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5 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
6 IN AND FOR THE COUNTY OF THURSTON

7 THURSTON COUNTY SHERIFF

8 Plaintiff,

9 vs.

10 WASHINGTON STATE DEPARTMENT OF  
CORRECTIONS; and CJ CIARAMELLA,

11 Defendants.

No.:

COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF

12 COMES NOW the Plaintiff, THURSTON COUNTY SHERIFF'S OFFICE, and for causes of  
13 action against the Defendants show the Court as follows:

14 **I. PARTIES**

15 1. Plaintiff Thurston County Sheriff's Office is a political subdivision of the State of  
Washington, authorized by Wash. Const. art. XI, § 11 and RCW 36.28.

16 2. Defendant Washington State Department of Corrections is a state agency that maintains  
17 records containing facts and information related to an incident that is the subject of a pending and open  
18 Thurston County Sheriff's criminal investigation.

19 3. Defendant CJ Ciaramella is believed to be an individual; whose address is unknown to  
20 the Plaintiff; and who submitted a public records request to the Washington State Department of  
Corrections using the email address 101861-30818045@requests.muckrock.com.

21 **II. JURISDICTION AND VENUE**

22 4. The Superior Court of Thurston County has jurisdiction in this matter and venue in  
23 Thurston County is appropriate pursuant to RCW 4.92.010(5) and RCW 42.56.540.

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### III. FACTS

5. On September 3, 2020, Michael Reinoehl was shot and killed in a confrontation with a U.S. Marshals task force at an apartment complex in Thurston County (the Reinoehl incident).

6. No member of Thurston County law enforcement was part of the task force.

7. Thurston County Sheriff's Office is the lead agency responsible for the independent investigation into Mr. Reinoehl's death. Because Mr. Reinoehl was killed, the investigation is treated as a homicide investigation. Whether such homicide is justified or unjustified remains to be seen and is a focus of the investigation. The investigation into Mr. Reinoehl's death is currently open and ongoing. The investigation team estimates that the investigation will take approximately two more months.

8. Until the investigation is closed, it would be extremely difficult for the investigating team to parse out sensitive and nonsensitive information. It is only when an investigation is completed that investigators are able to parse the records and determine what information is relevant or essential to effective law enforcement. Release of any records associated with the investigation at this time would impair the ability of investigating officers to share information in a manner that effects efficient and good police work, and would inhibit the ability of investigating officers to determine, in their professional judgment, how and when information will be released.

9. Thurston County Sheriff's Office has received public records requests for Reinoehl investigation records under Chapter 42.56 RCW, the Public Records Act. In light of the facts set forth in Paragraphs 7 through 8 of this Complaint, the Sheriff's Office has denied these requests because the records are categorically exempt from disclosure under RCW 42.56.240(1) (the effective law enforcement exemption) and related case law. By memorandum decision dated November 25, 2020, the Mason County Superior Court confirmed the propriety of this categorical exemption in an unrelated matter. A copy of the memorandum decision is attached hereto as **Exhibit 1**.

10. Law enforcement officers with the Washington State Department of Corrections (DOC) were part of the task force and were present the at the September 3, 2020 Reinoehl incident.

11. DOC maintains records containing facts and information related to the Reinoehl incident, which is the subject of a pending and open Thurston County Sheriff's criminal investigation.

1           12.     On September 8, 2020, CJ Ciaramella (Requester) submitted a request to DOC for “all  
2 incident reports, weapon discharge reports, or use of force reports filed by officers or agents involved  
3 in the Sept. 3, 2020 shooting of Michael Forest Reinoehl in Lacey, Washington,” as well as “any body  
4 camera footage or still photographs taken by officers or agents related to the Sep. 3, 2020 shooting of  
5 Michael Forest Reinoehl Lacey, Washington.” A copy of the request is attached hereto as **Exhibit 2**.

6           13.     Thurston County Sheriff’s Office understands that DOC intends to release responsive  
7 records to CJ Ciaramella on December 23, 2020, in redacted form.

8           14.     WAC 139-12-030 prevents information sharing between the Sheriff and DOC, and the  
9 WAC requires members of the investigative team to ensure that no member of the investigative team  
10 receives compelled statements of the involvement DOC officers or any investigative content that was  
11 informed by such compelled statements. Therefore, members of the investigative team, who are in the  
12 best (and only) position to review DOC’s intended redactions to ascertain if those redactions will  
13 adequately preserve the integrity of the Sheriff’s investigation, are prohibited from reviewing the  
14 records DOC intends to release. Additionally, the investigative team has made efforts consistent with  
15 WAC 139-12-030 to ensure that information is not shared with it.

16           15.     The likelihood is high that the records DOC intends to release contain facts or  
17 statements that may be relevant to the Sheriff’s open investigation, and that could in turn undermine  
18 the Sheriff’s investigation. Release of these records could also undermine the exemption that the  
19 Sheriff properly claimed. Additionally, the likelihood is high that the records DOC holds may, even if  
20 redacted, contain information that the Sheriff’s investigation team is prohibited from seeing until its  
21 own investigation is complete; and the likelihood is high that such information could make its way  
22 back to the Sheriff’s investigation team if DOC releases its records before the Sheriff completes its  
23 investigation. Therefore, Thurston County Sheriff’s Office brings this action to preserve the integrity  
of its investigation and of its claimed exemption under RCW 42.56.240(1), as well as to ensure its  
efforts to meet its obligations under WAC 139-12-030 are not thwarted.

1 **IV. STANDING**

2 16. Thurston County Sheriff’s Office has standing under RCW 42.56.540 to bring this  
3 action, as its investigation will be affected by the impending release of these records.

4 **V. CLAIMS**

5 17. Thurston County Sheriff’s Office re-alleges each and every fact set forth above.

6 18. The information is protected from disclosure pursuant to RCW 42.56.240(1), and WAC  
7 139-12-030.

8 **RELIEF REQUESTED**

9 THEREFORE, the Plaintiff requests that the Court grant the following relief:


10 A. Declaratory judgment that, for the reasons alleged herein, the Department of  
11 Corrections be prohibited from releasing the requested information until such time as the Thurston  
12 County Sheriff’s Office informs the Department of Corrections that its criminal investigation has been  
13 completed.

14 B. A preliminary and permanent injunction enjoining the Department of Corrections from  
15 releasing the requested information until such time as the Thurston County Sheriff’s Office informs the  
16 Department of Corrections that its criminal investigation has been completed.

17 C. Such other relief as the Court may deem just and proper.

18 DATED this 15th day of December, 2020.

19 **JON TUNHEIM**  
20 **PROSECUTING ATTORNEY**



21 **GRACE C.S. O’CONNOR, WSBA #36750**  
22 Deputy Prosecuting Attorney  
23 Attorney for Plaintiff Thurston County Sheriff’s Office

# Complaint Exhibit 1

RECEIVED & FILED  
Mason County Clerk

NOV 25 2020

Superior Court of WA  
Sharon Fogo

**Superior Court of Washington, County of Mason**

Arthur West,

Plaintiff,

vs

Thurston County,

Defendant.

No. 20-2-00461-23

Memorandum Decision re: Plaintiff's Motion  
for In Camera Review

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THIS MATTER having come before the Court on Plaintiff's Motion for an In Camera Review, the Court having heard argument and having reviewed the records and file, provides the following Memorandum Decision:

The issue before the court is the Plaintiff's request for an in camera review of the information held by Thurston County Sheriff's Office (TCSO) that meets the description set forth in Plaintiff's Public Records Request, namely:

"All record and communications concerning the investigation, apprehension and killing of Michael Reinoel, to include any interdepartmental communications, any police reports, CAPCOM records, any radio, radio-telephone, text or other electronic communications, any emails, writings, memos, directives, or other communications of any form, to include any review, investigation, or analysis of any form of the above mentions events and related activity."

TCSO is conducting an independent investigation of Michael Reinoehl's death pursuant to RCW 10.114.011 (Plaintiff's request has a different spelling of the last name of the deceased, however there is no indication that this has affected TCSO ability to respond to the request and the Court will adopt the spelling in the TCSO response). The circumstances leading to the investigation include that Mr. Reinoehl was shot and killed in a confrontation with a U.S. Marshals task force in Thurston County. No member of the TCSO was involved in the shooting.

TCSO is conducting the investigation pursuant to RCW 10.114.011. The status of the investigation is as follows: it is currently open and ongoing; the matter has not yet been referred

to a prosecutor for a charging decision; enforcement proceedings are still being contemplated; the circumstances of the death are currently unknown and unsolved.

In response to the request TCSO stated in part:

“In accordance with the Public Records Act 9PRA), RCW 42.56.520, this letter acknowledges receipt of your PRA request, submitted to and received by Thurston County on OCTOBER 23, 2020.

...The records you have requested pertain to an active and on-going investigation (TCSO case #20-4433). These records are categorically exempt from production pursuant to RCW 42.56.240(1).”

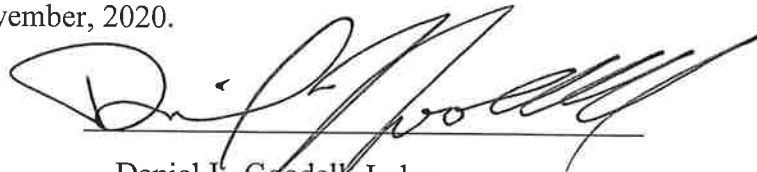
RCW 42.56.240(1) states:

Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

The sole purpose of TCSO involvement in this matter is investigative as a law enforcement agency. The investigation does not involve the actions of any law enforcement officer within the TCSO and is not an internal law enforcement investigation. The reliance on RCW 42.56.240(1) is appropriate and TCSO is justified in asserting the statutory blanket exemption during the time of its ongoing investigation. There is no issue left for the court to ascertain in determining whether an exemption has been properly claimed by TCSO, so there is no benefit for ordering an in camera review.

