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Scott G. Weber, Clerk, Clark Co.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

THE ESTATE OF MYCHEAL LYNCH,  
and KIM LYNCH, individually and as  
personal representative of the Estate of  
Mycheal Lynch,

Petitioners,

vs.

CLARK COUNTY WASHINGTON,

Respondent.

Case No.

16 2 00717 5

**COMPLAINT FOR DISCLOSURE  
OF PUBLIC RECORDS**

TO: CLARK COUNTY WASHINGTON

COMES NOW, Petitioner, Kim Lynch, by and through his attorneys, Greg Ferguson,  
Jack Green, for his complaint against Respondent as follows:

**I. PARTIES**

A. Petitioner, KIM LYNCH, is an individual and personal representative of  
THE ESTATE OF MYCHEAL LYNCH, and resides in Clark County, Washington.

B. Respondent, CLARK COUNTY WASHINGTON (hereinafter "County") is a  
Washington public corporation as defined in RCW 4.08.

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## II. JURISDICTION AND VENUE

All acts complained of giving rise to this litigation occurred in Clark County, Washington and subject matter jurisdiction, personal jurisdiction, and venue are properly before this court.

## III. FACTS OF THE CASE

1. This case is being brought by Petitioner, Kim Lynch, in his individual and representative capacity as the personal representative of the Estate of Mycheal Lynch to enforce rights and remedies available under Washington's Public Records Act (PRA) RCW Chapter 42.56 (formerly 42.17).

### The Public Records Request for Use of Force Investigation

2. On August 26, 2015, counsel for Petitioner served a public records request upon Clark County asking for all records "comprising the investigation by the Vancouver Police Department (VPD) into the conduct of Clark County Corrections employees in connection with Mycheal Lynch." Public records request attached as "Exhibit A".

3. The records request sought all electronic records (audio/video/emails/texts) reviewed, or considered by Clark County Prosecuting Attorney Tony Golik as a basis for his written conclusions and findings contained in his August 12, 2015 letter to Clark County Sheriff Chuck Atkins.

### Mycheal Lynch Dies by Homicide; Jail Deputies Investigated

4. Mycheal Lynch was an inmate in the Clark County Jail ("CCJ") being housed in the Jail medical unit. Mr. Lynch's heart stopped on March 20, 2015 while being restrained by as many as ten (10) Clark County Sheriff's deputies who were attempting to forcibly strap him into an archaic device called a "restraint chair." Mr. Lynch's death was later ruled a "homicide" by the Clark County Medical Examiner.

5. An investigation was commenced by detectives with the Vancouver Police



1 Department ("VPD") Major Crimes Unit into whether the CCJ deputies employed lawful use of  
2 force against Mr. Lynch. The investigation was completed sometime in June of 2015.

3 6. Clark County Prosecutor Tony Golik was then provided the complete VPD  
4 investigation file on or about July 2, 2015 as a means to assess whether criminal charges  
5 should be filed or whether disciplinary action was justified against any of the involved deputies.

6 7. The VPD investigation file included a series of digital video discs ("DVDs") of  
7 surveillance video allegedly showing the Jail deputies piling onto Mr. Lynch, several deputies  
8 positioning themselves on Mr. Lynch's back and upper torso, and Lynch's body going limp. The  
9 DVDs primarily covered a physical struggle occurring in the medical unit where Mr. Lynch died.

10 8. The DVDs utilized by VPD detectives in the use of force investigation into the  
11 CCJ deputies' conduct are the subject of this public records action.

12 **Deputies Cleared of Wrongdoing; No Discipline Results**

13 9. On August 12, 2015, nearly five months after Mr. Lynch's death, County  
14 Prosecuting Attorney Tony Golik authored a written report released to *The Columbian*  
15 newspaper exonerating the CCJ deputies, stating in pertinent part:  
16

17 **The video does not show any of the involved deputies applying force other  
18 than holding Mr. Lynch down. The video does not show any of the deputies  
19 hitting or choking Mr. Lynch. The facts of this case do not indicate deputies  
20 piled on Mr. Lynch in a manner that would have made Mr. Lynch unable to  
21 breathe. Rather, the facts of this case indicate the involved deputies used the  
22 force necessary to hold Mr. Lynch down while Mr. Lynch struggled against  
23 them.**

24 Golik Report attached as "Exhibit B"; *The Columbian* article attached as "Exhibit C".

25 10. Two (2) full pages of Golik's report were devoted to his review and evaluation of  
26 the deputies' conduct as depicted in the DVDs. His ultimate conclusion that the deputies did  
27 not engage in any wrongdoing ("I find that involved deputies acted lawfully in this matter") was  
almost exclusively supported by what Golik claimed to have seen on the DVDs.

11. While alleging that CCJ deputies' actions were benign and limited to holding Mr.

1 Lynch down on the floor, Golik also incongruently noted, "**the medical examiner details**  
2 **multiple injuries to Mycheal Lynch's arms, hand, legs and feet as well as [a] laceration to**  
3 **the left eyebrow as noted in the medical reports.**" Emphasis added.

4 12. The photos taken at the hospital within hours of the incident show that Mr. Lynch  
5 appeared to have been severely beaten.

6 **County Withholds the Very Evidence Relied Upon to Clear the Deputies**

7 13. On September 16, 2015, petitioner's counsel received a small batch of  
8 responsive records, consisting solely of several emails and a voicemail between the Clark  
9 County Undersheriff Mike Cooke and the Clark County Prosecuting Attorney Tony Golik. The  
10 production did not include the DVDs reviewed by Vancouver Police Officers during their  
11 investigation and cited by prosecutor Golik in his report clearing the deputies.  
12

13 14. The County initially gave no indication that the DVDs or any other records would  
14 be withheld, and offered no exemption log listing the responsive records being withheld and the  
15 basis for the withholding as mandated by the PRA.

16 15. By November 25, 2015, nearly three and-a-half (3 ½) months *after* prosecutor  
17 Golik publicly cleared the deputies, and three months after petitioner submitted his request for  
18 the investigation records upon which Mr. Golik had relied, the County had still not provided all  
19 responsive records nor an exemption log.

20 16. Petitioner's counsel emailed the County: (1) questioning whether it had provided  
21 all records responsive to the August 26, 2015 records request, (2) citing its failure to serve an  
22 exemption log, and (3) requesting production of the DVDs upon which prosecutor Golik had  
23 relied to publicly exonerate the CCJ deputies. See attached "Exhibit D".  
24

25 17. The County responded on November 30, 2015, that most of the records sought  
26 had previously been provided in response to a public records request served months earlier on  
27 June 17, 2015.



1 18. The County conveyed that it intended to rely on the prior exemption log in  
2 connection with the June request made two (2) months *prior* to prosecutor Golik's written report  
3 and public exoneration of the CCJ deputies, which had not referenced the DVDs but rather jail  
4 surveillance video in general. See attached "Exhibit E".

5 19. The County claimed the DVDs were exempt under RCW 42.56.420(2), but did  
6 not explain why the RCW 42.56.420(2) exemption applied. See attached "Exhibit F".

