, Retired Officer Al Baird, and Officer Shawn Myers who were assigned to the Search Warrant/interview team and Safety Plan for WDFW Case #10-0230-DD, location (1) XXXXXXXX

Captain Chris M. Anderson said he was not provided talking points and was advised that all media inquiries regarding Operation Cody were to be directed to WDFW or USFWS. Anderson explained he found out there was a media release on September 19, 2012, the day after the search warrant regarding Operation Cody. Anderson said the media release did not affect officer safety at the location he was at, nor did he have any concerns about officer safety issues on the cases that needed to be followed up on.

Retired Officer Al Baird said the team he was on served the first search warrant on Kevin XXXXXXXX around 8 a.m. and the second search warrant was served on Justin XXXXXXXX midafternoon.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators also interviewed Baird who was assigned to the Search Warrant/interview team Safety Plan for WDFW Case #10-0230-F. XXXXXXXX

Baird said one of the officers received a call at the regional office about the media release. Baird indicated his concern was,

*"Well it -- I mean anytime uh you're serving a search warrant, whether it be you know a Fish & Wildlife warrant a drug warrant, I mean um any foreknowledge of the people that you're serving a warrant on, I mean real -- warrants are -- can be pretty much a walk in the park or they can be a high risk, but you treat all of them as a high risk, uh, no matter what they are. And so uh anytime, when the bad guys know you're coming, you know, it -- not only officer safety is going to be compromised, but your chances of getting what you're looking for, you know, drops like a homesick rock. I mean you're, you're -- got almost a chance of getting it if you go in, you know, with the element of surprise. But um, back in the day when I worked you know narcotics, you know, the last thing you wanted to hear was a toilet flushing, you know? You know, before you got there. And that's the -- and it's kind of hard to flush an elk down the toilet or a deer, but you know, if you give them any amount of time they can do something with it."*⁷⁵

⁷⁴ Refer to Nixon's statement, page 5, lines 22 – 33, and page 6, lines 1 – 11.

⁷⁵ Refer to Baird's statement, page 6, lines 4 – 15.

Baird said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"Well basically, I mean, the officer-safety thing still doesn't go away. But what -- the negative impact would be that the evidence or whatever you're going to get on those warrants have a high probability of not being there. You know more chances that they've been tipped off, the more time they've got to get rid of it."⁷⁶

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators interviewed Sergeant Brian Alexander, Officer Skip Caton, Officer Shawn J. Myers, and Retired Officer Al Baird who were assigned to the Search Warrant/interview team Safety Plan for WDFW Case #10-0230-F. Location A -XXXXXX

Sergeant Brain Alexander said he was in charge of three search warrants regarding Operation Cody on September 18, 2012, in Yakima. Alexander explained the Justin XXXXXXX search warrant would be served between 5 p.m. and 6 p.m. According to Alexander he received a phone call from CENCI to let him know, *"I immediately let Sergeant Grant know, um, that the Deputy Chief had informed me that it was -- had ran on the news on the TV already and that it was gonna run again at whatever time -- I don't recall what time he told me and that, you know, you might want to get going on it."⁷⁷*

Brian Alexander said after he received the phone call from CENCI about the service of the Operation Cody search warrants being on the news his concern was,

"I don't think there was a real good vibe in the atmosphere about the fact that it was all over the news. Not after -- no. After getting that phone call that -- that, 'Hey, this is all over the news.' Officer safety to start with and then followed by destruction of evidence and, you know, I mean what do you do when -- when you know that they know you're coming. At least you potentially think, um, they might know you're coming. Um, you know, I didn't know anything about the guy but it was communicated to us that he was potentially the bad guy of the bunch where we could have trouble. The people going to that warrant could have difficulty with him, that there maybe a problem. I think they said he was a cage fighter, and I know that, uh, one of the contacts that, um, Detective Vandivert had with him the guy got right up in his face and challenged him, et cetera. So yeah, there was some concern there.

Um, I was driving in my own truck so I wasn't communicating with him about it, but I could assure you that -- that my concern was, you know, the -- the guy's done bad things and he's -- the information at least from Detective Vandivert is, is he's potentially dangerous, could be a problem. Um, so, um, yeah, my worry was he'd show up and -- and who knows, the shooting starts. I mean that's certainly a concern at any search warrant but, um, when the possibility is that he definitely knows you're coming because it's been all over the news, and what are you going to find when you get here. So I mean that's part of the reason where instead of just were heading over the hill and going home, I said no, I'll -- I'll go -- I'll be another body, so.

I don't recall which order I was. I was in an unmarked and I was in plainclothes minus the gray vest, um, I don't remember what -- where I was in the

⁷⁶ Refer to Baird's statement, page 8, lines 15 – 20.

⁷⁷ Refer to Brian Alexander's statement, page 6, lines 29 – 32.

line but, um, I recall driving up in there and the guy was sitting on -- I think he was sitting on the tailgate of his pickup truck in his drive way, like he was just waiting. Nice to know that there wasn't -- he wasn't waiting with bad intent but, uh, I think as we were pulling in, uh, one of -- somebody on the radio said, you know, 'Hey, he's right there. He's sitting right there.' So, um, obviously there turned out there was no, um -- nothing bad happened in terms of officer safety, um, but it's like he was just sitting there waiting on the tailgate.

Um, I don't think so. I ended up being part of the search team and I don't recall recovering a single long gun, uh, firearm there at all. There was nothing there.

Well, I mean you can speculate several different directions on that one that it -- it all got moved before we got there. Um, I mean if that stuff was on the news at 11 and I don't recall what time we ended up getting there, I wanna say it was somewhere around the 1500 hour, I -- I couldn't tell -- I don't have the report -- haven't looked at it in a while so I couldn't tell you. Um, but, you know, I think - I think I found ammunition for three to five different types of high powered long guns but no long guns. Uh no, um, I -- I do recall that the side of his pickup truck was smeared with blood; a lot of it. Um, but the garage area I think where we expected to find some evidence, we find none. We found none in the house. I don't recall the truck. I don't recall if I was involved in searching the vehicle or not. I don't know I -- I think they -- uh, I don't remember everything about that one but my understanding his phone was wiped. Uh, I don't recall recovering really anything from there.⁷⁸

Brian Alexander said in his opinion media involvement affected officer safety and he had not been happy about it. Brian indicated regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"That there was gonna be no cases left to be made. I mean as far as recovering any additional evidence, um, it's my concern obviously was that well, the people that they had already dealt that they had made -- may have made a buy with or sold something to already any evidence of those crimes were likely to be gone."⁷⁹

Brian Alexander stated,

"I don't recall if it was a week or a couple weeks after I had met with -- with Deputy Chief Hobbs up at the 93rd shop in Olympia and we were talking about Cody and the -- and the press thingy and -- and I had asked him, you know, well when did you know, you know, and he said that he'd, 'Got a call the night before, um, from the Deputy Chief that the press was gonna be there.' Um, so -- So it, it -- it's -- I don't know, I just think about that phone call after I did my -- my group of search warrants and -- he made it sound like he was surprised. Like, you know, 'I had cameras in my face at 8 in the morning.' And it just the -- the tone was, like, I wasn't expecting that. But then finding out that he knew at least the night before the press was gonna be there, I thought well you knew it was coming. It would be nice if -- I don't know, I just -- I just think that could have been -- even if the press was there it could of been handled entirely differently where -- if they

⁷⁸ Refer to Brian Alexander's statement, page 7, lines 6 – 33, and page 8, lines 1 – 24.

⁷⁹ Refer to Brian Alexander's statement, page 9, lines 32 – 33, and page 10, lines 1 – 2.

hadn't been -- if they hadn't been contacted prior to -- even if they showed up because they caught wind of something, you could of just said, we're conducting an operation, we'll be able to brief you guys later -- give you a full scope of -- of what we did here, but for now we're not gonna about it or no comment or whatever and then, you know, invited every press station you wanted after things were all over and then said this is what we did and this is how we did it. Um, I think most of us that talked about this were, like, if you got to do it, you could have waited. Now if they showed up inadvertently or because they caught -- they caught wind of something, you keep them back, you do your thing, you tell them that, you know, hey, we'll -- we'll give you guys a briefing later but we can't tell you everything right know, um, so I mean -- again, it's easy to I guess to sit back quarterback things but, you know, it was pretty -- that was a rough one; there's still people that are upset about it.⁸⁰

Officer Skip Caton said on September 18, 2012, he assisted with the service of search warrants for Operation Cody and served the first search warrant between 10 a.m. and 11 a.m. and the second was served around 6 p.m. According to Caton, he did not have any officer safety concerns on September 18, 2012. Caton said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"if I knew there was information out there, I would have taken that into consideration. I'm not going to go in there, uh, and interview somebody who knows I'm coming without -- I mean, yeah, lots of time people know you're coming, but, uh, I guess knowing that made -- I'd rather know than not know, I guess. Not that -- I -- I don't know if I had any more concern. Yeah, just glad to know that somebody may know I'm coming."⁸¹

Officer Shawn J. Myers said on September 18, 2012, he assisted with the service of search warrants at the XXXXXXXX residence in Yakima and at the XXXXXXXX residence in Zillah. Myers indicated Vandivert told either the sergeant or captain that CENCI had alerted the media,

"we heard about that I believe it was when we were at Justin XXXXXXXX's residence, which was the Zillah one, which was earlier in the day. And, uh, we were told that, uh, um -- when we'd execute our -- our next search warrants later in the afternoon to use extreme caution and -- and, uh, that there's a possibility that they may know that we're coming."⁸²

Myers said his concern was,

"Uh, well, you know, the -- the PowerPoint we got was, you know, these guys were, you know, they're -- they're not the best people in the world, you know. And I think we were dealing with some convicted felons, we were dealing with people with guns, multiple guns (laughed) and -- and track records and, uh, if they knew we were coming, they could start getting ready. I wasn't -- you know, I was -- my concern was probably for mine and my team's safety more so than evidence destruction. That, you know, that's -- whatever happens to that -- that -

⁸⁰ Refer to Brian Alexander's statement, page 11, lines 3 – 26.

⁸¹ Refer to Caton's statement, page 9, lines 1 – 6.

⁸² Refer to Myers' statement, page 4, lines 2 – 6.

- I was worried more on the entries of the search warrants, um, are they gonna be ready, you know. 'Cause we had no -- we hadn't dealt with any of these people. I mean this was all undercover, Todd and -- and Jennifer doing their thing. So we didn't really know what kinda people we were getting into, with ex -- with the exception of -- of our briefing that we got. So we kinda got a rundown on who they were and -- and -- and, you know, I mean are they hardened, you know, you know, fr -- criminals? Probably not. But you never know what their mindset is at that time, you know. If they think they're gonna go down for -- for multiple, multiple, you know, you know, felony convictions, what they might try to do. So it just kinda put us on -- on alert. Um, I wasn't completely, you know, you know -- I was just -- I was more tuned up when we got there to make sure, you know, everybody keep your eyes peeled and -- on what's gonna happen here, so.

Um, you know, I -- I don't recall, but I think we were -- I me -- I remember just, you know, in general, generalities, talking to the guys about, you know, obviously they -- they may know this is coming now 'cause of what happened on the west side. So just be a little bit more alert and -- and, uh, pay -- pay attention, you know, don't let your guard down at any, you know -- once -- until everything's cleared and secured.⁸³

Myers said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"But I do remember thinking, you know, that's, you know -- that -- what I thought there it was more evidence destruction than anything. I mean you know, if -- if they still had follow-up, it's all over Komo and King News or whatever over there on the west side, you know. It's (laughed) it's gonna be gone, so."⁸⁴

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators interviewed Former Officer Dave Jones, Retired Sergeant Richard J. Phillips, Officer Ryan Valentine, Officer Zach Gaston, Evidence Custodian Greg Dutton who were assigned to the Search Warrant/interview team and Safety Plan for WDFW Case #10-0230-H. XXXXXXXX USFWS Steve Furrer who was a part of the search warrant team declined to be interviewed.

Former Officer Dave Jones said on September 18, 2012, between 8 a.m. and 9 a.m. he was in charge of the service of the search warrant at the residence of Henry "Wayne" XXXXXXXX. According to Jones, they were scheduled to serve a second warrant on Ralph XXXXXXXX Taxidermy in XXXXX between 4 p.m. and 6 p.m. Jones explained he became aware of the media release,

"I can still see it to this day. I was standing outside of XXXXXXXX' place. I was doing the search warrant and somebody -- I think Ryan Valentine's wife called him. Somebody called one of our officers there and said hey, do you have anything to do with this case. And if it was Ryan -- I don't remember who it was - - I re -- but I'm pretty sure it was Ryan -- basically the discussion was what the hell are you talking about. We don't tell our wives these things. We don't tell anybody these things until they're done. I say how do you know about that, that's

⁸³ Refer to Myers' statement, page 4, lines 11 – 33, and page 5, lines 1 – 2.

⁸⁴ Refer to Myers' statement, page 9, lines 3 – 7.

-- what do -- what? He's like what. And the Deputy Chief's on the TV talking about it (laughed).⁸⁵

Jones said his concern after hearing there was a media release on Operation Cody was,

"Yeah. My concern is what kind of lunatic cannot wait a day to stick his chest out and talk about how great -- that moment in time, Dan, could not encapsulate Mike CENCI any more. He didn't care about your safety; he doesn't care about your cases. He cares about getting up there and making his agency look good and him look good. That's all he cares about. That's what upset me. My particular investigation, I didn't feel a physical threat from the guy I was going to. I worried about evidence disappearing in my case, but the Bona (ph) guy from Tacoma is a scary dude. And in hindsight -- 'cause I didn't find out about it 'til after the warrants -- and my concern goes to the officer safety for the Tacoma people for sure. So those are my concerns."⁸⁶

Jones said the media release on Operation Cody did not affect officer safety at his location. According to Jones, regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"Yeah, what I get is about 20 complaints throughout the state of what the hell is going on and they were more concerned with, uh, what was potentially done, the -- the -- the, uh, optics of it, the p -- lack of professionalism. I never had an officer come to me and say my safety was threatened because of this act right here. It was what the hell was he doing, my safety is potentially threatened, this is unprofessional, nobody does this. That was re -- those were the calls I received. At no time did someone say I felt threatened here because of that."⁸⁷

INVESTIGATOR NOTE: For the benefit of the reviewer, Jones was the Vice President of the WDFW Officers Guild at this time.

Retired Sergeant Richard J. Phillips said on September 18, 2012, at approximately 7 p.m. he assisted in the service of a search warrant on Ralph XXXXXXX Taxidermy in xxxx. Phillips indicated he became aware of the media release of Operation Cody between 11 a.m. and 1 p.m.,

"It was numerous hours before we were to execute the XXXXXXX' warrant and I believe I was listening to uh one of the talk radio shows and, and at the news um I was actually quite surprised to hear Deputy Chief CENCI talking about numerous search warrants being served that day for various Fish & Wildlife crimes around the state. I, I was shocked and, and then I was mad because we still had hours to go before we were to serve the one warrant I was involved with and the other one that, that was ancillary to, to that. And I was afraid that one, that it creates a huge officer-safety issue and two, there's a great chance that any type of evidence that we wanted to recover could be gone. I mean the suspects could potentially have hours to either leave, to destroy

⁸⁵ Refer to Jones' statement, page 8, lines 23 – 32.

⁸⁶ Refer to Jones' statement, page 12, lines 30 – 33, and page 13, lines 1 – 5.

⁸⁷ Refer to Jones' statement, page 14, lines 4 – 10.

*evidence, change records, prepare for us, do any number of things.*⁸⁸

Officer Ryan Valentine said on September 18, 2012, at 10 a.m. he assisted in the service of a search warrant at the residence of Henry "Wayne" XXXXXXXX, and the service of the search warrant on Ralph XXXXXXXX Taxidermy in XXXXXXXX. According to Valentine, he became aware of the media release on Operation Cody when his wife called him, *"She called me -- it was before serving one of the search warrants, if not both of the search warrants, and asked me why Deputy Chief Mike CENCI was on television prior to me serving a search warrant."*⁸⁹ Valentine said when he received the call from his wife, *"I don't believe we had served either, for sure one of them, specifically, and that was the second one, Ralph Acres, but I believe it was not -- it was -- it was before both of our warrants had been served."*⁹⁰

Valentine said he thought they served the first search warrant between 12 p.m. and 1 p.m. but could not remember which of the two search warrants he did first. Valentine indicated regarding the media release on Operation Cody he did not have any officer safety concerns while serving either search warrant on September 18, 2012.

Valentine said regarding the follow up on additional cases on Operation Cody after the media aired their report on September 18, 2012, he did follow up on one of the cases and his concern was, *"Uh as an officer, you're always concerned for your safety and then also the possibility of, you know, losing evidence of the crime."*⁹¹

Officer Zach Gaston said on September 18, 2012, he assisted in the search warrant at the residence of Henry "Wayne" XXXXXXXX. Gaston explained he heard about the media release on Operation Cody after the service of the search warrant while he was traveling to the Mill Creek WDFW office. According to Gaston, the media release was not an officer safety issue at the location he was at. Gaston said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

*"Obviously in hindsight knowing what I know about serving search warrants and officer safety, um you want to avoid it as much as possible. So yeah, in hindsight I would of -- I would of preferred the media not been -- been notified until all the warrants had been executed."*⁹²

Property and Evidence Custodian Greg Dutton said on September 18, 2012, at 10 a.m. he assisted in the search warrant at the residence of Henry "Wayne" XXXXXXXX. Dutton indicated he became aware there had been a media release on Operation Cody prior to all the search warrants being served that day. Dutton said his concern was,

"Um, just basically, you know -- knowing the rough timetable and the, the time that I was told by Dave that there had been a media release, I mean I -- I think I even made the comment of something -- well that's pretty damned stupid to uh,

⁸⁸ Refer to Phillips' statement, page 3, lines 27 – 33, and page 4, lines 1 - 4.

⁸⁹ Refer to Valentines' statement, page 3, lines 22 – 24.

⁹⁰ Refer to Valentines' statement, page 4, lines 7 – 9.

⁹¹ Refer to Valentines' statement, page 6, lines 21 – 22.

⁹² Refer to Gaston's statement, page 6, lines 29 – 32.

you know, make a -- to do a media release before your warrants are served. Um, well the big one being officer safety and the second one being -- I mean, now your suspects have advance notification; they're in the wind or, or you know -- I mean there's a wide range. If they had evidence they, you know, they could begin destroying it at that point. It just doesn't make much sense.⁹³

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators interviewed Detective Brad Rhoden who was assigned to the Search Warrant/interview team and Safety Plan for WDFW Case #10-0230-L. XXXXXX

Detective Brad Rhoden said on September 18, 2012, he assisted with the search warrant that was served on Igor XXXXXXX and Oleg XXXXXXX. Rhoden indicated they served the search warrant between 3 p.m. and 4 p.m. According to Rhoden; Hobbs and Vandivert told him there had been a media release on Operation Cody. Rhoden said regarding the media release he was not concerned,

"Um, just because um we were watching the thing all day. If there was evidence inside that house, as soon as they came back we executed the search warrant. Um, I didn't have -- I knew we had them, um outmanned, there was no indication that these guys were violent offenders, um and so I just didn't have that fear that we were going to lose anything in um evidence."⁹⁴

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators interviewed Sergeant Mike A. Sprecher, Officer JoLynn Beauchene, and Property and Evidence Custodian Terry Ray-Smith who were assigned to the Search Warrant/interview team and Safety Plan for WDFW Case #10-0230-P. XXXXXXX

Sergeant Mike A. Sprecher said on September 18, 2012, he assisted with the search warrant that was served on Paul XXXXXXX' residence at 11 a.m. Sprecher indicated he was not aware of the media release nor was he aware of any officer safety issues on September 18, 2012, at the XXXXXXX residence. According to Sprecher, regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"Officer safety. They're -- we -- they might know we're coming and be prepared for us. So even though we were prepared as well it could've -- it could've escalated into something it didn't necessarily need to be. Um, yeah, loss of evidence could be an issue as well. I mean officer safety is my first priority and -- and then preservation of evidence would be the second of course, for me, as a supervisor. And so I could see loss of possible evidence in the case as well, yes."⁹⁵

Officer JoLynn Beauchene said on September 18, 2012, she assisted with the search warrant that was served on Paul XXXXXXX' residence at 11 a.m. According to Beauchene, she was not aware of the media release nor were there any officer safety issues on September 18, 2012, at the XXXXXXX residence. Beauchene explained regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

⁹³ Refer to Dutton's statement, page 4, lines 16 – 24.

⁹⁴ Refer to Rhoden's statement, page 5, lines 21 – 25.

⁹⁵ Refer to Sprecher's statement, page 5, lines 21 – 27.

"If a media release was done prior to the um execution of other search warrants, that would have uh officer safety and evidential, more likely than not, because I don't know exactly what those cases were, but um -- depending on you know what it's about and who is involved, then yes, it could, yeah. Especially nowadays with all the ambushes and all that it would."⁹⁶

Property and Evidence Custodian Terry Ray-Smith said on September 18, 2012, she assisted with the search warrant that was served on Paul XXXXXXXX' residence at 11 a.m. Ray-Smith indicated she was not aware of the media release nor were there any officer safety issues on September 18, 2012, at the XXXXXXXX residence.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators interviewed Sergeant Mike Jewell who was assigned to the Search Warrant/interview team and Safety Plan for WDFW Case #10-0230-D. Location – XXXXX

Sergeant Mike Jewell said on September 18, 2012, at 10 a.m. he supervised the service of the search warrant at the XXXXXXXX Restaurant in Richland. According to Jewell, regarding the media release he had no officer safety concerns at the location of the search warrant. Jewell indicated regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"Uh, honestly, I thought Operation Cody was blown completely out of proportion. Um, I had serious concerns about the quality of the case. I had concerns about, uh, the legalities of some of the cases that were made. And, uh, I thought that, uh -- I -- I think the best way to characterize it was blown completely out of proportion. Uh, some of these suspects were characterized as really, really bad people, and that was not what I experienced at the service of our search warrant and that's not what was relayed to me by other officers who were engaged in search warrants as well."⁹⁷

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators interviewed Detective Julie Cook, Officer Brian Fulton, Retired Officer Jim Nelson, and Retired Special Agent Corky Roberts who were assigned to the Search Warrant/interview team and Safety Plan for WDFW Case #10-0230-GG. XXXXXXXX

Detective Julie Cook said she was in charge of the service of search warrants in Walla Walla and thought they served the search warrants in the morning. Cook explained she did not have any officer safety concerns at the location of her search warrants. Cook said regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"I would have been concerned about that. People would have had time to make up stories or disappear or have whatever they had disappear, so. Yes that too, yeah, sure. And everybody thinks it's just Fish & Wildlife but the just Fish & Wildlife people are drug people and warrants and murderers and all of that. The more you get into it the more you realize how serious it is."⁹⁸

⁹⁶ Refer to Beauchene's statement, page 6, lines 13 – 17.

⁹⁷ Refer to Jewell's statement, page 6, lines 24 – 30.

⁹⁸ Refer to Cook's statement, page 5, lines 19 – 24.

Officer Brian Fulton said on September 18, 2012, he assisted with the service of a search warrant that was served in Walla Walla between 9 a.m. and 10 a.m. Fulton explained he was unaware of any officer safety concerns at his location regarding the media release on Operation Cody. According to Fulton, regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"I mean yeah. I mean as a -- I guess kind of what any law enforcement officer would think is that, you know, um, any evidence that he would have hoped to have obtained, uh, or further, um, criminal charges he would have liked to, um, try the subject in were probably significantly decreased after that point."⁹⁹

Retired Officer Jim Nelson said on September 18, 2012, he assisted with the service of search warrants in Walla Walla between 7 a.m. and 8 a.m. Nelson explained at some point Cook was advised about the media release, *"prior to the service of all the warrants. There were still some warrants that had yet to be served but the media outlet had been made aware of the operation already and we were all kind of like oh shit, you've gotta be kidding. How does that happen."¹⁰⁰* Nelson stated,

"Well, you know, the idea is -- you don't want the -- because the nature of the investigation and because of our multiple suspects, um, a lot of them were really bad people, um, we were afraid if the media got wind of one warrant being served, the phones were gonna start ringing across the state and those upcoming warrants that had not yet to be served (inaudible -- 08:58:1) evidence could be destroyed, suspects could flee, or, you know, they could be waiting for our officers to arrive so it's really an officer safety situation."¹⁰¹

Nelson said regarding the media release on Operation Cody, *"That never should have happened. It compromised our safety. Especially those two main officers, you know, Vandivert and Maurstad."¹⁰²*

Retired Special Agent Corky Roberts said he worked for the USFWS. Roberts explained on September 18, 2012, he assisted with the service of search warrants in Walla Walla. Roberts indicated regarding section (I) of the XXXXXXative Agreement between WDFW and USFWS CENCI did not comply with the agreement, *"He had, he was, he was, had cameras, news cameras on the house while, you know, they're serving a search warrant in Tacoma. At the same time there's other officers still waiting to serve search warrants, you know, in other parts of the state."¹⁰³*

Roberts said when the media aired Operation Cody,

⁹⁹ Refer to Fulton's statement, page 7, lines 28 – 31.

¹⁰⁰ Refer to Nelson's statement, page 4, lines 22 – 25.

¹⁰¹ Refer to Nelson's statement, page 4, line 33, and page 5, lines 1 – 5.

¹⁰² Refer to Nelson's statement, page 7, lines 17 – 18.

¹⁰³ Refer to Robert's statement, page 9, lines 28 – 30.

"I couldn't, I could not believe it because, you know, we're waiting to serve a search warrants and other areas of the state and this is coming out on the King 5, you know, I don't know if it was special bulletin or the 6 o'clock news or 7 o'clock news, whatever it was, but, yeah. I could not, I really could not believe it. I was just shocked that that would happen. Oh lord, I mean if you've got people, you know, with the internet especially, you know, somebody could watch King 5 news in Indonesia, you know, if they wanted to and, you know, you could anywhere in the state somebody could be looking at or someone in Tacoma or Seattle or whatever could be looking at it and call somebody in Yakima, you know, and say, 'Hey, you know they're serving warrants on this thing. They got some fake website up.' And, you know, it's just ridiculous. You're risking the lives of those officers involved with it. You're risking the case. You're just, it's, it's, it's unbelievable. It still, it still gets me mad."¹⁰⁴

Roberts said the media release did not affect officer safety at his location. According to Roberts, regarding the follow up of additional cases in Operation Cody after the media aired their report on September 18, 2012,

"Oh yeah. After I heard that, yeah, I was, real, just... Just that these guys could run. They could lay in wait. They could ambush. They could, you know, start covering up their tracks. You know, start hiding evidence, ah, you know, vehicles, assets. They could get rid of a lot of things."¹⁰⁵

Special Agent Scott Allee said he worked for the USFWS. Allee indicated he was aware of the XXXXXXative Agreement between WDFW and USFWS. According to Allee, he was also aware of section (I) of the agreement dealing with press releases. Allee indicated during a briefing about Operation Cody to a search warrant team Maurstad and Vandivert used a PowerPoint presentation and one of the slides was titled "No Media".¹⁰⁶ Allee said the WDFW did not comply with the agreement.

Allee said he found out from Vandivert about a media release during the service of the search warrants. Allee stated his reaction to hearing about the media release,

"Um, pretty pissed off. Um, not completely surprised. Uh, I, I honestly -- I can't -- I -- not, not really surprised at all I think uh -- uh, but it was an unfortunate situation in that there were still ongoing search warrants and uh we had agents uh -- and, you know, with the Fish & Wildlife Service at other locations that were still um, uh yet to be served and some of the officers uh were still going to locations yet to be served. Uh, so it was really a -- an unfortunate uh incident."¹⁰⁷

Allee stated,

"Um, you know, pissed -- pissed off and uh, you know I think I, I probably even mentioned it to the supervisor and um, you know the officer-safety issue and, and

¹⁰⁴ Refer to Roberts' statement, page 11, lines 17 – 30.

¹⁰⁵ Refer to Roberts' statement, page 16, lines 12 – 16.

¹⁰⁶ Refer to Addendum A, PowerPoint Presentation Slide titled "No Media."

¹⁰⁷ Refer to Allee's statement, page 8, lines 20 – 25.

*the fact that we could lose evidence I think, you know, it was all discussed. Um, and, and -- and not -- and also it just -- not surprised because I think we all had a -- had a feeling that that would happen based on um Mike CENCI's prior uh activity, his prior conduct.*¹⁰⁸

Allee said the media release affected their federal cases they were working on,

"Um, well we had -- we had spent, you know uh a lot of -- a lot of effort and a lot of resources uh going up to this point, um, and um, had uh, you know, worked with uh other -- other Assistant U.S. Attorneys that worked drug crimes and uh working with the DEA agents um and all this, you know, we, we had spent time and effort to -- to get the operations these -- the other investigations going and, and they, you know -- it just -- it just stopped. And so we had, you know, potentially some criminals here that were not -- you know, and -- and their conduct not -- not going to be addressed. Um, and uh -- and then, you know, certainly uh, you know, um the officer-safety issue uh of any of the officers and agents that were on the -- any personnel on these warrants um possibly could be -- could be jeopardized, uh which is, is, is paramount, which is the, the number one priority, um, with -- with uh getting -- leaking this information out before, you know, uh these operations were concluded. Um, so that was -- I mean that was the first primary concern and then certainly the uh integrity of any further federal investigations were, you know, com- -- likely compromised, um -- or, or some were completely stopped in their tracks."¹⁰⁹

INVESTIGATOR NOTE: *For the benefit of the reviewer, Allee provided investigators with the meeting agenda for February 29, 2012, titled "Operation Cody/Wilderness Calls meeting 2-29-12, Extension of XXXXXXating Agreement." Allee also provided investigators with a document he drafted on December 13, 2013, titled "Issues that interfered or suspended federal investigations."*¹¹⁰

Special Agent in Charge Gary Young said he reported to the Portland office of the USFWS as the Special Agent in Charge during the month of October 2012. Young explained prior to reporting to his assignment in Portland,

"I received at least one or two calls from the agents in Washington state asking me to -- to, uh, intervene, uh, on -- on the -- behalf of the Fish and Wildlife Service to, uh, I think, uh, the -- it's my understanding that, uh, uh, the Washington, uh, Deputy Chief CENCI was wanting to, uh, move, uh, move forward on certain activities prior to Fish and Wildlife Service being ready. And, uh, so the agents that were calling me were making me aware of the agreement that we wouldn't go to the press or wouldn't move forward with any type of activities unless there was an agreement on that. And they were asking me to intervene on that and then -- and in line with that I explained to them that although I had been selected for the position, I was not in that position yet and it

¹⁰⁸ Refer to Allee's statement, page 9, lines 2 – 6.

¹⁰⁹ Refer to Allee's statement, page 12, lines 12 – 25.

¹¹⁰ Refer to Addendum A, email dated August 5, 2015, from Allee to Investigator Eikum dated August 5, 2015, two attachments, "Issues that interfered or suspended federal investigations," and a document titled – "Operation Cody/Wilderness Calls meeting 2-29-12, Extension of Cooperating Agreement."

would -- it would not be appropriate for me to get involved in it, that they would need to deal with the -- with the current management at the time in Portland.”¹¹¹

Young explained he became aware the USFWS,

“wanted to hold off on certain activities and to follow up on some, uh, intelligence or information they had to develop as in regards to, uh, marijuana grow or production in California by -- possibly by one of the subjects of the investigation and (inaudible - 0:05:19) of the U.S. Attorney’s Office, specifically Jim Oesterle, uh, Assistant U.S. Attorney, Jim Oesterle, who was handling, uh, the case for the federal side, uh, asking for the state not to move forward, uh, with certain activities and/or (ph) press until we could follow up on that intel. And -- and I -- that’s where the, uh, I think the disagreements or the, or the, uh, lack of XXXXXXXXation came in, mainly with this case.”¹¹²

Young stated,

“I know that the, uh, the, uh, manager or the assistant Special Agent in Charge at the time here, Pat Rogers, Patricia Rogers, uh, I know she did reach out or talk to Deputy Chief CENCI, uh, expressing the concerns that the agents had. But I don’t know that that ever resolved anything.”¹¹³

INVESTIGATOR NOTE: For the benefit of the reviewer, Bjork and Special Agent in Charge Paul Chang signed a XXXXXXXXative Agreement on June 29, 2011, titled Operation Wilderness Calls.¹¹⁴

Special Agent Paul Chang said he had been the USFWS Special Agent in Charge, Region #1 Sherwood, Oregon office until he was replaced by Young the month of October 2012. Chang indicated no one from WDFW contacted him or a member of his agency to let them know media would be present during the service of the search warrants regarding Operation Cody. According to Chang, the WDFW did not comply with section “I” of the XXXXXXXXative Agreement.¹¹⁵ Chang said he did not believe he approved a press release to be issued during the course of the Operation Cody search warrants.

Chang stated,

“We, uh yeah, well, I, I would absolutely not expect that to happen. It did come as a complete surprise, a blindside, and um, normally we sign an agreement, we march to the letter of it. Or, certainly uh, talk prior to any deviation and receive concurrence prior to any deviation from a -- an existing agreement, and oftentimes that’s in the form of an actual formal amendment.”¹¹⁶

¹¹¹ Refer to Young’s statement, page 2, lines 25 – 33, and page 3, lines 1 – 2.

¹¹² Refer to Young’s statement, page 3, lines 12 – 20.

¹¹³ Refer to Young’s statement, page 3, lines 25 – 28.

¹¹⁴ Refer to OPS Documents/Timeline tab, USFWS and WDFW Cooperative Agreement.

¹¹⁵ Refer to OPS Documents/Timeline tab, USFWS and WDFW Cooperative Agreement (I).

¹¹⁶ Refer to Chang’s statement, page 2, lines 31 – 33, and page 3, lines 1 – 2.

Chang said he spoke with U.S. Attorney Jim Oesterle about the press release,

"Boy. Um, yeah, I think so. There was -- there was quite a bit of uh -- we were, we were pretty upset over that, um, especially because we -- we don't allow -- by policy we don't allow the press along with us when do takedowns. We just -- we just don't do it. And uh -- Well, because of potential uh blowback, potential uh ramifications of uh -- of defendants' privacy. Um, there's a -- there's a whole host of, of issues to be sensitive to when you're doing that, and having the media along is just uh -- uh, we believe, and we, and we have a policy that, that prevents that. Um, oh it's one of those things and -- and when we found out that the media was, was around, it was like, you know, 'What the heck; what else is going to happen.'"¹¹⁷

Chang said after WDFW and USFWS XXXXXXXXative Agreement protocols were not followed he was done with CENCI,

"Well, it's based on uh the, um -- not, not following the agreement we had. And um, uh, going against uh specific protocols set out in the agreement and uh, to a certain extent, I always knew those things is, is first from an officer-safety perspective and uh, if you've got an agreement, um you've got to respect that agreement, and, and it -- it wasn't."¹¹⁸

U. S. Attorney Jim Oesterle said he was aware there was a XXXXXXXXative Agreement between WDFW and USFWS and had reviewed the document. Oesterle explained regarding press related issues he had a concern with CENCI,

"My concern, based on prior experiences, and I can't be specific because I don't remember, but I had had prior experiences in which, uh, Mr. CENCI was, uh, very aggressive with press releases and very aggressive with -- with making pronouncements in the press about activities and events. And I had expressed my concern to him and to others that it -- that I didn't want those pronouncements compromising a federal case. And -- our practice -- long-standing practice uh in the Department is not -- is basically saying, 'No comment' to press inquiries until charges have been brought or a case has been prosecuted. And even when a case has been, uh, charged, the comments are limited to whatever is in the charging document. And I wasn't happy with prior experiences with Mr. CENCI that he would -- that I would see a pronouncement or hear something or the federal agents would send me a press release in which he was, uh, giving comments about an investigation that we had not either gone public with or we had only been at the charging stage. And so the federal agents were well aware of my concern. Um, I expressed the concern um to Mr. CENCI uh at least a couple of occasions. And so that's -- I think that's one of the primary reasons I was kind of focused on that provision of the MOU."¹¹⁹

¹¹⁷ Refer to Chang's statement, page 4, lines 3 – 12.

