

**WASHINGTON ASSOCIATION OF  
SHERIFFS AND POLICE CHIEFS**



**LEMAP**

**Loaned Executive Management Assistance Program**

**Review of the**

***Jefferson County Sheriff's Office***

## INTRODUCTION

The purpose of the Washington Association of Sheriffs and Police Chiefs (WASPC) Loaned Executive Management Assistance Program (LEMAP) is to provide management, consulting and technical assistance to Association members. LEMAP is an opportunity for administrators to receive a professional review of their organization's operations and management systems.

Methodology employed by assessors was primarily through one on one interview using the WASPC Accreditation standards as a starting point for discussion. Volunteer assessors, made up of command and supervisory staff from Washington law enforcement, were invited to the LEMAP assessment based on experience and subject matter expertise. Interviews of deputies working both day and night shifts as well as most employees working business hours were gracious enough to participate in the interviews which provided the team an authentic backdrop to gather information and draw conclusions about agency policy, protocols and operations.

The goal of this LEMAP review is to provide the Jefferson County Sheriffs Office with a critical look at the organization through the eyes of peer professionals. The resulting report should serve as a guide to identify areas in need of strengthening and highlight positive and innovative programs and practices. It is hopeful that Jefferson County may use the information provided from this review to motivate the organization, improve internal and external services, and gain additional community support.

### **The LEMAP team consisted of the following members:**

**Mark Mears** has been a police officer since 1983 and currently serves as the Assistant Chief with the Fife Department where he oversees Department operations. Assistant Chief Mears has worked in all aspects of law enforcement operations and administration and is an active assessor for the Washington Association of Sheriffs and Police Chiefs LEMAP and Accreditation programs. Assistant Chief Mears received his MPA and MBA from City University, is a graduate of both the FBI National Academy and Northwestern University School of Police Staff and Command and has obtained Executive level certification through the Washington State Criminal Justice Training Commission.

**Scott Smith** is a 30 year veteran of Law Enforcement. During his career, Scott worked as a patrol officer, Supervisor, Commander and Police Chief. He retired from Law Enforcement in 2009 and is now the Property/Evidence Room Manager for Everett Police Department. Scott has a Bachelor's Degree in Criminal Justice, is a graduate of the FBI National Academy and the Northwest Law Enforcement Command College. Scott was a WASPC Board member for several years, served as the Chair of the WASPC Legislative Committee and Vice President of the Association. During his career, Scott has been an assessor on several Accreditation and LEMAP assessment teams.

**Jim Burchett** has served as the Support Services Captain for the Bremerton Police Department since 2006. He manages Investigations, Records, Warrants, Internal Affairs and the Property Room. He is also responsible for budget preparation, accreditation, and policy development. Jim began his law enforcement in 1993 and has held the positions of Detective, K9 Handler, Patrol Sergeant, Investigations Sergeant and Patrol

Lieutenant. Jim is a Command College graduate and holds a Bachelor's degree in Administration of Justice from Chapman University.

**Michael Painter** is the Director of Professional Services for the Washington Association of Sheriffs and Police Chiefs. He served 32 years with the Kent Police Department where he retired as Deputy Chief. Mike has been certified in both state and federal courts as a forensic expert in Patrol Operations and has extensive experience in Investigations, Finance and Budget, Training and he served as the Commander of the Basic Law Enforcement Academy from 1996-1998. He holds a MPA from the University of Washington and is a graduate of the FBI National Academy, FBI Law Enforcement Executive Development Seminar and Washington Command College.

**Lorraine Shore** currently serves as the Administrative and Community Policing Coordinator for the Clallam County Sheriff's Office (CCSO). Duties involve administering the CCSO Project Lifesaver Program, Volunteer Program, Neighborhood Watch program, Social Media for the Sheriff's Office and local data bases used for crime analytics. Lorraine retired from the Anchorage Police Department in 2008 as a Lieutenant and during her career she worked as a Patrol Officer, Detective, Sergeant supervising Patrol, Internal Affairs and Administration, Patrol and Training Lieutenant. She holds a Bachelor of Science in Occupational Education with a major in Human Services, specializing in Criminal Justice from Wayland Baptist University.

## GENERAL OBSERVATIONS

Sheriff Dave Stanko invited a LEMAP team in to the Jefferson County Sheriff's Office over June 23 and 24, 2015 to conduct an operational review of the agency and provide a roadmap for not only organizational improvement but to also prepare the agency for WASPC Accreditation. Sheriff Stanko succeeded Tony Hernandez who had served as Sheriff since 2009 and had left the agency in September of 2014 to pursue other law enforcement leadership opportunities. Chief Criminal Deputy Joe Nole served as interim Sheriff from September of 2014 until Sheriff Stanko assumed the office of Sheriff following the November 2014 election. Once Stanko took over as Sheriff he re-established the position of Undersheriff and appointed Nole to that role. Stanko and Nole appear to form a complementary leadership team and have worked hard to change the department culture and chart a course for organizational success that is supported by a community policing philosophy.

