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Update: WA Supreme Court rules unanimously on Benton sheriff recall bid

BY KRISTIN M. KRAEMER

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a civil protection order in

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Here is a timeline of the events surrounding embattled Benton County Sheriff Jerry Ha the efforts to remove him from office. BY JENNIFER KING





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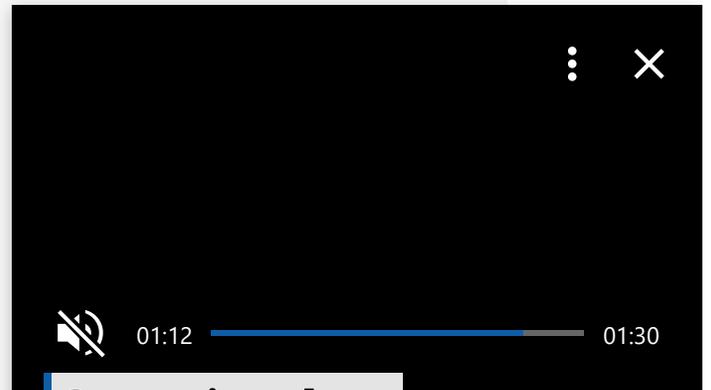
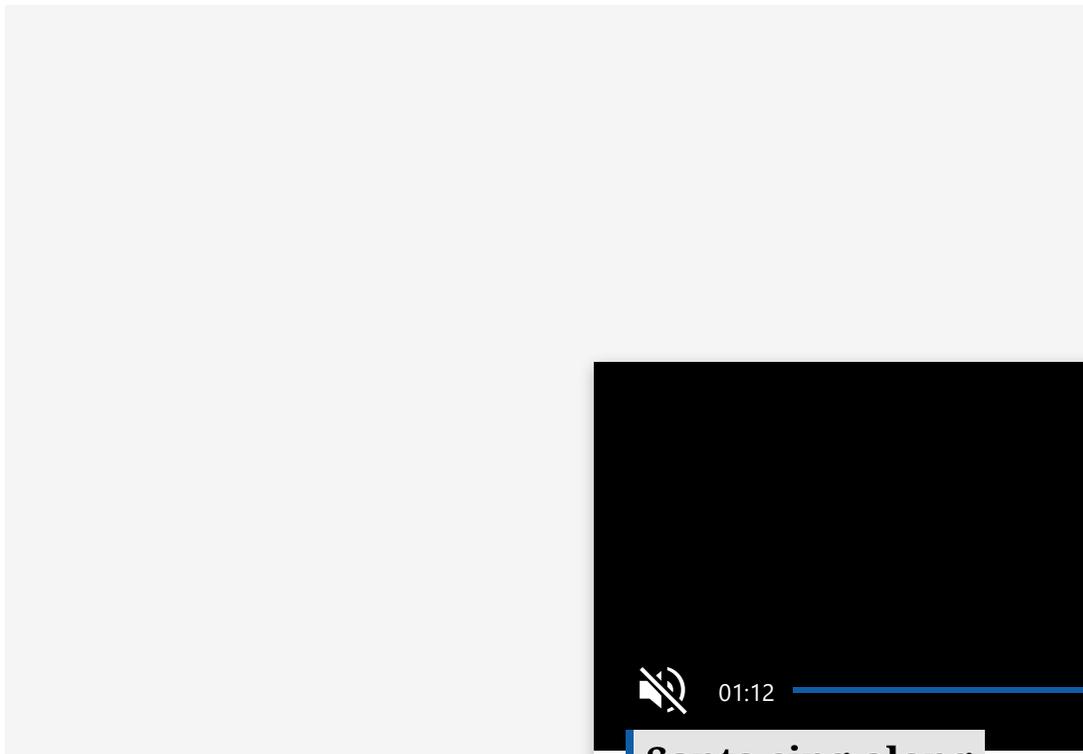
OLYMPIA, WA

The Washington state Supreme Court ruled Friday that an effort to recall the Benton County sheriff can moved forward on all eight alleged charges.

It gives a Benton County sheriff’s sergeant the go-ahead to start collecting signatures in a push to oust his boss from office.

The recall then would go to the voters in a special election.

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The unanimous ruling signed by Chief Justice Debra Stephens found that allegations in the proposed recall, if true, are offenses that can be the basis for a recall.

“Assuming, as we must, that the allegations are true, they identify recallable offenses,” said the order. The justices do not have to rule on the truth of the claims to allow signatures to be gathered.