7 20. The County finally served a privilege log on December 1, 2015 and reiterated its  
8 reliance on RCW 42.56.420(2) as a basis for withholding the DVDs used to exonerate the  
9 deputies. See attached "Exhibit G".

10 21. The DVDs sought by petitioner in this public records case are of paramount  
11 public concern and necessary for the protection of the public interest because they pertain to an  
12 investigation into the misconduct of officials of a public agency, specifically "homicide" by law  
13 enforcement officers.

14 22. Washington courts have universally held that the public has a right to know how  
15 the police investigate their own. The Washington Supreme Court recently emphasized:

16  
17 **The PRA is meant to engender the people's trust in their government. The**  
18 **recent unrest in Ferguson, Missouri, is an extreme example of how that trust**  
19 **is eroded when the public suspects the government is withholding**  
20 **information to protect its own . . .**

21 *Predisik v. Spokane Sch. Dist. No. 81*, 182 Wn.2d 896, 907, 909 (2015). This rationale is  
22 threatened when the very records being withheld formed the basis for a public proclamation that  
23 Mycheal Lynch did not die as a consequence of police brutality, but rather from an "irregular  
24 heartbeat."

25 23. The Lynch family and the citizens of Clark County have a right to know why a  
26 man booked into jail for a misdemeanor traffic offense and in need of medical care becomes a  
27 victim of "homicide" less than six (6) hours later.

1 24. Maintaining the public trust in law enforcement necessitates the immediate  
2 disclosure by Clark County of the most reliable and irrefutable proof available--the video  
3 evidence.

#### 4 IV. CAUSE OF ACTION

5 A. Request for Public Records. On August 26, 2015, Petitioner made a Public  
6 Records Act request to Clark County for all records comprising the investigation by the  
7 Vancouver Police Department into the conduct of Clark County Corrections employees in  
8 connection with Mycheal Lynch, including all electronic records (audio/video/emails/texts)  
9 reviewed, considered and/or referenced in the investigation and/or referenced by Prosecuting  
10 Attorney Tony Golik as a basis for his written conclusions and findings contained in his August  
11 12, 2015 letter to Clark County Sheriff Atkins.

12 B. Requested Documents are Public Records. The records requested are public  
13 records to be made available for inspection and copying under RCW 42.56.070(1), which  
14 provides:  
15

16 Each agency, in accordance with published rules, shall make  
17 available for public inspection and copying all public records,  
18 unless the record falls within [a specific exemption] . . . To the  
19 extent required to prevent an unreasonable invasion of personal  
20 privacy interests protected by this chapter, an agency shall delete  
21 identifying details in a manner consistent with this chapter when it  
22 makes available or publishes any public record; however, in each  
23 case, the justification for the deletion shall be explained fully in  
24 writing.

25 RCW 42.56.010(2) defines "public record" to include:

26 [A]ny writing containing information relating to the conduct of  
27 government or the performance of any governmental or  
proprietary function prepared, owned, used, or retained by any  
state or local agency regardless of physical form or  
characteristics.

RCW 42.56.010(3) defines writing to include every means of recording any  
communication, including "film and video recordings." The DVDs at issue in this



1 case are irrefutably "public records".

2 C. Public Records Must Be Made Available Promptly. Petitioner is entitled to, and  
3 the County is required to provide, prompt responses to requests for public records. RCW  
4 42.56.080, .520. The PRA also requires an agency to provide "the fullest assistance" to those  
5 who make a request and afford "the timeliest possible action" on requests. RCW 42.56.100.  
6 The agency must respond no later than five (5) business days from receiving the request, and  
7 within those five days the agency must either (1) provide the record, (2) deny the request or (3)  
8 provide a reasonable estimate of the time needed to respond to the request based on "the  
9 need...to locate and assemble the information requested." RCW 42.56.520. If the agency  
10 chooses to deny the request, "denials of requests must be accompanied by a written statement  
11 of the specific reasons therefore." *Id.*

12 D. Agency Fails to Timely Provide Records. As stated in *Bainbridge Island Police*  
13 *Guild v. City of Puyallup*, 172 Wn.2d 398, 416 (2011), "[T]he public does have a legitimate  
14 interest in how a police department responds to and investigates such an allegation against an  
15 officer." Significantly, Washington courts have twice affirmed in the last three (3) months that  
16 records which are incorporated into law enforcement investigations are subject to production as  
17 public records. *Wade's Eastside Gun Shop, Inc., v. Department of Labor and Industries*, No.  
18 89629-1 (Wash. Sup. Ct. Mar. 24, 2016), *Jane Does 1-15 ET AL. v. King County ET AL.*, 2015  
19 Wash. App. LEXIS 3070 (Wash. Ct. App. Dec. 28, 2015).

20 E. Agency Fails to Provide a Mandatory Exemption Log. RCW 42.56.210 states:  
21  
22 Agency responses refusing, in whole or in part, inspection of any public record ***shall***  
23 include a statement of the specific exemption authorizing the withholding of the  
24 record (or part) ***and*** brief explanation of how the exemption applies to the record  
25 withheld.

26 Emphasis added. Clark County failed to timely provide an exemption log and did not give an  
27 explanation of how RCW 42.56.420(2) applies to the investigation records withheld in this case

1 nor how the alleged exemption overrides the policy considerations emphasized in *Bainbridge*  
2 *Island Police Guild v. City of Puyallup* and progeny, i.e. the public has a right to know how  
3 government investigates its own. See *Predisik v. Spokane Sch. Dist. No. 81*, 182 Wn.2d 896,  
4 907. 909 (2015).

5 F. Right to Judicial Review. RCW 42.56.550 provides that any agency action  
6 denying access to public records or inspection and copying, denying an adequate response to  
7 such a request, charging more than a reasonable cost for copying, or failing to provide a  
8 reasonable estimate of the time needed to respond to a record request is subject to judicial  
9 review:

10 (1) Upon the motion of any person having been denied an  
11 opportunity to inspect or copy a public record by an agency, the  
12 superior court in the county in which a record is maintained may  
13 require the responsible agency to show cause why it has refused  
14 to allow inspection or copying of a specific public record or class  
15 of records. The burden of proof shall be on the agency to  
16 establish that refusal to permit public inspection and copying is in  
17 accordance with a statute that exempts or prohibits disclosure in  
18 whole or in part of specific information or records.

19 RCW 42.56.550 also states that the court shall not defer to any determination made by  
20 the agency but shall review the matter *de novo*. In addition, the court must take into account  
21 the public policy in favor of disclosure and may examine any record *in camera*.

22 ... Courts shall take into account the policy of this chapter that  
23 free and open examination of public records is in the public  
24 interest, even though such examination may cause inconvenience  
25 or embarrassment to public officials or others. Courts may  
26 examine any record *in camera* in any proceeding brought under  
27 this section.

RCW 42.56.550(3).

