



PRESS RELEASE

December 9, 2018

King County Sheriff agrees to new use of force policies in settlement of lawsuit over motorcyclist held at gunpoint by plainclothes officer.

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As part of a settlement of *Randall v. King County et al.*, 18-cv-01123-JCC, the King County Sheriff's Office has agreed to immediately make changes to use of force policies.

The lawsuit arose from an incident on August 16, 2017 incident in which plainclothes King County Sheriff's detective Richard Rowe was caught on video holding a motorcyclist, Alex Randall, at gunpoint. Mr. Randall was legally stopped at a traffic light at the time.

The lawsuit alleged that Detective Rowe used excessive force in pointing a gun at Mr. Randall without a legal justification, and that the King County Sheriff's Office had failed to train and supervise him. Background on the incident can be found here:

<https://www.seattletimes.com/seattle-news/shoreline-motorcyclists-terrifying-traffic-stop-threatened-at-gunpoint-but-he-wasnt-ticketed/>

<https://www.king5.com/article/news/local/king-co-deputy-receives-5-day-suspension-for-pulling-gun-on-motorcyclist/281-539655437>

<https://www.seattletimes.com/seattle-news/motorcyclist-sues-king-county-detective-who-pulled-gun-on-him-at-traffic-stop/>

A disciplinary proceeding relating to the incident resulted in a 5-day suspension for the detective, based on findings that he had engaged in discourtesy and "conduct unbecoming."

However, the internal investigation "Exonerated" Detective Rowe of using unnecessary or excessive force, stating that "no actual physical force was used." This determination was likely based on a misunderstanding of law, reflected in the failure of King County Sheriff's policies to define pointing a gun at a citizen as a use of force.

In fact, federal courts have repeatedly held that pointing a gun at a citizen *does* constitute a use of force, and that the U.S. Constitution requires that pointing a gun must be objectively reasonable and done for a lawful purpose.



This significant flaw in the Sheriff’s policies is highly problematic because it fails to inform officers that they must have a lawful basis to point a gun at a citizen, and also because it fails to create supervisory review of pointing a gun as is required for all other uses of force.

During the internal investigation, investigators quoted Detective Rowe saying that he had pointed his gun at citizens “multiple times” without ever reporting it for review by a supervisor.

Mr. Randall requested that the Sheriff’s office review and correct its use of force policy, to bring it in line with other agencies in the region that accurately define pointing a weapon as a use of force, such as the San Francisco Police Department, the Portland Police Bureau, and the Seattle Police Department.

To resolve Mr. Randall’s claims, the King County Sheriff has agreed to issue a Special Order by the end of this week to implement an interim policy clarifying that “aiming a weapon is a use of force and should be reported within the Sheriff’s office subject to further consideration and evaluation by persons higher up in the chain of command.”

The Special Order will be followed by a permanent policy which “at a minimum recognizes that aiming a weapon constitutes a use of force that must be lawfully justified and must be reported for review by supervisory personnel.”

“We appreciate the Sheriff’s recognition of the importance of this issue,” said Christopher Carney, attorney for Mr. Randall. “Pointing a gun at a person without a good reason needlessly escalates the danger of any interaction with police, and increases the risks that citizens and officers will be hurt or killed. This policy change brings the King County Sheriff in line with modern policing, and will hopefully improve officer training to de-escalate dangerous situations.”

“This was a terrifying incident for me, and I hope that this settlement will prevent this from happening to anyone else,” said Mr. Randall. “I’m glad that something good has come from what happened to me, and I look forward to continuing to volunteer my efforts to improve community relations with our police.”

The settlement includes a payment of \$65,000.00 to compensate Mr. Randall.