

From: [Satterberg, Dan](#)
To: [Keyes, Whitney](#)
Subject: FW: Assault 3 and police officer victims
Date: Thursday, May 02, 2019 4:54:17 PM

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Sent: Thursday, May 2, 2019 4:54 PM

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Subject: Assault 3 and police officer victims

Dear Chiefs,

Sorry for the mass email to you, but today a KIRO web story has made the rounds that is completely wrong:

<https://mynorthwest.com/1371105/king-county-resisting-arrest-prosecutor/>

The misleading headline has caused many angry comments and tweets directed at me and my office. I am also concerned that this inaccurate story could pose additional risks for officers. I want to make sure you understand the truth:

1. There has been no change of policy or practice.
2. In the past 18 months we have filed 367 felony assault 3 cases where officers are the victims, 85% of the cases referred to us. The other 15% were filed as resisting arrest, or sent to municipal prosecutors with that recommendation.
3. These are the standards that guide filing decisions on referrals on officer-victim Assault 3:

Law Enforcement and Firefighter

Assault in the third degree against a law enforcement officer under RCW 9A.36.031(1) subsection (a) or (g) or a firefighter or other employee of a fire department under 9A.36.030(1)(e) shall normally be filed if the assault can be best described as an intentional attack on the officer and one of the following exist:

- (a) The officer has an injury or experiences significant pain as a result of the assault;
- (b) The officer is taken or forced to the ground;
- (c) The defendant bites the officer, spits in the officer's face or throws urine or bodily fluid on the officer;
- (d) A substantial effort is required to stop the assault;
- (e) The suspect attempts to get the officer's firearm; or
- (f) The suspect uses any object, not amounting to a deadly weapon, to assault the officer.

Assaults against officers involving deadly weapons or where substantial bodily harm results should normally be filed as assault in the second degree.

Assaults against officers that are best described as either resisting or mere unwanted touching should be filed as resisting or assault in the fourth degree.

4. The specific case the talk-show host Rantz mentioned in his blog post was a potential suicide call involving a 20-year old woman who was intoxicated. When the AMR ambulance drivers showed up to take her to Harborview, they put her into restraints on a gurney in the ambulance, which she did not like. She was flailing and her foot kicked officer. There was no evidence that she attacked the officer, only that she resisted being strapped to the 4-point restraints on the gurney. She was charged with resisting arrest, not an intentional assault 3. I think that was the appropriate charge.

The story is potentially harmful to the relationship that my office has with law enforcement, so I wanted to make sure you know that is it inaccurate. Our office takes very seriously our obligation to hold offenders accountable who assault law enforcement officers. As we do in each case that is referred into

our office, we review the facts and evidence to select the appropriate criminal charge. We work very closely with law enforcement officers and are committed to holding offenders accountable who assault them in the execution of their important public duties.

Let me know if you have any questions or get other inquiries.

Thanks,

Dan



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