The people of this state do not yield their sovereignty to the  
agencies that serve them. The people, in delegating authority, do  
not give their public servants the right to decide what is good for  
the people to know and what is not good for them to know. The  
people insist on remaining informed so that they may maintain  
control over the instruments that they have created. This chapter



1 shall be liberally construed and its exemptions narrowly construed  
2 to promote this public policy and to assure that the public interest  
3 will be fully protected. In the event of conflict between the  
4 provisions of this chapter and any other act, the provisions of this  
5 chapter shall govern.

6 RCW 42.56.040.

7 G. Right to Attorneys' Fees and Statutory Penalties. RCW 42.56.550(4) provides  
8 that "[A]ny person who prevails against an agency in any action seeking the right to inspect or  
9 copy any public record or the right to receive a response within a reasonable amount of time  
10 shall be awarded all costs, including reasonable attorneys' fees, incurred in connection with  
11 such legal action." The prevailing requester must also be awarded an amount imposed as a  
12 statutory penalty against the agency of up to \$100.00 per record for each day that the requestor  
13 has been denied the right to inspect or copy a public record or denied an adequate response.  
14 The County has engaged in unreasonable delay, failed to provide a mandatory privilege log,  
15 and withheld public records without legal justification.

## 16 V. PRAYER FOR RELIEF

17 WHEREFORE, Petitioner prays for judgment against Clark County for:

18 1. An Order that responsive public records be made immediately available to  
19 petitioner for inspection and copying.

20 2. An award to petitioner of all costs, including reasonable attorneys' fees, incurred  
21 in connection with his action and efforts to obtain the records, as provided in RCW  
22 42.56.550(4); and

23 3. An award to petitioner of monetary penalties pursuant to RCW 42.56.550(4) of  
24 up to \$100.00 per day per record from the day of the records request until the County provides  
25 and adequate response or provides the records sought, and based upon the factors outlined in

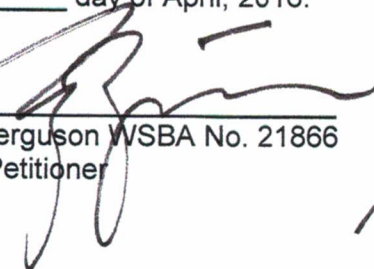
26 *Yousoufian v. Office of Ron Sims, King County Executive*, 168 Wn.2d 444 (2010) and *Wade's*

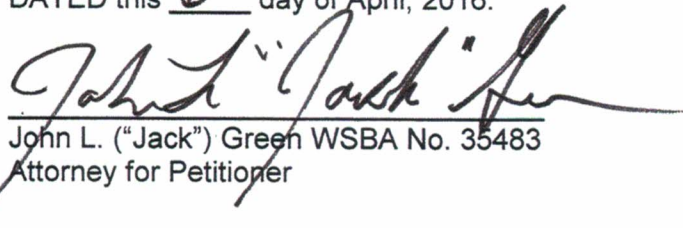
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*Eastside Gun Shop, Inc., v. Department of Labor and Industries, No. 89629-1 (Wash. Sup. Ct. Mar. 24, 2016).*

DATED this 6<sup>th</sup> day of April, 2016.

DATED this 6<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Gregory D. Ferguson WSBA No. 21866  
Attorney for Petitioner

  
\_\_\_\_\_  
John L. ("Jack") Green WSBA No. 35483  
Attorney for Petitioner



LAW OFFICES OF  
**GREGORY D. FERGUSON, PC**  
EMPLOYMENT LAW & CIVIL LITIGATION

August 26, 2015

*Via Email [Mindy.Lamberton@clark.wa.gov]*

Mindy Lamberton  
Clark County Prosecutor's Office

Re: Public Records Request Re: VPD Investigation/Mycheal J. Lynch

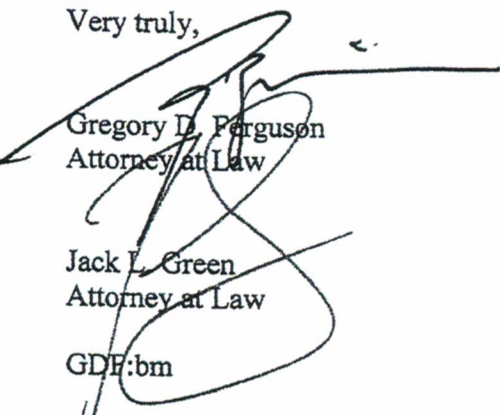
Dear Ms. Lamberton:

Please accept this letter as a public records request pursuant to Washington's Public Records Act, RCW 42.56 (PRA). This request is being directed to you based upon your deposition testimony that public records requests that relate to potential litigation are directed to you.

We request all records comprising the investigation by Vancouver Police Department into the conduct of Clark County Corrections employees in connection with Mycheal Lynch. This request includes all electronic records (audio/video/emails/texts) reviewed, considered and/or referenced in the investigation and/or referenced by Prosecuting Attorney Tony Golik's as a basis for his written conclusions and findings contained in his August 12, 2015 letter to Clark County Sheriff Chuck Atkins.

Please notify this office of any copy charges in advance. We prefer to receive the records electronically. Thank you for your prompt attention.

Very truly,



Gregory D. Ferguson  
Attorney at Law

Jack L. Green  
Attorney at Law

GDF:bm

cc: Aaron Ritchie, Esq.  
Client

112 W 11<sup>th</sup> Street, Suite 100 – Vancouver WA 98660

Tele: 360.906.1167/Fax: 360.695.5800

Email: [greg@greg-ferguson.com](mailto:greg@greg-ferguson.com)

Web: [www.greg-ferguson.com](http://www.greg-ferguson.com)

Exhibit A Page 1 of 1



PROSECUTING ATTORNEY | ANTHONY F. GOLIK

SCOTT D. JACKSON  
Chief Deputy

CAMARA L. J.  
BANFIELD  
Chief Criminal Deputy

CHRISTOPHER HORNE  
Chief Civil Deputy

SHARI JENSEN  
Administrator

Date: August 12, 2015  
To: Chuck Atkins, Clark County Sheriff  
From: Anthony F. Golik, Clark County Prosecuting Attorney  
Re: Death of Mycheal J. Lynch, case numbers S15-3277 / 2015-3277

Dear Sheriff Atkins:

At the request of the Regional Major Crimes team, I have reviewed the referenced reports to assess the use of force by Clark County Custody Deputies during the struggle with Mycheal Lynch in the Clark County Jail that preceded Mycheal Lynch's death.

I received completed reports, to include medical records from Southwest Washington Medical Center, for my review in this matter from Vancouver Police Major Crimes Detective Darren McShea on July 2, 2015.

The final reports relevant to my review included interviews of sixteen corrections deputies, reports by investigating detectives of the CCSO and VPD major crimes units, interviews of CCSO jail medical staff, interviews of involved Vancouver Fire Department personnel, interviews of AMR paramedics, interviews of CCSO jail inmate witnesses, Clark County Medical Examiner reports which included State toxicology reports, CCSO jail video of the incident, photographs of the incident scene, photographs of Mycheal Lynch taken while he was at the hospital after the incident and Mycheal Lynch's final medical reports from Peace Health Southwest Medical Center.

