

To: Mayor Brett Gailey  
Chief John Dyer

RECEIVED  
MAY 18 2020  
CITY OF LAKE STEVENS  
POLICE DEPARTMENT

1251

RE: citizen complaint of incident on 5-11-2020

From: Nicholas Johnson and family  
1117 86th. Ave NE, Lake Stevens

On 5-11-2020 I applied for and received a domestic violence protection order against Brandon Kiner. This was per advice given to me by a sergeant the day before at my residence when the police were called out due to threats made to myself and my father by Kiner and his female guest. During the incident we were informed Kiner had warrants but they were not mandatory arrests. I am the owner of this house and Kiner has been renting a room from me. I gave him a 30 day notice to vacate premises on 4-11-2020 per his request. He was on a month to month agreement.

The Snohomish County Court sent me an electronic copy over email. The order said it would be sent to the Lake Stevens Police Department that day and that the LSPD was to serve Kiner with it. At that time I found Kiner was in jail on two assault 4 charges and a criminal trespass that the LSPD had arrested him for the night before.

I called the police department when I got the order and spoke with an officer who informed me that he had it. He said for me to call the court and jail to make sure Kiner was served. I spent a couple hours calling the jail but had no success. I called the LSPD back and was told they would look into it.

At approximately 9:30 pm on 5-11-2020 Kiner's guest Sarah Worth showed up at my house screaming and pounding on my door. She screamed "Brandon is well over 1000 feet away, he is not here. I have a right to come in and get my clothes." It appeared on the video that she was on the phone with 911. It appeared to me that Kiner knew I had a protection order against him from what Sarah was saying.

Officer Lyons responded to the call. Lyons spoke with me and I informed him that I had a DVPO against Kiner. Lyons said that he had talked to me earlier about calling the court. I informed Lyons that I did call the court and multiple jails but had no success. Even though the DVPO clearly states the LSPD is to serve it. He declined looking at the electronic copy on my phone. Sergeant Thomas also arrived at my residence and told me, "you didn't check the correct boxes to have the PD serve the protection order and you needed to have a third party serve it." It clearly states on the DVPO that the LSPD is to serve this order.

I told Lyons that Kiner was in jail from your department's arrest the night before, and as far as I knew he was still in jail. Lyons said that Kiner had been released and you have to let him in the house. I told Sgt. Thomas I didn't want Kiner in the house because I had a protection order against him, because he was dangerous and I was afraid of retaliation from his arrest the night before. I wanted him served with the protection order. Sgt. Thomas told me that Kiner won't retaliate against you because the arrest from the DV warrants were not from me. Sgt. Thomas told me that Kiner had every right to live here and you have to let him in the house.

Kiner's guest had gone to the car. At this point I gave up because I could see that my life and safety was not the priority of the police. Kiner's rights were more important. And then the Sgt. left.

Lyons said, "I am going to go talk to Kiner. I will tell him to be quiet and try not to cause any problems tonight." As Lyons was walking away I told him that Kiner threatened my father two days ago and threatened me every time I talked to him. There will likely be something happening tonight. Lyons responded "I hope it's not you I'm coming to arrest."

Lyons then went to tell Kiner he could come into the house.

Then Lyons left.

I unlocked the front door and went upstairs and locked myself, my fiancée and my dogs into my bedroom. I heard slamming and what I thought was things breaking, but I did not want to leave the room and put myself and my family in danger since at this point I knew the police had no intention of protecting or helping me....the victim.

I called my parents for help. My mother called 911 at this point. She was informed that the call was still open and she told them the police had left. Dispatch said an officer would call. After 10 minutes Lyons called her back. My father asked to meet him at the PD offices to show him the DVPO papers they had printed out. Lyons said no, I am on the south side of town. My father then asked to speak to his Sgt. Lyons said he would find him and have him call. Sgt Thomas returned the call and they agreed to meet at the PD. When my mother and father arrived at PD the Sgt. informed them that he had found the order.

My father requested the order be served and Kiner be removed from the house. My parents informed me that the police would be returning to serve the order. I went back downstairs and Kiner was running down stairs after me. Kiner went to his vehicle. Lyons had blocked the car in with his. Lyons then spoke to Kiner. Then Lyons came and spoke to me. Lyons informed me that the Sgt was on his way so they could serve the order. Lyons told Kiner's guest that she could go reenter house to get what she needed, by herself, he stayed on the front porch. She came out with chicken and beer. In all the times they went in the house they never grabbed any clothes.

I said nothing as again I felt I had no say in what was going on in my own home. The guest got into the car and tried to back out of the area, but realized she could not.

After 5-10 minutes the Sgt arrived and parked at the end of the street, Lyons ran out and spoke for a few minutes to the Sgt and then the Sgt left the area.

I believe Lyons served Kiner with the DVPO, but I wasn't part of this conversation. Kiner asked when he could come back to stay tomorrow and the officer told him he could not. Lyons told Kiner he would have to call the Sgt at PD to call me and set up a time that was good for me to do a civil standby to get his belongings. Lyons asked me what would be a good time, I told him 10:00 am, Kiner agreed. I asked why we could not do the civil standby now. Lyons told me, we have wasted too much time on this tonight, we can't do it tonight.

After everyone had left I went upstairs and found the upstairs bathroom door had been broken. I called 911 to have a report made to document the damage as I have a court hearing about this DVPO on Friday 5-22-2020 and will need it for that. Dispatch said the call was still open and I said the officer had left and told her the situation. I apologize for any anger towards the dispatcher. I was understandably scared, angry and on edge at this moment.

Lyons called me back. I told him when you let them in my house they broke a door and I want it documented in the report.

Again Lyons informed me, we have already wasted too much time on this, you got what you wanted. Call the Sgt tomorrow.

I didn't waste my time calling back. It is obvious to me that in the mind of the LSPD I am the criminal and not the victim.

I will take responsibility for renting Kiner a room in my house without knowing enough about him. It is a mistake that I will never make again. He is not and has never been a friend of mine, he answered an ad I put out for a person to rent my extra room.

This has been mentally and physically exhausting for me and my family. I feel unsafe in my own home because I am afraid that the police will not treat me as a victim.

Kiner did not come the next day at the agreed time to collect his belongings.

I have lost time at work and sleep because of what has occurred.

I also feel that I am not responsible for the financial damage to my bathroom door that needs to be replaced. I feel that the police are responsible because the police allowed him into my house fully aware that he had a signed DVPO from the court. Did the police ever question Kiner as to his knowledge of the protection order or him having a copy of it when he was released from jail that same day?

I also feel that the police failed to do their job by not coming back and taking a report on damage that happened during a domestic call. Which I need for the court.

I would like to have a response to this letter of the actions taken to assure my safety as a homeowner and citizen in the City of Lake Stevens.

Also for information I have also obtained a DVPO on Kiner's guest, Sarah Worth, and request the assistance of the police department serving this if she returns to the residence. I have all the necessary paperwork to be served. To my knowledge it has not been served.

Nicholas E. Johnson



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