During the oral argument on the Plaintiff's motion, the Plaintiff clarified that he wishes to include documents related to non-investigative administrative communications surrounding Defendant's involvement in the investigation. Defendant's attorney indicated that she will confer with her client regarding a response to the oral clarification. To the extent that the present motion relates to such documents, the Court will reserve its decision, pending Defendant's response to the request. This decision does not preclude Plaintiff from bringing a request back before this Court based upon the response, or lack of response, to the requested non-investigative administrative communication documents.

DATED this 25<sup>th</sup> day of November, 2020.



Daniel L. Goodell, Judge

REC'D & FILED  
MASON CO. WA

2020 NOV 30 A 11: 50

SHARON K. FOGO CO. CLERK

BY \_\_\_\_\_ DEPUTY

SUPERIOR COURT OF WASHINGTON  
COUNTY OF MASON

ARTHUR WEST,	)	
	)	NO. 20-2-00461-23
	)	
Plaintiff,	)	
	)	CERTIFICATE OF MAILING
vs.	)	
	)	
THURSTON COUNTY,	)	
	)	[CRML]
	)	
Defendant.	)	

I declare that on November 30, 2020,  
I mailed a true and correct copy of the Memorandum Decision re: Plaintiff's Motion for  
In Camera Review to:

Arthur West  
120 State Ave., N.E. #1497  
Olympia, WA 98501

Jon Tunheim  
Grace C.S. O'Connor  
Thurston County Prosecuting Attorney  
Civil Division-Bldg. No. 5  
2000 Lakeridge Drive SW  
Olympia, WA 98502

I certify under penalty of perjury of the laws of the State of Washington that the  
foregoing is true and correct.

Signed at Shelton, Washington on 11-30-2020.

  
\_\_\_\_\_  
Jannifer Rose, Mason County Superior Court



**Alason County Superior Court**  
P.O. Box "X"  
Shelton, Washington 98584

TACOMA WA 983  
OLYMPIA WA  
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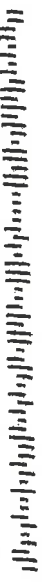
FOREVER / USA

**COPY RECEIVED**  
THURSTON COUNTY  
PROSECUTOR'S OFFICE

**DEC 03 2020**

BY \_\_\_\_\_  
TIME \_\_\_\_\_

Jon Tunheim & Grace C.S. O'Connor  
Thurston County Prosecuting Attorney  
Civil Division- Bldg. No. 5  
2000 Lakeridge Drive SW  
Olympia, WA 98502



98502-604599

# Complaint Exhibit 2

**King, Cassandra M. (DOC)**

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**From:** 101861-30818045@requests.muckrock.com  
**Sent:** Tuesday, September 8, 2020 7:42 AM  
**To:** doc public disclosure unit  
**Subject:** Washington Public Records Act Request: Incident report and footage of Michael Forest Reinoehl shooting (Department of Corrections)

Department of Corrections  
Washington Public Records Act Office  
Post Office Box 41118  
Olympia, WA 98504-1118

September 8, 2020

To Whom It May Concern:

Pursuant to the Washington Public Records Act, I hereby request the following records:

- all incident reports, weapon discharge reports, or use-of-force reports filed by officers or agents involved in the Sep. 3, 2020 shooting of Michael Forest Reinoehl in Lacey, Washington.
- any body camera footage or still photographs taken by officers or agents related to the Sep. 3, 2020 shooting of Michael Forest Reinoehl in Lacey, Washington.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

CJ Ciaramella

Filed via MuckRock.com

E-mail (Preferred): 101861-30818045@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fdepartment-corrections-3542%252Fincident-report-and-footage-of-michael-forest-reinoehl-shooting-department-of-corrections-101861%252F%253Femail%253Ddocpublicdisclosureunit%252540doc.wa.gov&url\\_auth\\_token=AAAYhzE6r0trZmolJmX7SVLOaS8%3A1kFep0%3AcXxkQOaGCAd0bBucY1eFGWuWINK](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-corrections-3542%252Fincident-report-and-footage-of-michael-forest-reinoehl-shooting-department-of-corrections-101861%252F%253Femail%253Ddocpublicdisclosureunit%252540doc.wa.gov&url_auth_token=AAAYhzE6r0trZmolJmX7SVLOaS8%3A1kFep0%3AcXxkQOaGCAd0bBucY1eFGWuWINK)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 101861  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