Based on my review, I find the involved deputies acted lawfully in this matter.

### Background

On March 20, 2015, Mycheal Lynch was arrested for DUI, Reckless Driving and Hit and Run. Mr. Lynch's blood was drawn at the hospital prior to his booking into jail as part of the DUI investigation. He was booked into the Clark County Jail after the DUI investigation was completed. After being booked into jail, Mr. Lynch was placed in a cell in the jail medical unit. Mr. Lynch was placed in the jail medical unit due to a large rash that covered the front of Mr. Lynch's chest.



Video surveillance captures actions taken by Mr. Lynch and by involved custody deputies while Mr. Lynch was in his cell and in the hallway just outside the cell. While in his cell in the jail medical area, Mr. Lynch paced back and forth repeatedly. Mr. Lynch waived his hands about and removed his shirt. Deputy Sardo stated in her interview that she observed Mr. Lynch to be shaky, jittery and paranoid. Mr. Lynch pulled the emergency notification cord in his cell repeatedly and when Deputy Sardo checked on Lynch, he stated he believed he was not safe and that someone was going to kill him. Deputy Sardo described Mr. Lynch as very agitated. Deputy Sardo reported Mr. Lynch's behavior to the jail classification deputy. A decision was made to move Mr. Lynch out of the medical unit cell.

Deputies entered Mr. Lynch's cell to transport him out of the cell to another area of the jail. The video shows the deputies attempt to handcuff Mr. Lynch. Mr. Lynch is compliant at first, but before the deputies are able to secure Mr. Lynch, he escapes the deputies' grasp and Mr. Lynch runs out of his cell in to the hallway. When Mr. Lynch attempts to turn the corner into the hallway, he slips and falls, hitting his head on the floor.

The video shows the involved deputies hold Mr. Lynch down on the floor. Mr. Lynch can be seen struggling with the deputies while he is on the floor. In interviews, the involved deputies stated Mr. Lynch was struggling with them as they held him on the floor. Sergeant Jones stated in her interview that she observed Mr. Lynch struggling with the deputies as they attempted to hold him down. Sergeant Jones stated deputies held Mr. Lynch's hands and his feet, a deputy held Lynch's head and one deputy used his knee and shin in the small of Mr. Lynch's back in an effort to restrain Mr. Lynch. This is consistent with video footage of this incident.

Sergeant Jones stated in her interview that as deputies attempted to restrain Mr. Lynch, they repeatedly told Mr. Lynch to stop resisting. Sergeant Jones stated Mr. Lynch did not comply and that instead he yelled and struggled. Sergeant Jones described Mr. Lynch as out of control. Sergeant Jones stated that because Mr. Lynch was out of control, they decided to attempt to move Mr. Lynch to a padded cell in the booking area of the jail. Sergeant Jones stated it was likely he would resist deputies if they tried to carry him, so they decided to use a restraint chair to move Mr. Lynch.

The video shows the deputies holding Mr. Lynch down on the floor for a total of approximately seven minutes prior to picking Mr. Lynch up off the floor and placing him in a restraint chair. When Mr. Lynch is placed in the restraint chair, his body appears to be limp. Jail medical staff appears to apply a sternum rub to Mr. Lynch approximately one minute after Mr. Lynch is placed in the restraint chair. Mr. Lynch remains limp. When Jail medical staff determined Mr. Lynch was in need of assistance, deputies removed him from the chair and chest compressions were started. Mr. Lynch was kept in the restraint chair for approximately four and one half minutes before he was removed, placed back on the floor and jail staff began chest compressions on Mr. Lynch. Fire and ambulance crews arrived in the jail and Mr. Lynch was transported from the jail to the hospital.

When observing the video of this incident, the involved jail deputies can be seen holding Mr. Lynch down on the floor in an effort to restrain him after he attempted to run away from them. Mr. Lynch can be seen struggling with the deputies while they hold him down. The video does



not show any of the involved deputies applying force other than holding Mr. Lynch down. The video does not show any of the deputies hitting or choking Mr. Lynch. The facts of this case do not indicate deputies piled on Mr. Lynch in a manner that would have made Mr. Lynch unable to breathe. Rather, the facts of this case indicate the involved deputies used the force necessary to hold Mr. Lynch down while Mr. Lynch struggled against them.

### Medical Reports

Mr. Lynch was transported from the jail to Southwest Washington Medical Center. Detective McShea obtained a court order for Mr. Lynch's medical records from Southwest Washington Medical Center. Detective McShea received the medical records from the date of admission, March 20, 2015 through March 24, 2015. Detective McShea received approximately one thousand pages of medical records. The medical records included a final discharge summary. The final discharge summary details the following information:

Date of admission: 3/20/15

Date of death: 3/22/15 at 1647

Final Diagnosis:

1. Asystolic cardiac arrest, presumptively secondary to substance abuse and metabolic derangement.
2. Polysubstance abuse. Patient positive for amphetamines, THC, cocaine, and methamphetamines.
3. Anoxic encephalopathy, progressing to frank brain death.
4. Acute renal insufficiency.
5. Rhabdomyolysis.
6. Seizures.

The medical reports include physical examinations of Mr. Lynch. Upon review of the medical reports, the only injury noted appears to be a laceration on the left eyebrow. This injury is not noted as contributing to Mr. Lynch's death. On review of the video in this case, the laceration on Mr. Lynch's left eyebrow appears likely to have been caused by Mr. Lynch's fall to the floor when he slipped and fell in the hallway outside his jail cell as he was attempting to run from custody deputies.

### Medical Examiner's report

Clark County Medical Examiner Dr. Wickham performed an autopsy on March 24, 2015. In his autopsy report, Dr. Wickham details evidence of injuries to Mycheal Lynch's body at the time of autopsy. Dr. Wickham lists numerous faint abrasions and contusions on the hands, arms, legs and feet of Mycheal Lynch's body. Dr. Wickham does not indicate in his report that any of the minor abrasion and contusion injuries caused or contributed to Mr. Lynch's death.



The Medical Examiner's report included a report from the Washington State Toxicology lab. The toxicology lab report lists the results from the blood draw that occurred at the hospital as part of the DUI investigation prior to Mr. Lynch being booked into jail. This sample was collected from Mr. Lynch at 4:44 pm on 3/20/15.

The lab report also lists results from blood and urine samples collected at the hospital when Mr. Lynch was transported back to the hospital from jail. This sample was collected at 9:32 pm on 3/20/15.