Sgt. Jason Erickson filed a recall petition nearly four months ago that accuses Sheriff Jerry Hatcher of criminal misconduct, tampering with physical evidence, discrimination, intimidation and retaliation.

Erickson now has six months to collect valid signatures from a number of voters equal to 25 percent of the votes cast in Hatcher’s last election.

That means signatures are needed from almost 14,000 Benton County voters. Signature gathering can begin on Monday, Nov. 9.

The Supreme Court justices did not go into detail with Friday’s order, saying an opinion would be released at a later date.



Attorney Alan Harvey

“It is apparent the Washington State Supreme Court has a vast amount of evidence against the sheriff,” Harvey told the Tri-City Herald. “It is clear they could find out why he needs to be recalled.”

Harvey said his client, Erickson, was ecstatic upon hearing the news Friday.

HATCHER DISPUTES ALLEGATIONS

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Hatcher told the Herald the ruling was disappointing and that he can prove all eight allegations are false.

But he did not have that chance in court hearings, including at the Supreme Court where no testimony was heard, he said.

Recall cases are unusual in that “a person can make allegations with absolutely no proof and the court has to take that as fact,” Hatcher said.



Sheriff Jerry Hatcher

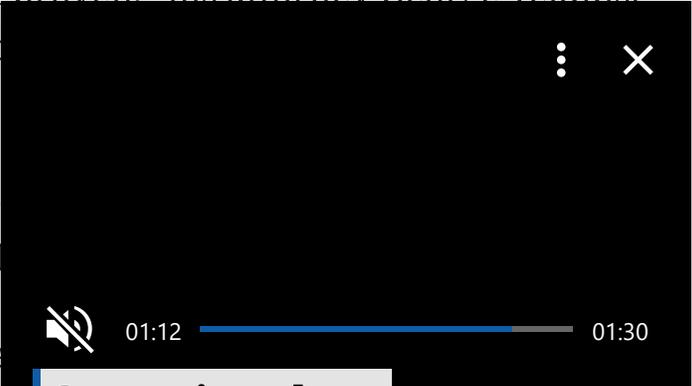
In this case important facts have purposely and unethically been left out of the allegations, he said.

“We are disappointed in the Supreme Court decision. The public must remember/know that the allegations are not proven” his attorney George Telquist told the Herald in an email. “The Court is rec true and cannot engage in fact finding.”

He noted the ballot synopsis that will be use Benton County prosecutors, who have not fi

Prosecutor Andy Miller has previously said a an outside agency to avoid a conflict of inter

Benton County commissioners have asked th Kennewick Police Department to investigate Hatcher but both have questioned their jurisdiction and/or a potential conflict of interest. Police Chief Ken Hohenberg said the county has the option of choosing an independent investigator, who would recommend charges to a prosecutor.



Now that the recall process is moving forward, the sheriff said he would do his best to educate the community on his position. People are welcome to call him at the sheriff's office, he said.

Hatcher had appealed to the state Supreme Court to overturn an August decision by Judge M. Scott Wolfram of Walla Walla County Superior Court. Wolfram said that [Erickson's petition was legally and factually sufficient](#) to proceed toward gathering signatures for a special election.

The judge approved the entire proposed ballot synopsis prepared by Benton County prosecutors, which includes [charges of misfeasance, malfeasance](#) and violations of Hatcher's oath of office.

The high court in September [agreed to an accelerated review of the case](#) by all nine justices. The review was set for Thursday behind closed doors in Olympia.

Erickson and his attorney asked for the quick turnaround, citing state law dealing with [recall efforts of elected public servants](#).

Erickson — who self-demoted from lieutenant last February because of concerns about Hatcher's leadership — is backed by nearly the entire [membership of the Benton County Deputy Sheriff's Guild](#), along with the Washington State Fraternal Order of Police.

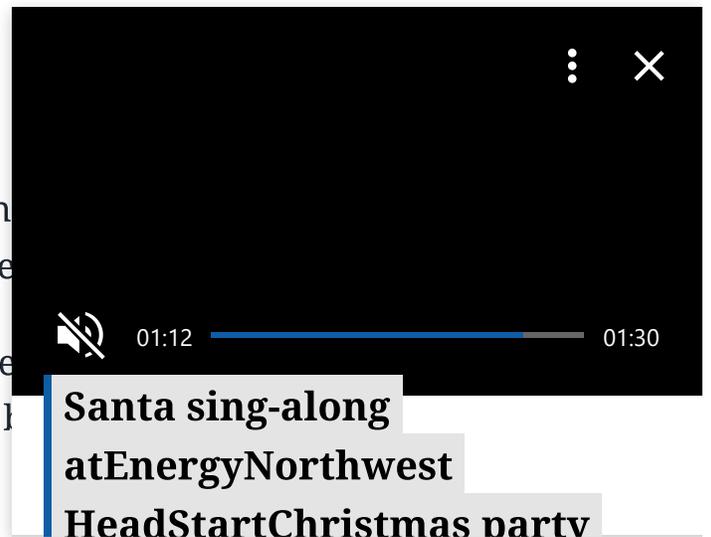
RECALL ALLEGATIONS

Hatcher has been sheriff since May 2017 when he took the position after the resignation of Steve Keane.

