

King County Prosecuting Attorney
Criminal Division
District Court Unit

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DECLINE

TO: Officer: Officer Jody J. Daigle, #320
Police Agency: University of Washington Police
Department
Unit/Precinct:

Date: July 9, 2019

FM: Michael W. Graves
West Division
Maleng Regional Justice Center
401 4th Avenue North, Suite 2A
Kent, WA 98032-2385

RE: Defendant: [REDACTED]

Citation #: C11592UW
Incident #: 19-17894

Charges: Disorderly Conduct

Date of 6/3/2019
Violation:

Thank you for submitting this case. However, we are declining to prosecute Mr. [REDACTED] because, based on the facts presented, it is unlikely that we would be able to prove he intentionally committed the crime of disorderly conduct beyond a reasonable doubt. A person is guilty of disorderly conduct if he or she intentionally disrupts any lawful assembly or meeting of persons without lawful authority. RCW 9A.84.030. This case involves a very brief and completely failed attempt to disrupt a meeting on campus. As soon as the suspect got to the door with a chain, he was interrupted.

While we can speculate, the purpose of the suspect's use of the chain is not entirely clear since there were other doorways/exits in the class that were visible and obvious. Furthermore, the meeting itself was not in any way disrupted except to the extent necessary to immediately interrupt, chase and apprehend the suspect. While it is fair to say that the suspect had formed some plan, it is not at all clear from his actions what that plan was. The plan was fully and completely interrupted from the very moment it began.

Statutes addressing an attempt to disrupt a meeting (disorderly conduct) or an attempt to unlawful imprison others would each require that the suspect took a substantial step toward the commission of that particular crime. The courts have interpreted substantial step to mean "a real or material threat." It must be more than "a petty annoyance, a slight inconvenience, or an imaginary conflict." Under these facts, with his plan interrupted at inception, there remains a reasonable doubt about the purpose/goal of the suspect. Since we are unable to say what he intended to accomplish beyond a reasonable doubt, we decline to file a criminal charge.