¹¹⁸ Refer to Chang's statement, page 5, lines 21 – 24.

¹¹⁹ Refer to Oesterle's statement, page 3, lines 27 – 33, and page 4, lines 1 – 8.

Oesterle expressed further concern with CENCI,

*"that press uh releases, which I viewed as being premature, could compromise an ongoing federal investigation, uh, both for officer-safety purposes if we're still in some sort of covert operation or for just uh simply investigative -- it limited future investigative techniques if there was already a public pronouncement of what was going on."*¹²⁰

Oesterle said section (I) of the XXXXXXXative Agreement stated, "All press releases will be coordinated with the appropriate State District Attorney and U.S. Attorney's Office."¹²¹ Oesterle said the WDFW did not comply with that portion of the agreement. Oesterle stated, "I remember that being in the agreement. I don't remember that happening. So, um, I don't remember ever being asked to sign off on a State press release where there was a joint investigation."¹²²

Oesterle said on September 18, 2012, he became aware there was a media release regarding Operation Cody. Oesterle stated,

*"I wasn't happy. Uh, it was -- uh, my first reaction was, well it's more of the same um because most of my disputes with Mr. CENCI revolved around press and publications and publicity around cases. Um, so it was kind of, you know, more of the same. It's happened again. Um, I don't remember whether I called him or just basically accepted that's -- there's nothing else I could do at that point."*¹²³

Oesterle said after he found out about the media release,

"I called my Fish -- uh, federal agents, um I guess, complaining about it and asking what they had known about it and when they had some notice of it. And, um, there was not much I could do at that point. I didn't uh -- I did not talk to the Director. I figured at that point it was done. Um, I made sort of a conscious decision on my part -- although I didn't -- uh, I think, I don't know who I expressed it to, that we would limit our future involvement with WDFW on criminal cases, um, and only -- only participate um, in limited -- in limited circumstances.

*And I would be very clear -- uh, two levels, I'd be very clear with them about, um, if I hadn't already been clear about press. Um, but more importantly, I think, I was very -- we limited coordination of -- of investigations. Um, I was -- I made a conscious decision not to take referrals from WDFW unless there was a - a -- a strong federal nexus and the federal side could take up and do the investigation themselves."*¹²⁴

Sergeant Russ Mullins said he was not involved in the service of search warrants on September 18, 2012. Mullins explained if Operation Cody aired prior to the search warrants being served,

¹²⁰ Refer to Oesterle's statement page 4, lines 10 – 14.

¹²¹ Refer to OPS Documents/Timeline tab, USFWS and WDFW Cooperative Agreement (I).

¹²² Refer to Oesterle's statement, page 4, lines 30 – 32.

¹²³ Refer to Oesterle's statement, page 7, lines 1 – 5.

¹²⁴ Refer to Oesterle's statement, page 7, lines 18 – 33.

"Yeah that would be a serious tactical disadvantage. From an officer safety standpoint or destruction of evidence standpoint. With a -- if people see the media -- the news release and they recognize the residence or the people, it wouldn't take much for them to realize that they might be next and get rid of evidence. You know, certainly it's not -- that's -- that's such a -- that puts you at such a tactical disadvantage that I don't see anybody willingly putting out a press release before officers even go to the other houses, that wouldn't make any sense. It doesn't mean that the media doesn't know about it."¹²⁵

Mullins said regarding the follow up on additional cases on Operation Cody after the media aired their report on September 18, 2012, he did not have concerns,

"Not really. They're -- the vast majority of those cases were low-level, you know, uh situations where normal people sold things that are illegal and they probably had no idea that it was even illegal and not that some of these people weren't bad people but Todd Vandivert's MO is to dramatize nearly everything and the danger and inherent risk was one of the things that he dramatized. At one point he claimed that the camera saw a guy standing in the window with a rifle, which I never saw and I don't know that anybody else saw at that residence. And the officer safety, destruction of evidence mantra that he has brought forward -- when I say he I mean Todd Vandivert -- is to serve his um -- his vendetta if you will against the administration, specifically Mike CENCI."¹²⁶

Retired Deputy Chief Bill Jarmon said he had previously been a detective assigned to SIU. Jarmon explained the release of information to the media prior to all of the search warrants being served affected officer safety, *"Potential for suspects to be made aware. Destruction of evidence. Some of the people in their backgrounds in this cases, I mean, in my opinion, you know, criminal records involved, had potential to cause bodily harm to people executing warrants."¹²⁷*

Jarmon said regarding the follow up on additional cases on Operation Cody after the media aired their report on September 18, 2012,

"I mean a lot of these people communicate with each other. I mean this is a major conspiracy type case and a lot of these people being involved in illegal trafficking or commercialization, plus there was drugs involved in this case, the evidence, the contraband being destroyed, being prepared before we even show up or suspects not being there that should be apprehended."¹²⁸

Retired Chief Bruce Bjork said he had not reviewed the PowerPoint presentation prepared by Maurstad and Vandivert. Bjork indicated CENCI was the Public Information Officer (PIO) regarding Operation Cody. Bjork said he was aware CENCI had contacted KING 5 News reporter Gary Chittim regarding Operation Cody either the day of the search warrant or the day before. Bjork stated,

¹²⁵ Refer to Mullins' statement, page 4, lines 17 – 26.

¹²⁶ Refer to Mullins' statement, page 5, lines 25 – 33.

¹²⁷ Refer to Jarmon's statement, page 4, lines 9 – 11.

¹²⁸ Refer to Jarmon's statement, page 5, lines 8 – 12.

“And -- but, uh -- but a couple of things. Two different philosophies -- maybe there’s more than two different philosophies as it relates to media release regarding investigations and/or incidents that’s when search warrants are being served. So you either have the media on your side and you give them some pre-notification, if it’s individuals that you trust and you’ve worked with in the past and -- and you know that they will hon -- honor your wishes. Or you don’t tell the media anything and you wait for ‘em to show up once the commotion starts and then you try to deal with them at the time of the incident. In this particular case, and I’ll say more than Mike CENCI because I’ve had meetings and conversations with Chittim and other -- other news media personnel, um, as well. Mr. Chittim was an individual that was trusted. He had done a number of Fish and Wildlife stories in the past, all of those which I believe were very favorable, um, very objective. And so there was a level of trust there. So yeah, I think there probably was some pre-notification and I believe what I was told, which I agreed with, was that the -- when the search warrant would be served in Tacoma.”¹²⁹

Bjork said the Tacoma SWAT team should have been notified that media would be at the scene. Bjork stated,

“I may -- I may have. Um, my level of engagement with -- with Operation Cody was, uh, a mis -- it was strictly a managerial level. I was -- I was -- did I get into the weeds (ph) on the case? No, I didn’t. Did I get briefings? I got some briefings from Sergeant Hobbs and Deputy Chief CENCI. Did I get into a fine level of detail? No, I didn’t. And then when I briefed the Director there was even a less level of detail ‘cause there wasn’t a lot that I disclosed to the Director. So, uh, that’s how the relationship was.”¹³⁰

Bjork indicated either Hobbs or the agency’s PIO prepared talking points for the media. According to Bjork,

“The press release and talking points, uh, were exchanged between the service and WDFW. Were they approved by both? Probably not. And partially because the feds didn’t necessarily -- well the feds don’t like doing anything with media, period. Uh, once, maybe once an investigation is -- is all the way complete and it’s gone to trial, you know, maybe they’ll do something with it with the media, but they try not to do anything if they can avoid it. So we have a little different philosophy, uh, at the state level than the federal level, at least with -- between WDFW and U.S. Fish and Wildlife Service.”¹³¹

Bjork said WDFW did contact,

“U.S. Fish and Wildlife Service with -- with -- with a proposed media agenda prior to the time that the search warrants were served. We had discussions with Fish and Wildlife Service as to who would handle media contacts and when that would

¹²⁹ Refer to Bjork’s statement, page 7, lines 15 – 28.

¹³⁰ Refer to Bjork’s statement, page 18, lines 30 – 33, and page 19, lines 1 – 2.

¹³¹ Refer to Bjork’s statement, page 9, line 20 – 30.

