

Washington state judge blocks release of public records in the police killing of Michael Reinoehl

Kevin Reed
29 December 2020

A Washington state Superior Court judge issued a temporary restraining order on December 16 blocking the release of use-of-force records and body camera footage related to the September 3 execution of Michael Reinoehl by a task force headed by US marshals.

The ruling by Thurston County Court Judge Carol Murphy granted a motion from the Thurston County Sheriff's Office to stop the planned release to reporter CJ Ciaramella of the records in the brutal shooting death of Reinoehl. The judge agreed with the sheriff's office that the public disclosure of the records would "undermine the integrity of Thurston County's criminal investigation and irreparably damage vital governmental functions."

The 48-year-old left-wing activist Michael Reinoehl was killed in a hail of gunfire as he attempted to get into his vehicle outside of an apartment building in the Tanglewilde neighborhood of Lacey, Washington.

Eyewitnesses reported that the police task force—which had been hunting Reinoehl down after a warrant had been issued for his arrest in the fatal shooting of armed fascist Aaron Danielson in Portland, Oregon, on August 29—did not announce themselves and opened fire without warning in what can only be described as a politically motivated and extrajudicial assassination.

Officers from the state Department of Corrections, Pierce County Sheriff's Department and Lakewood Police Department, who were part of the task force led by US marshals, all fired their weapons in the assault. Initial news coverage said Reinoehl was killed by police because he drew a gun on them or "was in the process of drawing a gun," but eyewitnesses

contradicted this narrative.

The Thurston County Sheriff's Office (TCSO) assumed a leading role in the official investigation of the shooting of Reinoehl because, according to a Washington law called Initiative 940, only an agency not involved in a police shooting is permitted to investigate.

Ciaramella, a journalist who writes for Reason.com, filed public records requests on September 8 with all agencies in the task force. He asked for body camera footage, incident reports and other documents related to the shooting. All the agencies except the Washington Department of Corrections (DOC) rejected Ciaramella's request citing the ongoing investigation.

On November 24, Ciaramella was notified by the DOC that it had "gathered records responsive to your request, however, given the active criminal investigation regarding this matter, DOC will be providing official notification to Thurston County prior to release of any records."

Three weeks later the TCSO filed its motion to block the DOC from handing over the materials. In a blog post on Reason.com on December 17, Ciaramella wrote, "The TCSO's lawsuit is similar to what's known as a 'reverse FOIA' suit, an attempt by a government agency to force requesters to defend their right to access public records in court."

The twisted legal argument of the TCSO—which was accepted in a preliminary manner by Judge Murphy—is that there is a clause in the Initiative 940 law that directs the investigative team (TCSO) to create a "firewall" preventing the "involved agency" (DOC) from sharing "compelled statements" and that releasing the documents requested by Ciaramella would

contaminate this process.

In reality, it is known that the requested materials contain statements from officers involved in the shooting of Reinoehl that clearly contradict the official narrative. These statements were reported by the *New York Times* on October 13 in an article headlined, “‘Straight to Gunshots’: How a US Task Force Killed an Antifa Activist.”

The *Times* reported, “In interviews with 22 people who were near the scene, all but one said they did not hear officers identify themselves or give any commands before opening fire. In their official statements, not yet made public, the officers offered differing accounts of whether they saw Mr. Reinoehl with a weapon. One told investigators he thought he saw Mr. Reinoehl raise a gun inside the vehicle before the firing began, but two others said they did not.”

In her ruling, Judge Murphy blocked release of the records until January 8 when she will decide whether to grant a longer preliminary injunction against Ciaramella’s request.

A subsequent lawsuit has been filed by public records activist Arthur West against Lakewood, Thurston County and the DOC demanding the release of the police reports in the Reinoehl shooting.

Representing himself, West states in his lawsuit, “Plaintiff alleges that the City has failed to reasonably disclose responsive records, failed to conduct an adequate search, and has asserted an improper ‘blanket’ exemption in the absence of a privilege log, and plaintiff is entitled to the relief sought.”

The execution of Reinoehl by the US Marshal’s task force was encouraged and then celebrated by President Trump, who called it “retribution.” The gunning down of Reinoehl, whose body was riddled with an as yet unreported number of bullets, was clearly aimed at encouraging violent actions by the fascist right against left-wing protesters and intimidating the working class as a whole.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact