



Snohomish County Sheriff Adam Fortney. (Sue Misao / The Herald)

High court to consider 2nd sheriff recall effort this week

With Adam Fortney conceding one point against him, the petition against him will likely move forward.

By [Zachariah Bryan](#)

Tuesday, September 8, 2020 5:06am

EVERETT — A second petition to recall Snohomish County Sheriff Adam Fortney will likely move forward to the signature-gathering phase.

On Thursday, state Supreme Court justices will begin hashing out what claims against the sheriff will appear on the petition. Petitioners allege the first-year sheriff violated his oath of office and committed acts of misfeasance and malfeasance. Fortney claims he acted well within his role as sheriff and a collective bargaining agreement.

No oral arguments will be held on Thursday. Rather, justices will review briefs filed by both sides.

In June, San Juan County Superior Court Judge Kathryn Loring allowed four of five charges brought by petitioners to move forward. Those charges were related to a Facebook post criticizing the governor's handling of the COVID-19 pandemic, posted on the sheriff's personal campaign page; Fortney's reinstatement of three deputies who

had been fired for misconduct by the previous sheriff; and his handling of a case in which a sheriff's deputy tackled a Black medical worker who was accused of jaywalking.

Loring struck down a fifth charge, regarding Fortney's handling of the jail during the pandemic.

Fortney's lawyers appealed directly to the state Supreme Court to overturn Loring's decision. However, in a brief, they conceded the petition could move forward in regard to the statement he made on Facebook.

The court, then, will consider whether the other charges will also appear on the petition.

Many of the points Fortney made in his appeal were originally in affidavits filed in superior court, when the sheriff requested Judge Loring to reconsider her decision. Loring denied the motion for reconsideration, meaning those affidavits were never reviewed.

Fortney has been ramping up a campaign opposing his recall: He's created a website, raised about \$71,000 and is hosting a kind of kick-off event.

"We're calling it 'Protest the Recall,'" Fortney said recently on the pro-police "Thin Blue Line Show Podcast." "Since everybody in government across our country, including our own county, is OK with thousands of people protesting and they don't care about COVID, we're going to protest the recall on Sept. 19."

"It is going to be fun," he told the host. "We're going to have a good time."

His opponents have raised more than \$10,000, according to the state Public Disclosure Commission.

Fortney did not seek Supreme Court review of another recall petition, filed by Monroe resident Lori Shavlik. Cowlitz County Superior Court Judge Stephen Warning allowed Shavlik's recall effort to go forward on May 15. So far, the two groups have acted independent of each other.