The toxicology lab report screened for alcohol and drugs. The toxicology lab report shows that Mr. Lynch tested positive for the following when his blood was sampled at 4:44 pm prior to being transported and booked into jail:

Methamphetamine	0.12 mg/L
Carboxy-THC	210 ng/mL
THC	2.1 ng/mL

The Toxicology lab report shows the following results when his blood was sampled at the hospital at 9:32 pm after Mr. Lynch was transported back to the hospital from the jail by ambulance:

Amphetamine	0.097 mg/L
Methamphetamine	0.25 mg/L
Carboxy - THC	110 ng/mL
THC	3.2 ng/mL

The medical examiner's report concludes the following autopsy findings:

Cause of Death:	Anoxic Encephalopathy
Due To:	Cardiac Dysrhythmia during struggle and methamphetamine intoxication

The Medical Examiner's report lists the manner of death as homicide.

#### **Interview of Dr. Wickham**

Detective McShea interviewed Dr. Wickham on May 5, 2015. Detective McShea reported that he interviewed Dr. Wickham in an effort to gain a better understanding of Dr. Wickham's findings. Detective McShea reported that Dr. Wickham's opinion was that Mycheal Lynch's heart rate was elevated due to the high level of methamphetamine in his system. Dr. Wickham explained the toxicology reports showed that the level of methamphetamine in Mr. Lynch's blood doubled during the time Mr. Lynch was in jail on the date of this incident. Dr. Wickham stated Mr. Lynch's heart rate was also elevated due to the struggle with corrections deputies. Dr. Wickham explained these factors caused Mycheal Lynch to suffer an irregular heartbeat, and ultimately the heart stopping which caused Mycheal Lynch's death.

### **Hospital Toxicology report, State Toxicology report, and drug levels in Mycheal Lynch's system**

The medical records in this matter indicate Mr. Lynch tested positive for cocaine when he was admitted to the hospital. The hospital toxicology report does not indicate a level of cocaine, just a positive result. The State Toxicology lab report does not indicate a positive result for cocaine.

Rebecca Flaherty is the forensic scientist at the State Toxicology lab who issued the State Lab report. In this writer's consultation with Rebecca Flaherty, she indicated cocaine was ruled out as being present in Mr. Lynch's blood at the time of his death. Rebecca Flaherty indicated urine testing resulted in a presumptive positive for cocaine. She indicated cocaine metabolite can be detected in urine samples for a period of time after an individual uses cocaine. She indicated the negative blood test means Mr. Lynch was not affected by cocaine when his blood was sampled in this incident.

Rebecca Flaherty indicated the rising level of methamphetamine in Mr. Lynch's blood during this incident, as noted by Dr. Wickham, would be consistent with Mr. Lynch using methamphetamine shortly before he was taken into custody. She indicated the THC in Mr. Lynch's system would not have been a factor in Mr. Lynch's death. Dr. Wickham also did not note the THC in Mr. Lynch's system as a factor in causation of death.

#### **Analysis**

#### **Cause of Death**

The medical reports in this matter indicate a final diagnosis. The final diagnosis is listed as: "Asystolic cardiac arrest, presumptively secondary to substance abuse and metabolic derangement." The medical reports list polysubstance abuse to include methamphetamine and cocaine as part of the final diagnosis. The medical reports do not reference any injury as a contributing factor to the final diagnosis. The medical reports note the laceration to the left eyebrow, but the medical reports do not detail any other injury or external evidence of injury and no evidence of external injury is noted as part of the final diagnosis.

The Medical examiner's report indicates cause of death was "Anoxic Encephalopathy due to cardiac dysrhythmia during struggle and methamphetamine intoxication." In his report, the medical examiner details multiple injuries to Mycheal Lynch's arms, hand, legs and feet as well as the laceration to the left eyebrow as noted in the medical reports. The injuries to Mr. Lynch's extremities are generally noted as abrasions and faint blue or red blue contusions.

The injuries noted in the medical examiner's report are visible in the photographs taken of Mycheal Lynch at the hospital after the incident. The photographs show bruising and redness on Mycheal Lynch's knees and feet. The bruises look consistent with injuries that might be expected from Mr. Lynch being held down while he struggled, as is described by the involved deputies and as is seen in the video of this event. The external evidence of injuries to Mycheal Lynch's extremities appears minor in the photographs.



The State Toxicology report, along with this writer's consultation with Rebecca Flaherty, the forensic scientist who issued the State Toxicology report, indicates Mycheal Lynch was under the influence of methamphetamine at the time of the incident and he was not under the influence of cocaine at the time of the incident.

### **Manner of Death**

The Clark County Medical Examiner found that the manner of Mycheal Lynch's death was homicide.

Black's Law Dictionary defines homicide as the killing of one person by another. The legal term for killing a person, whether lawfully or unlawfully is homicide. There is no crime of "homicide." Unlawful homicide comprises the crimes of murder and manslaughter.

Washington Pattern Jury Instruction 15.00 defines Excusable Homicide as homicide committed by accident or misfortune in doing any lawful act by lawful means, without criminal negligence, or without any unlawful intent.

Washington Pattern Jury instruction 10.04 defines Criminal Negligence as follows:

A person is criminally negligent or acts with criminal negligence when he or she fails to be aware of a substantial risk that a wrongful act may occur and the failure to be aware of such a substantial risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation.

It is relevant to note that there is no indication the involved custody deputies used deadly force. The only evidence relevant to a homicide analysis is their use of force to hold Mycheal Lynch down after he attempted to run away from them. The relevant statute with respect to law enforcement officers' lawful ability to use force is 9A.16.020(1), which in pertinent part provides:

The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

- (1) Whenever necessarily used by a public officer in the performance of a legal duty

In the current case, Mycheal Lynch was under the influence of a high level of methamphetamine at the time of the incident. The video of this incident shows Mr. Lynch acting in a manner consistent with methamphetamine intoxication while in his cell prior to the deputies contacting him. When deputies attempted to move him from his cell, he ran from them out into the hallway of the jail. He slipped and fell to the floor prior to being caught by the deputies. The deputies caught him very quickly after he fell to the floor. The involved deputies held him on the floor and he struggled for several minutes while jail staff collected a restraint chair with the intent of using the chair to move Mr. Lynch to a padded cell.



The actions of the involved deputies were clearly the type of force "necessarily used by a public officer in the performance of a legal duty" as is lawfully authorized by RCW 9A.16.020(1). The actions by each of the involved deputies were certainly not a "gross deviation from the standard of care that a reasonable person would exercise in the same situation." Had the involved deputies not held Mr. Lynch down on the floor, he certainly would have gotten up off the floor. It is difficult to speculate what Mr. Lynch would have done if he was allowed to get up of the floor. However, it is reasonable to infer based on his attempt to run from the deputies that he would have continued to attempt to do what he was doing prior to falling to the floor. Such activity would likely have accelerated Mr. Lynch's heart rate and may well have resulted in the same irregular heartbeat that caused Mycheal Lynch's death.

Obviously, inmates in a custodial jail setting cannot be allowed to run freely about a jail. In holding Mr. Lynch down on the floor, the involved deputies acted reasonably under the circumstances.

It is unknown what would have happened in this case if the involved deputies did not enter Mr. Lynch's jail cell, or if Mr. Lynch had been more successful in running from them rather than slipping and falling almost immediately as he ran from them. It is unknown if Mr. Lynch's heartbeat would have become irregular and stopped as it did due to Mr. Lynch's methamphetamine intoxication and his own actions had the involved deputies not held him down on the floor. Therefor it is difficult to directly identify the lawful actions of the deputies as a direct causal factor in Mycheal Lynch's death.

Based on my review of the evidence in this case it is clear the actions of the involved deputies did not exclusively cause the death of Mycheal Lynch. At most, the actions of the involved deputies were a contributing cause of death, along with Mr. Lynch's actions and his methamphetamine intoxication. Whether application of the legal definition of the term homicide is applicable is not clear in this case. What is clear is that if in fact the actions of the involved deputies were a contributing causal factor in the death of Mycheal Lynch, such action by the involved deputies was lawful as excusable homicide - homicide committed by accident or misfortune in doing a lawful act without criminal negligence or unlawful intent. There is no evidence that the involved deputies acted with ill will or with criminal negligence in this case. The evidence supports a finding that Mycheal Lynch was intoxicated with a high level of methamphetamine in his system. Mr. Lynch became irrational and out of control likely due to the effects of methamphetamine. The involved deputies used reasonable force to restrain an out of control inmate in a custodial setting. The death of Mycheal Lynch was certainly tragic. However, all evidence supports a finding that the involved deputies acted lawfully in this case.

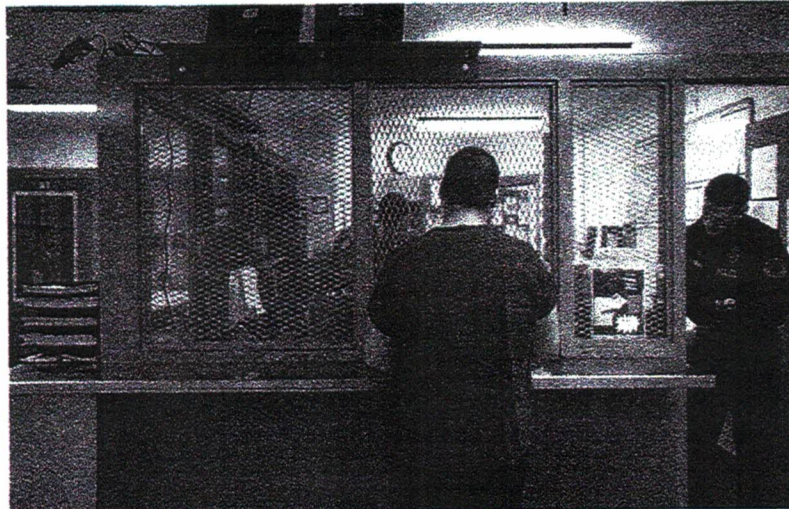
Dated this 12th day of August, 2015

  
Anthony F. Golik  
Clark County Prosecuting Attorney



# Corrections deputies cleared in jail homicide

Investigation finds they acted lawfully in March incident involving inmate Mycheal Lynch, who later died



([http://www.columbian.com/wp-content/uploads/2015/08/272319\\_Jail\\_Changes\\_454042.jpg](http://www.columbian.com/wp-content/uploads/2015/08/272319_Jail_Changes_454042.jpg))

A man is booked into the Clark County Jail in November. Clark County Prosecuting Attorney Tony Golik, who reviewed a Vancouver Police Department investigation, found that corrections deputies acted lawfully when they were involved in a March 20 struggle with a jail inmate who later died.

By **Emily Gillespie (/author/egillespie)**, Columbian Breaking News Reporter

Published: August 21, 2015, 5:00 PM

Corrections deputies acted lawfully when they were involved in a March 20 struggle with a jail inmate who later died, according to a written finding by Clark County Prosecuting Attorney Tony Golik.



"The actions of the involved deputies were clearly the type of force 'necessarily used by a public officer in the performance of a legal duty,'" according to the document.

Mycheal J. Lynch, 32, died on March 22, two days after he was restrained by deputies who were trying to relocate him to another part of the Clark County Jail.

Following the death, the Vancouver Police Department conducted an independent investigation and forwarded the material to the prosecuting attorney's office. Golik reviewed the information and released his findings to the Clark County Sheriff's Office in a report on Aug. 12.

The attorneys representing the estate of Mycheal Lynch said that Lynch's family was upset that they hadn't been notified of the prosecuting attorneys findings in a timely manner. They also said they were disheartened to learn that the sheriff's office didn't seek an agency outside of Clark County to conduct the independent investigation because of what they call obvious conflicts.



"Clark County has a long history of sending in the fox to guard the henhouse," said Greg Ferguson, one of the attorneys representing the Lynch family. "However, here they sent the prosecutor himself in. If there was ever a desire for transparency, a true 'independent investigation' by an agency outside of Clark County would have been the only reasonable course to take."

Lynch first came into the jail on March 20 after he was arrested on suspicion of driving under the influence of intoxicants, reckless driving and hit-and-run of an unattended vehicle.

The Vancouver man was placed into the jail's medical unit, which houses inmates who need to be isolated for medical reasons separate from mental health problems. He had a large rash on his chest, according to the prosecuting attorney's report.

Two and a half hours after he was booked, Lynch initiated an alarm, prompting corrections deputies to respond, according to the sheriff's office.

In the prosecuting attorney's review of jail surveillance footage, Lynch is seen pacing back and forth repeatedly, waiving his hands about and then removing his shirt. Deputies decided to move Lynch to another area of the jail, the document states.

When deputies entered the cell, Lynch appeared compliant at first. But before deputies were able to handcuff Lynch, he broke free from deputies and ran out of his cell into the hallway, the document states.

"When Mr. Lynch attempts to turn the corner into the hallway, he slips and falls, hitting his head on the floor," the document said.

Lynch struggled while deputies held Lynch's hands and feet, and a deputy held Lynch's head and another deputy used his knee and shin in the small of his back, according to the prosecuting attorney's findings.

## Golik's conclusion

Golik wrote that the surveillance video does not show any deputies hitting or choking Lynch.

"The facts of this case do not indicate deputies piled on Mr. Lynch in a manner that would have made Mr. Lynch unable to breathe. Rather, the facts of this case indicate the involved deputies used the force necessary to hold Mr. Lynch down while Mr. Lynch struggled with them," Golik wrote.

The deputies acted reasonably under the circumstances, Golik wrote.

"Obviously, inmates in a custodial jail setting cannot be allowed to run freely about a jail," the document states.

After deputies held Lynch on the ground for about 7 minutes, they picked him up and put him in a restraining chair, according to the report.

Golik said in his findings that when Lynch was in the chair, his body appeared limp. He remained in the chair for about 4½ minutes before deputies removed him from the chair and began chest compressions, according to the document.

Lynch was then taken to a hospital, where he remained for two days before he died.

The Columbian has requested a copy of the jail's surveillance footage that captured the incident, as well as the Vancouver Police Department's investigative materials.

The attorneys representing Lynch's family said they hadn't yet received the jail surveillance, a crucial piece to the case.

