

Special prosecutor appointed to probe eavesdropping

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A special prosecutor has been appointed to investigate whether a suspect's rights were violated when officials listened to Yakima County jail phone calls between the suspect and his attorney.

A Superior Court judge on Friday tapped Jeff Sullivan, a former Yakima County prosecuting attorney and retired U.S. Attorney, to conduct the investigation, which is expected to take three to five weeks to complete.

Sullivan was previously appointed to investigate a similar jailhouse phone eavesdropping incident by sheriff's investigators in the case Kevin Harper, the prime suspect in the 2011 triple homicide of the Goggin family. However, that investigation became moot and was never completed after murder charges were dropped against Harper in October 2012.

Now, Sullivan will look into the case of Daniel Woolem, an accused drug dealer whose calls to his then-attorney in 2011 were accessed as many as six times, according to court records.

Calls from the county jail are recorded — in fact, inmates are given a warning before a call is connected. Law enforcement sometimes listens to the recordings, which can be a valuable aid in investigations. But calls between inmates and their attorneys are protected by attorney-client privilege and are supposed to be blocked from being recorded. That did not happen in the Harper or Woolem cases, jail records indicate.

In both cases, a deputy prosecutor discovered eavesdropping had occurred and it was reported to defense attorneys and the court.

The prosecutor's office asked Judge Douglas Federspiel to appoint a special prosecutor to determine whether the eavesdropping warranted dropping the charges.

Sullivan is expected to investigate who accessed Woolem's phone records and what was learned.

Woolem's current defense attorney, Ricardo Hernandez, argued against appointing a special prosecutor, saying it doesn't matter what was learned by listening to the calls, that mere access to the conversations warrants dismissal of the case against his client.

"Whoever listened to that call didn't bother to report it to anybody at any level," Hernandez said. "We believe that shows bad faith."

Court records say the jail's computerized phone recording system containing Woolem's calls were accessed with user names belonging to Prosecuting Attorney Jim Hagarty and sheriff's detective Robert Tucker.

In court records, Hagarty said his user name is used by several members of his office and that he didn't listen to any of the calls.

The defense has requested a list of people who would have had access to Hagarty's user name and password at the time in 2011.

Court records also state that Tucker's eavesdropping was accidental and that he stopped listening as soon as he realized it was an attorney-client call.

Prosecutors argue there is legal precedent for an incidental waiver of attorney-client privilege. They say that when inmates are warned their calls are being recorded, it's their responsibility to take steps to block the recording.

Former and current members of the prosecutor's office, including Hagarty, and corrections

department staff have been summoned to testify at the Monday hearing.

23 comments



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[Comment](#)**Bob Larson** · Top Commenter · Technology Training Consultant at Lighthouse Consulting

Why give the job to the guy that never actually finished the last one, unless of course you hope for the same result. Thus case and any others like it hiding in the files should be investigated seriously and then dealt with seriously or Yakima criminal justice means nothing. The stink is all over the system for this and the Goggin case, it is time to really clean up or it won't go away. How many other cases have been corrupted? How many people in the clink have been denied justice -- note I didn't say they were innocent, just denied justice.

[Reply](#) · [1](#) · [Like](#) · September 21 at 4:53pm**Penny Simmons** · Works at Pendleton, Oregon

James k Adams did sulivan did you a favor or what?

[Reply](#) · [1](#) · [Like](#) · September 21 at 3:22pm**Bob Larson** · Top Commenter · Technology Training Consultant at Lighthouse Consulting

Actually he is one of the few sane voices in this thread. I don't know him, but what he says is factual and legal that comes from experience. While not a requirement of these threads by a long stretch, it is a point of view that needs to be in these discussions.

[Reply](#) · [Like](#) · September 21 at 4:57pm**Penny Simmons** · Works at Pendleton, Oregon

Mr. Larson maybe. All I ask is please read about the Noel Perez case here in Yakima. You do not send a man to prison for something he did not do to protect a gay relationship which she knew the family, took the case, taking the kid horse back riding, and Sullivan knew all along what was happening. Now this woman is superior court judge in Yakima. Jeff Sullivan is a SOB far as I am concerned he can rot in hell. And Adams he is a fool

[Reply](#) · [Like](#) · Yesterday at 5:10am**James K. Adams** · Top Commenter · University of Washington

Penny Simmons - No, Mr. Sullivan did not do me a favor. I did not work with him. I do not socialize with him. I don't attend his church. However, I observed his conduct as a Prosecuting Attorney and as a U.S. Attorney General. Both of which are difficult jobs. The decisions one makes in those positions are not easy and will anger someone. His performance in those jobs is upon which I base my comment. You obviously have been angered by a decision by Mr. Sullivan and one of our sitting judges. I could not find information about it, so I won't comment. BTW, being called a fool by an angry person is really the least of my concerns.

[Reply](#) · [Like](#) · Yesterday at 8:44am**Penny Simmons** · Works at Pendleton, Oregon

Especially haggerty should not be in office. All he got was a slap in the hand for drunk driving what the hell

[Reply](#) · [1](#) · [Like](#) · September 21 at 3:21pm**William Nance** · Top Commenter · Yakima, Washington

This should be conducted by a completely dis-interested party. Someone from out of the area entirely. I really like Jeff Sullivan, but he's part of the old-boys network in this area and I question his ability to be impartial.

Appointing a former Yakima County Prosecutor to investigate his own former agency and the cops he worked closely with for decades is a transparently blatant attempt to whitewash a serious issue.

Proprietary and police misconduct is one of the most serious allegations possible in our society. In my opinion, it's a worse crime than murder. At least a killer only victimizes one person, their friends and family. Official corruption or

