



January 2<sup>nd</sup>, 2014

**Sheriff Harvey Gjesdal**  
Douglas County Sheriff's Office  
110 N.E. 2nd Street Suite 200  
East Wenatchee, WA 98802

Re: Destruction of Public Records / Missing Computer

Dear Sheriff Gjesdal;

I have just been seated as the new Mayor for Coulee Dam and discovered that all of my predecessor's public-record emails have been removed from the Town's email server and the Town's computer assigned to the mayor's office. The nature of Coulee Dam's email server pushes the emails to the sending/receiving computer for storage and none of them are generally left on the service-provider's system(s).

I arrived for my first day today... January 2<sup>nd</sup>, 2014. To my surprise, the prior Mayor had purchased a new computer for the mayor's office – so new, in fact, that there were no records or files on it of any kind! At first blush, not a real problem since the old computer and its hard-drive must still be around – you would think stored somewhere pending a surplus property declaration and subsequent disposal. The hard-drive of the old computer will certainly hold the public records I need and which are required to be retained by statute. After a bit of looking and searching our police chief (Pat Collins) informed me that it had just “disappeared” not long ago from one of his department's locked storage rooms. Even through the room contained more and better “electronics,” nothing else was taken or lost – just the mayor's old computer!

RCW 40.16.010 (Injury to public record) makes it unlawful to remove, alter, destroy, conceal, or obliterate documents deposited in a public office, or with any public officer under the penalties set forth as a class “C” felony. In the end, the records were destroyed or removed from the Town government by the “disappearance” of the computer. Two things were lost, concealed, or stolen... the electronic records themselves, AND the more tangible computer. Additionally, as is also the case here, RCW 42.56.100, requires the preservation of a public record if it exists at the time the request for that record was made. To wit; “... may not destroy or erase the record until the request is resolved.”

Given the potentially political nature of the matter, and prior allegiances, I feel that the investigation of this loss would better be accomplished from an independent point of view – that is by your department. The

Coulee Dam Town Hall, and the venue of loss, is located within Douglas County and I am requesting your assistance accordingly. If you feel that the jurisdiction is incorrectly assumed, please indicate so and I will pursue the matter through the more appropriate and applicable agency.

Please don't hesitate to contact me for further information and discussion.

Sincerely yours,

F. Gregory Wilder, Mayor

c: Chief Collins