"The report makes numerous references to a jail surveillance video as the foundation for the opinion that the guards committed no crime. Yet, that video has been withheld from the Lynch family," said Aaron Ritchie, another attorney representing Lynch's family. "Citizens as well should have access to the same information that law enforcement evaluates when investigating their own."

In April, the Clark County Medical Examiner's Office ruled that Lynch died of brain damage due to lack of oxygen. The agency linked the death to two things: cardiac dysrhythmia, or an irregular heartbeat, during the struggle, and methamphetamine intoxication.



The agency determined that Lynch's death was a homicide, which means the death resulted from the deliberate action of another person. That classification does not consider criminal culpability.

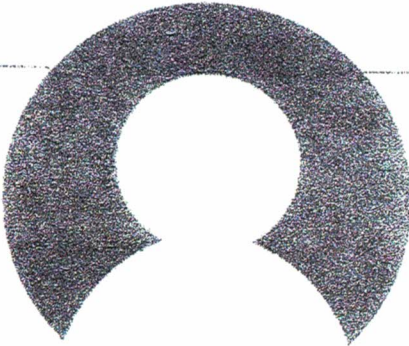
In Golik's findings, he said that the deputies did not exclusively cause Lynch's death and that at most, the deputies were a contributing factor along with Lynch's actions and his methamphetamine intoxication.

"Whether application of the legal definition of the term homicide is applicable is not clear in this case," Golik wrote. "What is clear is that if, in fact, the actions of the involved deputies were contributing causal factors in the death of Mycheal Lynch, such actions by the involved deputies were lawful as excusable homicide — homicide committed by accident or misfortune in doing a lawful act without criminal negligence or unlawful intent."

Undersheriff Mike Cooke said that no one at the sheriff's office has seen the complete investigative report, but once it's received from Vancouver police, an administrative review will follow. If any changes are made to jail policy or procedure, they would come after that review, he said.

"The overriding thing for us is we continue to have a great deal of confidence in the corrections staff and the job they do on a day-to-day basis," Cooke said.

Attorneys representing Lynch's family have notified the prosecuting attorney to preserve evidence, which could be used in possible litigation.



## **Emily Gillespie (/author/egillespie)**

Columbian Breaking News Reporter

📞 360-735-4522

👤 @col\_cops ([https://twitter.com/col\\_cops](https://twitter.com/col_cops))

✉️ [Send an Email \(mailto:emily.gillespie@columbian.com\)](mailto:emily.gillespie@columbian.com)

Jack Green

---

**From:** Greg Ferguson [greg@greg-ferguson.com]  
**Sent:** Wednesday, November 25, 2015 10:33 AM  
**To:** Lamberton, Mindy  
**Cc:** brenda@greg-ferguson.com; Jack Green; Aaron Ritchie; Joanna Fredin  
**Subject:** Re: Public Records Request of 8-26-15 M.Lynch

Mindy:

I don't see that we ever received an exemption log for the attached 8/26/15 request for the Lynch investigation. I don't believe the PRA permits an agency to "close" a request absent an exemption log unless each and every responsive record has been provided. The 8 jail DVDs reviewed as a part of the investigation have not been made available. If I am remiss, please advise.

Best regards,  
Greg

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On Wed, Sep 16, 2015 at 3:09 PM, Lamberton, Mindy <[Mindy.Lamberton@clark.wa.gov](mailto:Mindy.Lamberton@clark.wa.gov)> wrote:

Good afternoon,

In response to your records request of 8-26-15, I've located a few emails between Sgt. McShea and Tony Golik. While I'm confident the records attached to the emails are contained in investigative report, S15-3277, I've attached them regardless. I've also attached a voicemail Mr. Golik received from Mike Cooke, which relates to Mr. Golik's findings. No redactions are being applied to the attached records.

Sgt. McShae has no additional records. Mr. Golik has no additional records.

Exhibit   D   Page   1   of   1





CLARK COUNTY  
PROSECUTING ATTORNEY'S OFFICE

GREG FERGUSON PDR of 6-17-2015  
BATES 1-174

REDACTION LOG

Document type	Explanation	Redaction	Pages
VPD Police Report No. 15-4570 dated 3/20/15	Social Security Number and Driver's License Number for Mycheal Lynch	Social Security Numbers, 42 USC § 405(c)(1)(C)(viii)(1) Social security account numbers and related records that are obtained or maintained by authorized persons pursuant to any provision of law enacted on or after October 1, 1990, shall be confidential, and no authorized person shall disclose any such social security account number or related record.  Federal Exemption 18 U.S. Code § 2721 – Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records	1

<p>VPD Police Report No. 15-4570 dated 3/20/15</p>	<p>Driver's License Number for Benjamin Foster</p>	<p>(2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, a State department of motor vehicles and any officer, employee or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record without the express consent of the person to who such information applies.</p>	
		<p>Federal Exemption 18 U.S. Code § 2721 – Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records  (2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, a State department of motor vehicles and any officer, employee or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record without the express consent of the person to who such information applies.</p>	<p>2</p>



<p>WSP Drug Influence Evaluation form dated 3/20/15</p>	<p>Driver's License Number for Mycheal Lynch</p>	<p>Federal Exemption 18 U.S. Code § 2721 – Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records  (2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, a State department of motor vehicles and any officer, employee or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record without the express consent of the person to who such information applies.</p>	<p>11</p>
<p>Criminal Traffic Citation 5Z0186750 VPD located in District Court file 5Z0186750</p>	<p>Driver's License Number for Mycheal Lynch</p>	<p>Federal Exemption 18 U.S. Code § 2721 – Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records  (2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, a State department of motor vehicles and any officer, employee or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record without the</p>	<p>25</p>

PA Case Tracking screen shot for Victim and Witness Info	Social Security Number and Driver's License Number for Mycheal Lynch	express consent of the person to who such information applies.	49
Social Security Number and Driver's License Number for Mycheal Lynch		<p>Social Security Numbers, 42 USC § 405(c)(1)(C)(viii)(1)  Social security account numbers and related records that are obtained or maintained by authorized persons pursuant to any provision of law enacted on or after October 1, 1990, shall be confidential, and no authorized person shall disclose any such social security account number or related record.</p> <p>Federal Exemption 18 U.S. Code § 2721 – Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records  (2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, a State department of motor vehicles and any officer, employee or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record without the express consent of the person to who such information applies.</p>	49



<p>PA Case Tracking screen shot for Victim and Witness Info</p>	<p>Driver's License Number for Benjamin Foster</p>	<p>Federal Exemption 18 U.S. Code § 2721 – Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records  (2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, a State department of motor vehicles and any officer, employee or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record without the express consent of the person to who such information applies.</p>	<p>51</p>
<p>PA Case Tracking Screen Shot for Personal Info</p>	<p>Social Security Number and Driver's License Number for Mycheal Lynch</p>	<p>Social Security Numbers, 42 USC § 405(c)(1)(C)(viii)(1)  Social security account numbers and related records that are obtained or maintained by authorized persons pursuant to any provision of law enacted on or after October 1, 1990, shall be confidential, and no authorized person shall disclose any such social security account number or related record.  Federal Exemption 18 U.S. Code § 2721 – Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records</p>	<p>53</p>

