

Staffer files whistleblower complaint against Pierce County Prosecutor Mark Lindquist

By Sean Robinson
Staff writer
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Mark Lindquist

A whistleblower complaint filed against Pierce County Prosecutor Mark Lindquist contends the culture of his office operates on “fear and bullying behavior,” and that Lindquist “governs using intimidation,” while embroiling his office in local politics to an excessive degree.

The complaint, filed Tuesday with the county’s Human Resources Division and the state Auditor’s Office, comes from Steven Merrival, a veteran deputy prosecutor who has worked at the office since 1982.

The complaint cites multiple allegations of governmental misconduct and a hostile workplace, and alleges electioneering on public time, directed by Lindquist.

It also contends he hires and promotes staff members based on patronage, loyalty and youth rather than merit and experience.

Asked for a comment Wednesday, Lindquist said, “I have high expectations for professionalism and public service, especially in leadership positions, and not everybody is happy about that.

“I’m confident the investigation will exonerate all of us who have been unfairly targeted.”

Merrival sent the complaint to a number of county officials. County Executive Pat McCarthy received a whistleblower complaint but, because of the confidentiality of such matters, cannot confirm from whom, according to spokesman Hunter George.

County Councilman Derek Young said six of seven County Council members received the complaint via email.

Young said he'd read the first few pages of the document, but had not finished it. He noted that the council has no formal role in responding to such complaints, and the authority rests with the county's Human Resources Department.

"Obviously it's important to take these things seriously and go through the process," he said.

The 15-page complaint and 56 pages of attachments list 90 people who Merrival says have knowledge of the alleged circumstances. Those people include other deputy prosecutors and local defense attorneys.

The documents include several News Tribune stories covering matters in the Prosecutor's Office.

Reached Wednesday, Merrival said he didn't file the complaint for self-serving reasons.

"I'm not a disgruntled employee, he said. "I'm a person who's committed to justice here.

"I'm 62 years old, and I've served Pierce County as a deputy prosecuting attorney since 1982 — 33 years. I started when Lindquist was still in school. I remember when prosecutorial misconduct was the exception and happened somewhere else.

"I'm doing this because I hope that one day the prosecutor's office can re-establish trust, serve the people and do justice."

When The News Tribune initially sought comment from Lindquist, Assistant Chief Civil Deputy Prosecutor Denise Greer said the office was unaware of the complaint and had not seen it. The News Tribune forwarded a copy of the complaint to her.

"The complaint contains numerous unfounded and defamatory allegations by an employee who appears to be unhappy that he has been passed over for leadership positions," Greer said.

"The attacks on our numerous hard working colleagues who serve and protect the public are disappointing. We welcome a complete and thorough investigation."

Among many allegations, Merrival's complaint describes a conversation with Lindquist on April 21 in the parking garage of the County-City Building in downtown Tacoma.

The encounter followed an [April 19 News Tribune story](#) that said Lindquist's office leads the state in reversals of convictions due to prosecutorial misconduct.

In response to that story, Merrival's wife posted a comment on her Facebook page: "Come on Pierce County! Clean it up," she wrote.

Lindquist didn't like that, according to the whistleblower complaint.

"Mark Lindquist followed DPA Merrival into the parking garage, and said, 'I have been stalking you,' " the complaint states. "Lindquist said employees' spouses are generally better informed, and that he was concerned about a Facebook post from Carolyn Merrival, Steve's wife.

"PA Merrival suggested Lindquist would have to discuss Mrs. Merrival's opinions with her. In addition, DPA Merrival concurred with the sentiments of his wife. ... DPA Merrival shared that he had lost confidence in Lindquist because Lindquist was failing to maintain ethical standards."

Merrival said he later was called into Lindquist's office, told he had a bad attitude and asked to consider a transfer.

The complaint alleges misconduct in several categories:

- Selective and "vengeful application" of so-called "Brady" disclosures involving law enforcement officers called to testify as witnesses in criminal cases.

"Brady" material refers to evidence that might be relevant to an officer's credibility.

Merrival contends Lindquist's office does not disclose such material in a timely fashion to defense attorneys, that prosecutors are not trained in the office policy and that Brady disclosures are used against officers who have criticized Lindquist.

- Failing to preserve public records or discouraging their creation.

Merrival's complaint alleges Lindquist and his managers discourage digital communication to avoid subsequent public disclosure.

"Management holds meetings and instructs those present not to document the content of the conversation and otherwise discourages documentation or other affirmation in writing of questionable directives," the complaint states.

- Waste of public funds.

The complaint contends Lindquist has spent taxpayer money and staff time defending his own interests, including a long-running case involving his personal phone records. It references a 2014 News Tribune [story that tallied those costs](#).

- Excessive attempts to control media coverage.

The complaint states that, “Lindquist expends inordinate public resources to include DPA involvement in efforts to persuade favorable media coverage in a manner that best promotes Lindquist or his version of events, and disparages his adversaries.

“He approves press statements that contain incorrect representations about his management of the office.”

- Improper use of public resources.

The complaint states that office employees have been told not to talk to certain attorneys in and out of the office who have been critical of Lindquist in the past.

It adds that Lindquist expects employees to support his political activities and that retaliation follows if they do not.

It also outlines efforts by Lindquist’s office to place his favored staff members in leadership positions in the Tacoma/Pierce County Bar Association and the local prosecutor’s union.

The complaint contends Lindquist keeps tabs on union meetings and votes, lobbies the union to contribute to favored candidates and monitors employees who do not support his political agenda.

In an interview with The News Tribune, Ginny Dale, the county's director of human resources, spoke generally about how her office processes whistleblower complaints.

A whistleblower complaint must pertain to “improper governmental action,” according to the county code.

If a complaint is found to be a whistleblower complaint, the human resources office will launch an investigation to determine whether the allegations in it are true.

The identity of the person filing the complaint remains confidential throughout the process, and that person is protected from retaliation even if the complaint is determined to be unfounded, Dale said.

Staff writer Adam Lynn contributed to this report.

Read more here: http://www.thenewstribune.com/2015/05/13/3790164_whistleblower-prosecutor-governs.html?rh=1#storylink=cpy