*occur. Was there approval on both sides? Probably not.*¹³²

Bjork said he did not know if WDFW coordinated the press release with the U.S. Attorney's Office,

"the U.S. Attorney was engaged in the whole investigation, so I can't -- I can't believe that he didn't have some oversight to the media issue as well. I did not have any direct conversation with him prior to the time that the warrants were served and I don't recall if, uh, Deputy Chief CENCI did or not, or whether Sergeant Hobbs did or not. But I believe Sergeant Hobbs did."¹³³

Bjork said on September 18, 2012, after becoming aware the media aired Operation Cody,

*"we started making notifications to everybody who was in charge of the search warrant scene. To make sure that they knew that the information had been -- had been put on TV and on the radio, that a search warrant had been served, not that each one of the search warrant scenes were -- were related. I mean not all the sus -- all the suspects didn't know each other. So you had essentially different cases that were going on. So, uh, we -- we weren't necessarily that concerned with officer safety because there was -- there was no relationship for the most part with -- with these trafficking cases other than -- other than our undercover officers who had direct dealings with each one of the suspects. So -- and they weren't on search warrant teams, not all -- not on all the search warrant teams. So that wasn't -- that wasn't as big of a concern. But we wanted to make sure that the on-site supervisor and all the personnel that were going to the search warrants that hadn't been served yet -- 'cause many of the search warrants were done simultaneously at the same time that the Tacoma search -- search warrant was done, uh, were told that the media had gotten the information."*¹³⁴

Bjork explained how the airing of Operation Cody by the media affected officer safety on warrants yet to be served, *"I don't believe that it did. Uh, I believe that it could have had the potential to if people weren't put on notice, but people were put on notice and they knew. They knew what was going -- what was gonna be -- what and what they were stepping into."*¹³⁵

Bjork said the WDFW complied in good faith with the XXXXXXXXative Agreement signed on June 29, 2011,

"because -- did we have mutual discussion? Yes, we did. Did we exchange media drafts? Yes, we did. Did we agree? Did both parties agree on -- on the media operation? Probably not. So there is a dispute resolution piece to the -- every contract, every MOU, correct? Same with this. Did we ever get there? No. Did I ever receive a call from U.S. Fish and Wildlife Service with concerns? No. Everybody was XXXXXXXXating in good faith, we were doing briefings back

¹³² Refer to Bjork's statement, page 10, lines 11 – 14.

¹³³ Refer to Bjork's statement, page 10, lines 18 – 22.

¹³⁴ Refer to Bjork's statement, page 12, lines 5 – 20.

¹³⁵ Refer to Bjork's statement, page 12, lines 30 – 32.

*and forth, we were doing joint briefings between Fish and Wildlife Service and WDFW. We'd had a number of brie -- briefings. We had done a number of assignments on what activities each investigative unit was gonna be doing. Um, did we totally agree on media? No. Did we totally agree on when search warrants would be served? Probably not. But there's a -- there's a process for that.*¹³⁶

Bjork said CENCI committed no misconduct by contacting the media on Operation Cody,

*"There was definitely some Monday morning quarterbacking that occurred, post - post search warrant service. We discussed -- we discussed the media. We discussed who showed up on scene, invited and uninvited. Um, I wouldn't call it discipline. I would say that there was -- there was counseling, there was discussion about relationships between state and federal level investigative agencies.*¹³⁷

Bjork said regarding the XXXXXXative Agreement between the WDFW and USFWS,

*"So we were ready to serve the search warrants -- -- and -- and we were ready to go forward. And like I said, we worked with -- we worked with the feds on -- on the-- on the media release. Yeah, and yes obviously there's a clause in the -- in the agreement. So if there's a violation of the agreement, there's a dispute resolution. I got no dispute resolution from the feds, like I said earlier. I never even got a phone call -- -- from the feds that there was a problem. Never once did they call and say hey, you jeopardized our investigation. Not one. Uh, and -- and I don't -- I don't know that Deputy Chief CENCI did. If you got a phone call from 'em saying that either. That's something you'll have to ask them -- or ask him. But I didn't. Nor did -- nor did any -- anybody -- nor did the feds say anything about, you know, we need to -- we need to discuss this, uh, after-action. If, uh -- if U.S. Fish and Wildlife Service didn't care for the way that we handled the investigation, the service of the search warrant, or the media release, they could've terminated the MOU. That's an avenue that they have. There's a termination clause in the contract for either party. They haven't done that. They haven't discussed it. I don't know that they're interested in it.*¹³⁸

Bjork said regarding the press release and the search warrants that were to be served on September 18, 2012,

"I probably would've liked to have had a little more information and -- and I blame that on myself. I -- I should have been a little more engaged, uh, prior to the search warrant service. I mean I knew -- I knew the aspects of the case, I knew that the search warrant service was going to be held, um, and I probably should've got a little more engaged with the media piece than I did. Uh, but I didn't, so if there is any blame to be held, it should be on me. I was the appointing authority. Um, and I -- if I would've thought that there was, uh, a big issue in talking with the media prior to, I would've told CENCI, don't do it. I

¹³⁶ Refer to Bjork's statement, page 16, lines 5 – 22.

¹³⁷ Refer to Bjork's statement, page 20, lines 15 – 19.

¹³⁸ Refer to Bjork's statement, page 22, lines 30 – 33, and page 23, lines 1 – 14.

*would've told Hobbs, don't do it.*¹³⁹

Deputy Chief Mike CENCI said Hobbs was in charge of SIU and during Operation Cody supervised Maurstad and Vandivert. CENCI explained he was briefed by Hobbs and had, *"read a number of the search warrant affidavits. Um, I was pretty familiar, uh, with, uh -- um, with the case. I knew that there was a safety plan. I knew that he was all over that safety plan. I -- I believe we talked ad nauseam about that."*¹⁴⁰ CENCI said he may have spoken to Hobbs on September 17, 2012, about a television crew covering the search warrant in Tacoma and Hobbs was aware of the media, *"long before the 17th. Whether he chose to share that information with Vandivert, um, uh, you know, at the right moment, I don't know. And I can tell you that, you know, you'd anticipate a pretty strong reaction from a guy like Vandivert."*¹⁴¹

CENCI said Hobbs prepared talking points and it was his expectation of Hobbs,¹⁴²

*"That he would make sure that people understood what our media plan was and then in fact even, uh, share, uh, uh, the uh -- uh, the talking points, the -- the media points, uh, with captains just in case, um, but ensure everybody knew that hey we're going to centralize this. Everything headed to Olympia. I mean I'm not -- I'm not pointing fingers here, uh -- -- we could have done a better job."*¹⁴³

CENCI said he was not aware of the "No Media" slide in the Operation Cody PowerPoint.¹⁴⁴

*"No, I -- I've never seen this slide. Um, I would have raised it as a concern. I would have expected that, you know, my direct-line supervisor would have brought that to my attention, because it was clear -- I was clear with DC Hobbs that hey we're going to, you know, we're going to control this. We're going to do it in a controlled fashion. Here's how we're going to do it. We'd been talking about media exposure, I don't know, for -- for over a month in our discussions with other agencies, whether it was US Fish & Wildlife Service at the SAC level and the other states, or amongst ourselves."*¹⁴⁵

CENCI stated, *"I expected, uh, Hobbs to have those discussions, um, at the headquarters level and -- and I would have thought that that would have been communicated to the, you know, the operational leads. There was no secret that we were going to have some media exposure."*¹⁴⁶ CENCI explained he was the PIO for Operation Cody because, *"it had statewide, um, connections, um, definitely. Otherwise, uh, you know, potentially you have different*

¹³⁹ Refer to Bjork's statement, page 22, lines 10 – 17.

¹⁴⁰ Refer to CENCI's statement, page 10, lines 27 – 30.

¹⁴¹ Refer to CENCI's statement, page 17, lines 31 – 33.

¹⁴² Refer to Addendum A, talking points.

¹⁴³ Refer to CENCI's statement, page 18, lines 14 – 19.

¹⁴⁴ Refer to Addendum A, PowerPoint Presentation Slide titled "No Media."

¹⁴⁵ Refer to CENCI's statement, page 15, lines 28 – 33, and page 16, line 1.