As an elected official, Hatcher can only be recalled at the next election. He also can step down voluntarily by resigning in 2022.

The eight charges listed in the recall effort are that he:

- Illegally appropriated for his own use 14 cases of ammunition belonging to Benton County.



- Illegally tampered with physical evidence by directing the distribution of ammunition that was potential evidence of his own alleged unlawful acts
- Interfered in an investigation into his conduct by acting to prevent witnesses from being interviewed.
- Violated county anti-discrimination policy by hindering an investigation into his conduct and retaliating against the complainant and witnesses to the investigation.
- Illegally intimidated public servants and witnesses in investigations into his conduct by raising false allegations of impropriety and threatening witnesses' jobs.
- Illegally made false or misleading statements to law enforcement and the court regarding the number of firearms he needed to surrender pursuant to a court order.
- Illegally made false or misleading statements to public servants claiming that he had initiated a criminal investigation into his own conduct when he had not.
- Falsified a public record by placing a false date on an investigation request.

Over the last year, Hatcher has faced a number of legal challenges, including a contentious divorce filed by his estranged wife, and a lawsuit filed by employees to calls by Benton County commissioner and the sheriff to quit.

As part of a judge's order in the divorce case, Hatcher was required to surrender guns, it was discovered that he had 14,200 rounds of ammunition in the garage of the Benton County home he had shared with his wife.

Meanwhile, Benton County commissioner and sheriff filed a lawsuit with the Washington state Auditor's Office. The auditors were asked to look into the inventory and tracking of weapons and ammunition in the Benton County Sheriff's Office as part of their annual audit review.

A video player overlay is positioned on the right side of the page. It features a black background with a white close button (X) in the top right corner and a vertical ellipsis menu icon. Below these, there is a volume icon and a progress bar showing the video is at 01:12 out of 01:30. At the bottom of the player, there is a white text box containing the following text: "Santa sing-along at Energy Northwest HeadStart Christmas party".

This story was originally published November 6, 2020, 4:37 PM.

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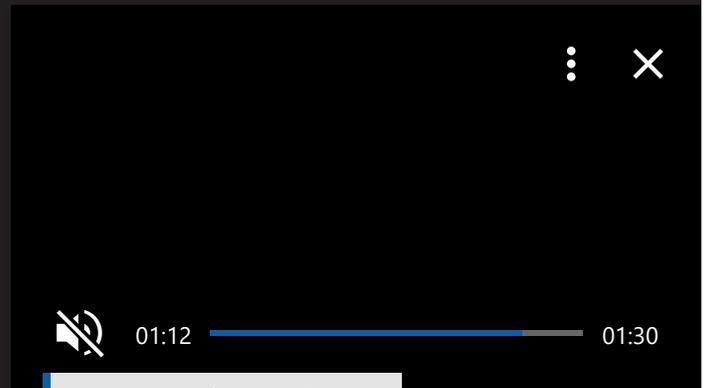


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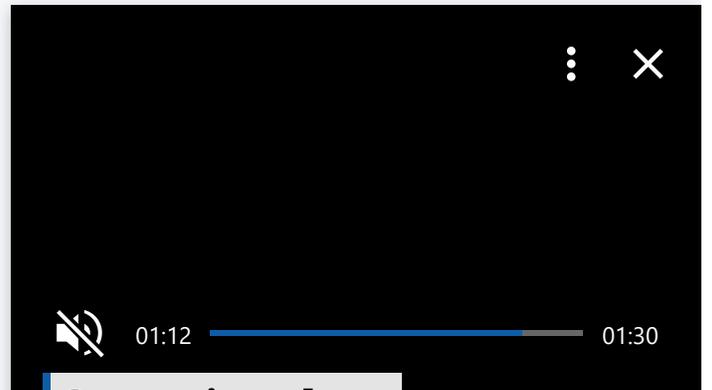
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