	<p>(2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, a State department of motor vehicles and any officer, employee or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record without the express consent of the person to who such information applies.</p>		
124-140, 170	Requestor agrees to the redaction of CCSO employees' personal cell phone numbers	Personal cell phone numbers of Atkins, Cooke, Bishop and Barnett, redacted;	Text messages related to Mycheal Lynch's incarceration and incident of 3/21/15
125, 130, 131, 136, 137, 139	A "public record" is defined to include, . . . any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics	Non-responsive/ not a public record Personal text messages on personal cell phone of Ric Bishop	Text messages related to Mycheal Lynch's incarceration and incident of 3/21/15



EXEMPTION LOG

Document type	Explanation	Redaction	Pages
Fingerprint card for Mycheal Lynch	Record created and maintained by the CCSO Jail	RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	62-63
CCSO Mug Shot for Mycheal Lynch	Record created and maintained by the CCSO Jail	RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	64
Inmate Personal Property Inventory Standard Release form	Record created and maintained by the CCSO Jail	RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	65
Booking Record Sheet	Record created and maintained by the CCSO Jail	RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	66

			in jail shall be held in confidence and shall be made available only to criminal justice agencies.	
Booking Quality Control Review form	Record created and maintained by the CCSO Jail		RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	67
Inmate Personal Property Inventory at Intake form	Record created and maintained by the CCSO Jail		RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	68
Segregation Placement form	Record created and maintained by the CCSO Jail		RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	71
Classification Interview form	Record created and maintained by the CCSO Jail		RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	72



Telmate Inmate Pin	Record created and maintained by the CCSO Jail	agencies. RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	73-75
Jail Management System data for CFN 161925 / Mycheal Lynch	Record created and maintained by the CCSO Jail	RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	76-101
Commissary record for Mycheal Lynch	Record created and maintained by the CCSO Jail	RCW 70.48.100 Jail register, open to the public – Records Confidential - Exception (2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	102-103
Correct Care Solutions medical records for Mycheal Lynch	Medical records created and maintained by the CCSO Jail	RCW 70.02.030 - Patient Authorization of Disclosure (1) A patient may authorize a health care provider or health care facility to disclose the patient's health care information. A health care provider or health care facility shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health	104-123

<p>Video recordings of the Clark County Jail</p>	<p>Video recordings of all vantage points of the jail while Mr. Lynch was in custody 3/20/15 – 3/21/15</p>	<p>care provider or health care facility denies the patient access to health care information under <u>RCW 70.02.090</u>.</p>	<p>Video currently being held by the CCSO Risk Manager</p>
<p>RCW 42.56.420 – Security The following information relating to security is exempt from disclosure under this chapter: (2) those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety.</p>			



Jack Green

---

**From:** Lamberton, Mindy [Mindy.Lamberton@clark.wa.gov]  
**Sent:** Monday, November 30, 2015 10:21 AM  
**To:** 'Greg Ferguson'  
**Cc:** brenda@greg-ferguson.com; Jack Green; Aaron Ritchie; Joanna Fredin  
**Subject:** RE: Public Records Request of 8-26-15 M.Lynch

Good morning Greg,

I hope you had a pleasant Thanksgiving.

Thank you for your email. I've reviewed your 8-26-15 request. My response email dated September 2<sup>nd</sup> explained that I would conduct another search for records, providing only those records which hadn't already been identified and/or provided under your earlier request of 6-17-15. The jail DVDs were previously identified in my response to the 6-17-15 request and documented as exempt under RCW 42.56.420, Security. The DVDs are still exempt under RCW 42.56.420 for this request as well. Do you need me to send you another exemption log?

Sincerely,

Mindy Lamberton

**From:** Greg Ferguson [mailto:greg@greg-ferguson.com]  
**Sent:** Wednesday, November 25, 2015 10:33 AM  
**To:** Lamberton, Mindy  
**Cc:** brenda@greg-ferguson.com; Jack Green; aaron@greenandritchie.com; Joanna Fredin  
**Subject:** Re: Public Records Request of 8-26-15 M.Lynch

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Best regards,  
Greg

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CLARK COUNTY  
PROSECUTING ATTORNEY'S OFFICE

8-26-15 PDR  
BATES 3277-3281

EXEMPTION LOG

Document type	Explanation	Redaction	Pages
Evidence Item 202446-3 DVDs of Jail Video Showing Lynch at Various Jail Locations	Items Retrieved from CCSO Property Unit  8 DVDs collected by Detective Knoepfel from Corrections Sgt. Paradis on 3/27/15 containing jail video of Lynch at various jail locations  DVD 1: Booking Sallyport 17:08 - 17:10 DVD 2: Booking and B5 17:09 - 20:12 DVD 3: Mug/Print 20:05 - 20:11 DVD 4: Booking to Elevator	RCW 42.56.420 - Security The following information relating to security is exempt from disclosure under this chapter: (2) those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure	3277



<p>Evidence Item 202446-2 DVDs of CCO Jail Video – Lynch at Various Jail Locations</p>	<p>20:12 DVD 5: Medical Lobby Inmate Elevator 20:12 – 20:14 DVD 6: Med Dayroom 3/20/15 8:37 p.m. – 9:10 p.m. DVD 7: Med Cell 5 8:13 – 8:38 DVD 8: Med Rooms 1, 2, 3, 4, 5 3/20/15 0810 – 0840</p> <p>Items Retrieved from CCSO Property Unit</p> <p>7 DVDs given to Detective McShea on 3/22/15 by Corrections Sgt. Wolfe containing jail video surveillance of Lynch at various jail locations</p> <p>DVD 1: Lynch Vehicle Sally Port DVD 2: Booking DVD 3: I/M Lynch Med-Hall- Front DVD 4: Lynch Med Hall Back DVD 5: I/M Lynch Med Center DVD 6: I/M Lynch Med 5 DVD 7: Lynch 161925 3/20/15 17:05-17:30 Lynch when he came to jail</p> <p>Items Retrieved from CCSO Property Unit</p> <p>DVD containing CCSO Jail video of Lynch in Med Hall and Med Cell 5, 3/20/15, 2013-2039 hours;</p>	<p>facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety.</p>	<p>3278</p>
<p>Evidence Item 202446-1 DVD of Jail Video – Med Hall and Med Cell</p>	<p>RCW 42.56.420 – Security</p> <p>The following information relating to security is exempt from disclosure under this chapter: (2) those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety.</p>	<p>RCW 42.56.420 – Security</p> <p>The following information relating to security is exempt from disclosure under this chapter: (2) those portions of records containing specific and unique vulnerability</p>	<p>3279</p>

	<p>collected by Det. McShea from CCSO Jail Sgt. Paradis on 3/25/15</p>	<p>assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety.</p>	
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