¹⁴⁶ Refer to CENCI's statement, page 11, lines 13 – 16.

messages.¹⁴⁷

CENCI explained that only Bjork, CENCI and Hobbs were aware of the talking points,

"I think that's a problem. I think that, uh, it would have been important to let team leads know what the high points were going to be, what our key messages were going to be. Uh, basically, who the PIO was going to be. Um, uh, you know, uh, Vandivert would have had a concern regardless of what he would have told him. Uh, you know, you could have aired it a month later and that he'd have had some concerns over exposure. However, we should have, uh, made it clear this is going to attract attention, that's what our gut tells us and that's what our experiences tell us, and so we're going to make sure that we have some facts out there, uh, in order to ensure that the storyline is properly set, uh, we're -- we're driving it."¹⁴⁸

CENCI stated, *"I would have expected that this information, uh, would have been shared with the right people. Um, and, uh, it wasn't. And that's -- that's not good, uh, and definitely a lesson learned."¹⁴⁹*

CENCI said he made the decision to invite the media,

"it's been our practice to do this. I, uh, invited, um, Gary Chittim, uh, uh, to this event. Uh, he was tasked to go with, uh, Mike Hobbs up north, uh, to view from a public location, um, uh, where they wouldn't get in trouble and we wouldn't get in trouble. Uh, the chief of Enforcement knew we were going to do this. He had a, uh -- he had talking points, uh, and a plan. Uh -- It was Bjork."¹⁵⁰

CENCI stated,

"I asked a cameraman to stage at, uh, I believe it was Tacoma PD. Nobody had any specific in- -- specific information related to suspects or locations until we were ready to roll. The guy I had on my end was just there to, uh, get video, uh, footage, not conduct any interviews. Um -- and, um, so, um, when we got, uh -- when the officers got to, uh, Bona's house, the Asian gentleman that, uh, was buying, uh, uh, deer and elk meat, uh, the police activity did indeed attract, uh, media. Uh, someone from KOMO or KIRO, I can't remember which, um, showed up there. They had been called by the neighbors, uh, because apparently Bona liked to have loud parties and cockfighting and there was, you know, a relative amount of noise and -- and -- and -- and, uh, neighborhood discontent over the way he and his family, you know, behaved around the neighbors. So, uh, this outfit shows up out of the blue, uh, I -- I don't remember specifically what I told them. I tried to keep it to a minimum. Uh, the house had already been cleared. Bona had been thrown in jail hours earlier. Uh, there was no security issues."¹⁵¹

¹⁴⁷ Refer to CENCI's statement, page 11, lines 28 – 29.

¹⁴⁸ Refer to CENCI's statement, page 21, lines 10 – 18.

¹⁴⁹ Refer to CENCI's statement, page 21, lines 26 – 28.

¹⁵⁰ Refer to CENCI's statement, page 12, lines 27 – 33.

¹⁵¹ Refer to CENCI's statement, page 13, lines 2 – 14.

CENCI said he invited KING TV Reporter Gary Chittim because,

"the search warrants were going to attract police activity anyways, we trusted him, uh, he's done great work with us before, uh, we knew that he would, uh, ensure that the -- the keys messages, uh, that we wanted the public to hear would be heard. Uh, he wouldn't distort the facts. He wouldn't, uh -- he'd do a good job. And -- and -- and he made a commitment that he wouldn't air anything until, uh, 5 o'clock, uh, that evening after all the search warrants were scheduled to be served. So this KIRO/KOMO outfit that showed up out of the blue at just before noon or thereabouts, they were a surprise. And, uh, Gary got wind of this and sent out a tweet, a Team 5 tweet, 'Hey, um, serving some more search warrants with the State, wildlife-related, more to come at 5:00.' That was the extent of his exposure. Uh, Vandivert characterized, uh, this as, uh, a full-blown media airing, uh, before 5 o'clock."¹⁵²

CENCI said Hobbs should have advised Golden about the media presence in Tacoma. CENCI said when he was interviewed by KOMO TV he was as evasive as he could be without saying "no comment."

CENCI said he believed the WDFW complied with the XXXXXXative Agreement with USFWS. According to CENCI, he had the approval of Bjork and Acting Special Agent in Charge Patty Rogers regarding media involvement in Operation Cody. CENCI said the WDFW did not contact the U.S. Attorney's office regarding the media release.

CENCI said when KING 5 Reporter Chittim became aware a KOMO TV reporter was at the scene he sent out a tweet that the story would air at 5 p.m. According to CENCI, he believed the KING TV news report about Operation Cody aired at 5 p.m. and not in the morning of September 18, 2012,

"I know there was a tweet, um, at, uh, 11-something, but uh -- and, uh, Deputy Chief Hobbs was with Gary Chittim when that happened. So how the full story got out before all the filming was done and, uh -- and without, uh, Hobbs knowing it at 11:15 is beyond me."¹⁵³

CENCI said KING TV Report Chittim made a commitment to him,

"not to air the whole story until 5, and that's what he did. He waited until 5. And I remember having a discussion about, uh, the tweet or something, somewhere during the day with -- and, and -- whether we had anymore warrants to serve at 5 -- you know, before the 5 o'clock hour, and I felt confident that it was safe to go into full story after 5."¹⁵⁴

CENCI said Chittim may have tweeted "Major Wildlife Trafficking Bust Across Washington Today."¹⁵⁵ CENCI explained prior to 5 p.m. and KING 5 airing Operation Cody, Hobbs, "may

¹⁵² Refer to CENCI's statement, page 14, lines 5 – 15.

¹⁵³ Refer to CENCI's statement, page 29, lines 1 – 4.

¹⁵⁴ Refer to CENCI's statement, page 29, lines 23 – 29.

¹⁵⁵ Refer to Addendum C, page 332 of the book Operation Cody.

have told me, 'There's one more warrant.' But, you know, uh, these suspects didn't know one another. Uh, there was grand, organized scheme, uh, so, uh -- so what, uh, I -- I didn't -- I don't see where that would have had any adverse effect."¹⁵⁶

CENCI said the airing of Operation Cody did not compromise evidence collection or officer safety, "I have no knowledge of any evidence not being there as we expected it to be there, um, any evidence being destroyed. Uh, there was -- uh, there were no complaints of officers, uh, being harmed or being placed in harm's way."¹⁵⁷

CENCI explained other than Vandivert no one told him they had safety concerns regarding the press release on September 18, 2012. CENCI said he did not receive discipline or counseling regarding Operation Cody. CENCI stated,

"No, um, no discipline. Um, I know that, uh -- well I feel, uh, pretty horrible that, uh, the media piece didn't go as smoothly as it could have. I think we could have had our cake and eat it too. Um, but, uh, obviously not everybody was fully informed. My boss was. The Service was. There should have been some additional communication. Um, so, you know, uh, what went wrong? Yeah, we talked about it. But we didn't set out to, uh, to set the media off early. We didn't set off to do that. The plan was, get everything served or as close to in the can as possible and then -- and then -- and then media follows. And, um, we work with media so that everything's -- it can be properly characterized and, uh, you don't wind up playing, uh, you know, catch up and, uh, um, you're reacting to erroneous information."¹⁵⁸

CENCI said when KOMO showed up at the scene,

"It threw a, uh, a curve, uh, that, um, I didn't anticipate and, um, that often happens so, uh, you know, I mean it's not a new -- a new challenge to have media just show up on scene. Um, but where we had planned media and then -- and then this wildcard, that was definitely a curve, and it definitely made a difference in terms of, you know, the tweet that -- that, uh -- that Mr. Chittim sent out ultimately."¹⁵⁹

CENCI said in response to the first sentence of Allegation One, "On September 18, 2012, it is alleged you released information prior to and during the service of search warrants to the media regarding Operation Cody that may have affected officer safety." CENCI stated,

"No. Um, I think that, uh, serving search warrants is -- is an inherently risky business. Um, but I can't remember the last time we had a Fish & Wildlife police officer assaulted during a search warrant. That's not to say that you don't go in prepared. And we were, we had teams, we had safety teams. Uh, the most serious suspect, uh, Mr. Bona XXXXXXXX, was already in jail. Um, his family

¹⁵⁶ Refer to CENCI's statement, page 30, lines 29 – 31.

¹⁵⁷ Refer to CENCI's statement, page 31, lines 17 – 20.

¹⁵⁸ Refer to CENCI's statement, page 35, lines 25 – 33, and page 36, line 1.

¹⁵⁹ Refer to CENCI's statement, page 36, lines 3 – 7.

*wasn't home. I think we took a lot of precautions that we normally take with or without media that, um, you know, made our officers safe. I don't think that media made any of those events less safe.*¹⁶⁰

CENCI said in response to the second sentence of Allegation One, "It is further alleged you did not coordinate media releases as outlined in WDFW Chief Bjork and USFWS Special Agent in Charge Paul Chang contract/agreement for Operation Cody dated June 29, 2011." CENCI stated,

*"we did coordinate media releases. Um, I don't believe that I violated this -- this policy. Uh, Chief Bjork was well aware of, uh, what we were doing, uh, and talked to our -- the agency's public safety personnel. I believe that individual at the time was, um, Darren Friedel, uh, and, uh, they knew that, uh, this event was going down and that, uh, you know, the, uh -- the public affairs piece, um, would be handled by the Enforcement program office. Um, and we had subs- -- we've had a number of discussions with the US Fish & Wildlife Service about, uh, media. Uh, and they didn't -- they never once said don't bring in media. That's in violation of our agreement. That's in violation of the contract. Not once. Instead, they said, 'Hey, let's make sure we time this, because we understand there's going to be some media attention,' desired or otherwise. And as you know, we had both, uh, on the day of the event. So, um, they understood that. It was about making sure that other aspects of the case loosely connected with Operation Cody wasn't -- weren't compromised, and we appreciated and respected that, so."*¹⁶¹

Allegation Two

- On February 13, 2013, it is alleged that you directed Captain Mike Hobbs to be interviewed with a Seattle Television station regarding Operation Cody that may have affected officer safety.

