

Thurston Co. sheriff appeals recall decision to state Supreme Court

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By Sara Gentzler

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Thurston County Sheriff John Snaza has asked the Washington Supreme Court to review a judge's decision to OK a petition to recall him from office for not enforcing the statewide masking mandate.

The high court will consider his appeal in December, according to a court spokesperson.

Petitioner Arthur West, an Olympia resident and frequent litigant, filed a statement of charges with the Thurston County Auditor in July. Kitsap County Superior Court Judge Jeanette Dalton decided the charges met the legal standard for recall and later approved a ballot synopsis.

Dalton, who was appointed to handle the case as a visiting judge in Thurston County Superior Court, rejected Thurston County Senior Deputy Prosecuting Attorney Rick Peters' argument that the sheriff was exercising his discretion. She wasn't asked to decide whether the allegations are true or false.

West's charges stem from a statement the sheriff's office posted to social media June 24, in reaction to the statewide masking mandate requiring citizens wear face coverings in most public spaces as part of the state's efforts to mitigate the spread of COVID-19.

Under the order, violators could face a fine up to \$100 or up to 90 days in jail. However, Gov. Jay Inslee has said he anticipated broad compliance, according to previous reporting.

"We don't want to have enforcement of this," Inslee said at a press conference. "Ideally there won't be any criminal or civil sanctions for individuals."

The sheriff's office post recommended everyone exercise "safe and precautionary measures," including "wearing masks around those in high-risk groups," but made clear the office wouldn't criminally enforce the order. Deputies would instead engage with people "when appropriate" and educate them alongside public health staff.

"Due to the minor nature of this offense, and the possibility for a negative outcome during an enforcement encounter and various ways in which the order may be violated,

it would be inappropriate for deputies to criminally enforce this mandate,” the statement reads.

Snaza has told The Olympian his intent was never to not enforce the law, but to educate rather than arrest, and that he feels it’s an issue with how the statement was worded.

The approved ballot synopsis includes allegations that Snaza is interfering with the state order by refusing to enforce it, “impeding and undermining the public’s trust” in authorities trying to protect the public during the pandemic, committed “an unlawful act” by violating the governor’s orders that reference and enforce the masking order, and is “intentionally or unintentionally” not performing a duty of his office.

The notice of appeal was filed Aug. 19 and signed by Thurston County Senior Deputy Prosecuting Attorney Peters.

The county Prosecuting Attorney’s Office will continue representing Sheriff Snaza in his appeal, after a unanimous Board of County Commissioners vote Aug. 4 that followed an executive session, according to county spokesperson Meghan Porter.

Supreme Court justices will consider the appeal in conference Dec. 3, Administrative Office of the Courts spokesperson Lorrie Thompson wrote in an email to The Olympian.

They’ll either agree with Judge Dalton that it’s legally and factually sufficient, or they won’t and the recall won’t go forward, Thompson explained. Depending on how many cases the justices are considering and how long their deliberations last, a decision could be ready Dec. 3 or the following day, according to Thompson.

If the Supreme Court clears the way for the petition to move forward, West will have 180 days to collect signatures starting the day after it issues its decision, according to state law. In an email to The Olympian, West said a committee had been formed but they “had to put everything on hold until the Court rules.”

West would need to collect at least 23,027 signatures, equal to 25% of the total number of votes cast for the office of Sheriff in 2018, and the Thurston County Auditor’s Office would need to verify those signatures before placing a recall on ballots in a special election.

Snaza has served in his position since 2010 and was most recently re-elected in 2018, after running uncontested. His current term expires in 2022.