INVESTIGATOR NOTE: *For the benefit of the reviewer, the link to view the KIRO TV February 13, 2013, report on Operation Cody may be viewed at the following link:*
<http://www.kirotv.com/videos/news/kiro-7-uncovers-proof-of-animals-killed-illegally/vqdNx/>

Deputy Chief Mike A. Hobbs said prior to the media release on February 13, 2013, he gave Vandivert a heads up that CENCI had directed him to speak to the media regarding Operation Cody. Hobbs indicated he had previously taken down the web site used by Vandivert and for the media he used a screen shot of the web site. Hobbs said he did not recall Vandivert telling him not to show the undercover videos or details about the web site and the videos used during the broadcast did not show WDFW personnel.

Hobbs explained after the program aired on February 13, 2013,

"given that those cases were, um -- so the cases were already -- or should have been already, filed in uh the court. And so then, I guess, from an officer-safety perspective, I didn't have any concerns. Um, from an admissibility in court, I had

¹⁶⁰ Refer to CENCI's statement, page 36, lines 15 – 23.

¹⁶¹ Refer to CENCI's statement, page 36, lines 28 – 33, and page 37, lines 1 – 7.

concerns. Because if it's still an active case, are we tainting a jury, are we um -- and my question was, should we be showing them these videos?"¹⁶²

Hobbs said the reason for the story was,

"Deputy Chief CENCI said again with the eye candy, we need to -- we need to put together this story. And you saw at the end of the story there's the -- always the rapid back up into, 'Why are we on TV?' That one, during the ledge session was without more resources and when we have seven detectives, so the message was catered towards we, we need more bodies."¹⁶³

Retired Detective Todd Vandivert said Hobbs had called him to let him know that he was directed by CENCI to conduct an interview with KIRO 7 TV,

"he called and he started the conversation by saying, 'You're gonna be pissed all over again.' And I'm like what am I gonna be pissed about? And he said, 'Well, uh I was ordered to do another um sit-down news release with King 5' or I don't know which station, one of the TV stations -- 'about Operation Cody.' And, and I kind of laughed and I said you know, it really doesn't matter at this point. You guys have exposed about everything you can. Uh, the only thing that you haven't covered is as long as you don't show, you know, the undercover video. And I wasn't concerned about the video itself. I was concerned that people would know how we did the videos. Uh, the piece of equipment. That you would be able to figure out from watching the video what was -- what the camera was in. And that was my concern. And he said, 'Well that's why you're gonna be pissed because I was ordered to give them um all of our covert video."¹⁶⁴

Vandivert said he was worried that showing the video would,

"We had -- we had uh several cameras. We had one that was mounted in the back of the truck. Um, that one I -- I'm not super concerned about that because you know you can mount a camera anywhere in the back of the truck. We had uh a XXXXXX. 'That one I was concerned about. I thought you know I don't want people looking at -- you know, it was obvious when you look on there XXXXXXXXXXXX Um, I thought people with a half a brain would figure that out. So that was one thing I was worried about. The -- when camera-wise, we always had the one in the back of the camera rolling. XXXXXX I, I just don't like anything that discloses something that can make an undercover guy more recognizable to the bad guys."¹⁶⁵

U.S. Attorney Jim Oesterle said after the press release of Operation Cody on February 13, 2013, his concern was,

"that we were in a situation where we had open investigations and we had

¹⁶² Refer to Hobbs' statement, page 32, lines 29 – 33, and page 33, line 1.

¹⁶³ Refer to Hobbs' statement, page 33, lines 3 – 7.

¹⁶⁴ Refer to Vandivert's statement, page 33, lines 7 – 17.

¹⁶⁵ Refer to Vandivert's statement, page 34, lines 12 – 29.

*someone talking to the press about those investigations, whether globally, just with Operation Cody contacts, or specific investigation. I think it was just globally in terms of the whole overall operation and that's always a concern when you're going to have potential testimony later.*¹⁶⁶

Retired Chief Bruce Bjork said he had no concerns with the interview Hobbs conducted with the media on February 13, 2013.

Deputy Chief Mike CENCI said he did not have a concern with what was aired on KIRO TV after the interview of Hobbs on February 13, 2013. CENCI stated,

*"No, because none of the affidavits had been sealed. Um, the media was, uh, well aware the web site was used, and so, uh, you can -- you've got two choices, you can, you know, live with what they put together on their own or you can, you know, try to work with me to be able to ensure that, uh, the story, uh, is accurate or is accurate as possible. And that's what we were trying to do."*¹⁶⁷

CENCI said he did not believe the XXXXXXative Agreement between WDFW and the U.S. Fish and Wildlife Service was still in place on February 13, 2013.

CENCI said in response to Allegation Two, "On February 13, 2013, it is alleged that you directed Captain Mike Hobbs to be interviewed with a Seattle Television station regarding Operation Cody that may have affected officer safety." CENCI stated, *"That I directed Mike Hobbs to be interviewed, uh, however, um, uh, I don't agree that that interview affected officer safety."*¹⁶⁸

CENCI said he did not violate WDFW Enforcement Program Regulation 2.00 Rules of Conduct (9) Unbecoming Conduct.¹⁶⁹ CENCI stated,

"No. With respect to the media piece? Um, I don't believe that that impeded our ability to fulfill our responsibilities. In fact, um, it probably enhanced our ability to fulfill our responsibilities because it educated the public with respect to what it is we do for them, what bad, um, uh, bad actors are, uh, capable of doing, uh, what kind of bad acts, uh, can affect the public's natural resources. And they then they understand what our role is in protecting their natural resources. So, um, making sure that we best inform the public with respect to the services that we provide. It's something that this agency has struggled to do in the past, but we're getting better at. And people are beginning to find more value than they have as a result. Um, I don't think that it, uh, lessens the public -- lessens the public confidence in -- in our ability to perform its functions at all. Um, we, uh -- you know, there were problems with the case itself, including the operator, um, uh, Detective Vandivert, uh, but, you know, we may -- we're very cognizant of the -- of our image, and so we tend to put a positive, um, uh, slant on -- on things even when they're -- even when they are problems. And I think as far as the external environment is concerned, uh, there was no -- there was no erosion of -- of public confidence had it not be -- been for -- or were it not for, uh, Mr. Vandivert, uh,

¹⁶⁶ Refer to Oesterle's statement, page 9, lines 5 – 9.

¹⁶⁷ Refer to CENCI's statement, page 33, lines 8 – 12.

¹⁶⁸ Refer to CENCI's statement, page 37, lines 11 – 12.

¹⁶⁹ Refer to OPS Documents/Timeline tab, DFW Enforcement Program Regulation 2.00 Rules of Conduct (9) Unbecoming Conduct.

publicizing the problems.

*In a way that, in my view, wasn't fit. Um, I don't see where it caused an adverse affect on the discipline or efficiency of the department. Um, uh, could we have done a better job in terms of, um, making sure everybody affected understood that media would be on scene and what the plan was? Yes, there's a lesson learned there. Um, but the fact that we're able to look introspectively at how we did business, um, I think, uh, adds to the efficiency of the department in the long run. I don't see how -- it -- it certainly didn't impact our efficiency or discipline, uh, on that day. We still got the job done. Nobody got hurt, no evidence got destroyed, uh, as a result of media exposure. Did it constitute a conflict of interest as prohibited by law or department policy? Absolutely not. Um, incr- -- increasing the profile of the good work that you people do, that's not a conflict of interest.*¹⁷⁰

CENCI said he did not violate WDFW Enforcement Program Regulation 5.47 Media Relations and Public Information Responsibilities.¹⁷¹ CENCI stated,

*"No. Um, I discussed, uh, our media plans with, uh, the Enforcement Chief Bruce Bjork at the time. He approved them. Um, uh, US Fish & Wildlife Service understood, um, uh, what we were going to do and, uh, did not, uh, uh, voice any concerns at the, uh -- at the management level. Um, I -- we provided accurate information. We work with the media as we're directed to do. We assisted media personnel in covering news stories at the scenes of incident. Um, we have talked to public affairs to ensure that they understood, uh, what we were going to do. We didn't release the information, um, uh, related to victims or witnesses, um, so that didn't apply. Uh, we didn't, uh, feel the -- saying specific information relative to suspects, so that didn't apply. Uh, we don't have any procedures in writing for releasing information when other public service agencies are involved in a mutual effort, but we have some -- we have some practices. Uh, but in this case, no federal case, no mutual effort as far as I'm concerned."*¹⁷²

Written by:



Investigator Daniel E. Eikum
Internal Affairs

Approved by:



Lieutenant Jason L. Ashley
Internal Affairs

Date:

September 25, 2015

¹⁷⁰ Refer to CENCI's statement, page 37, lines 21 – 33, and page 38, lines 1 – 18.

¹⁷¹ Refer to OPS Documents/Timeline tab, WDFW Enforcement Program Regulation 5.47 Media Relations and Public Information Responsibilities.

¹⁷² Refer to CENCI's statement, page 38, lines 26 – 33, and page 39, lines 1 – 6.