The Jefferson County Sheriff's Office (JCSO) is located in Port Hadlock and serves a county population of 30,228 (2014) and covers almost 2200 square miles. The county is largely surrounded by water on parts of its north, west, and east sides and is surrounded by other counties to the south. Because of the mountainous barrier created by the Olympic Mountains there is no road that connects the east and west sides of the county. The most direct land route to connect the east and west ends of the county involve a 100 mile drive through Clallam County on Highway 101. Consequently, the majority of field deputies cover geography east of the Olympic Mountains and one rural deputy covers a small section of the county to the west that includes Hoh tribal land. The rural deputy, located on the west side of the Olympic Mountains, is isolated from the rest of the JCSO

which presents unique challenges for the Sheriff. As of this report, JCSO is attempting to hire another deputy to work with the west side deputy.

The Sheriff's office is made up of three divisions; criminal, civil and corrections. The criminal division is largely divided into field and investigation divisions. Investigations consist of three fulltime, and one parttime, detectives. JCSO also has a group of civilian volunteers that investigate cold cases (refer to that section of this report for further information?). Field operations consist of four first line supervisors and 14 deputies, including the Hoh tribal deputy and a future deputy that will be assigned to the west end of the county. Sheriff Stanko has reorganized the department and two Captains have been reassigned as patrol supervisors where they work with two other patrol sergeants. Field deputies work four, ten hour shifts per week; Detectives have the option of working ten or eight hour shifts, and civilian staff at headquarters work eight hour shifts. Both investigations and field operations are supervised by Undersheriff Nole. JCSO deputies and supervisors, as well as all civilian staff, are represented by the Teamsters.

JCSO operates a county jail and provides civil process services to the citizens of Jefferson County. The county jail has a capacity of 54 prisoners and is operated by a superintendent, two sergeants and 11 correction deputies. The Sheriff's office is served by a private communication organization (JeffCom) that is colocated on the JCSO campus and provides dispatch services to Port Townsend PD, local fire districts, and the Sheriff's office. JeffCom is funded through user fees and is managed by a Board of Directors where Undersheriff Nole represents the Sheriff. The JCSO civil unit is supervised by a Chief Civil Deputy who supervises two civil deputies. The civil unit primarily handles civil court orders and provides court security for both superior and district courts. The civil deputies have attended the corrections academy as part of entry level training. The jail and civil units fall under the command of Undersheriff Joe Nole and are represented by the Fraternal Order of Police (FOP).

Since 2013 JCSO has operated under the LEXIPOL policy manual/product. Policy development was initiated under Sheriff Brasfield (prior to 2009) and had been managed by the two captains who were promoted by Sheriff Hernandez. It is unclear who currently has responsibilities for managing periodic LEXIPOL updates since both captains have been reassigned to patrol. During the assessment process, the LEMAP team discovered numerous references to outdated positions and/or responsibilities within the organization. Additionally, policy content appears highly customized and has drifted away from key LEXIPOL policy sections that protects the agency and provides contemporary guidance to employees. Future changes will be extremely difficult to manage as the LEXIPOL product goes through periodic updates because of original policy deletions and customization. Also, some of the changes to the LEXIPOL language in the current JCSO policy may not be relevant or in line with the values and direction of Sheriff Stanko. A comprehensive review of the JCSO manual against a current LEXIPOL version will be recommended by the LEMAP team.

JCSO is housed in a modern headquarters building that was constructed in 2004. It is spacious and appears to be supplied with contemporary equipment and furniture. Undersheriff Nole is situated next to Sheriff Stanko's office and the rest of the agency appears to be compartmentalized by discipline around the station. One area that deserves

attention is the current assignment of offices to the sergeants and captains. The two captains, who once had command level responsibility, have recently experienced re assignment with work now commensurate with first line supervisors. The captains maintained their current work spaces and are located together and separately from the two other sergeants. This workspace arrangement should be evaluated to ensure that behavioral silos are not functioning and the needs of the organization continue to be a priority for all employees, especially supervisors.

The LEMAP team had the opportunity to interview most employees working out of headquarters during our visit and we found them welcoming and forthcoming. A few of the deputies interviewed left the assessors with a feeling that JCSO is different and that we don't understand their needs and the organizational culture. All of the assessors are seasoned law enforcement professionals who have traveled statewide and had the privilege of visiting and evaluating many different municipal, state and county agencies. Moreover, some team members either grew up or are currently leading agencies much like JCSO. Consequently, it is important to note that JCSO is not any different than these agencies and must subscribe to the same basic law enforcement tenets if they want to be proud and respected peace deputies in Jefferson County. The LEMAP team found the Sheriff is committed to investing considerable energy in building relationships with staff that are willing to advance the organization and assist in constructing a culture of discipline and responsibility. Clearly, the majority of employees at JCSO are motivated to become part of this journey.

## SECTION I—ADMINISTRATIVE STANDARDS

### CHAPTER 1 – GOALS & OBJECTIVES

- 1.1 The agency has written vision and/or mission statements that define the agency's role.
- 1.2\* The agency has a strategic plan or written goals and objectives that are reviewed and updated at least annually and are available to all personnel.

#### **Observations:**

Many police employees are goal oriented and need a clear picture of where the agency is headed. This chapter requires the agency to take the necessary steps to develop a roadmap that provides employees and the public with an idea that the agency has an eye on the future (vision) and hopefully has a deliberate and specific plan on how they will get there.

Sheriff David Stanko took the helm of Jefferson County Sheriff's Office (JCSO) in November 2014 and has an extensive background in Law Enforcement including roles in both leadership and command. One of his first acts as Sheriff was to bring together the command staff, sergeants and above and start the process of forming a strategic plan. He started the initiative with development of an agency Mission, Vision and Value statements. Sheriff Stanko contemporaneously initiated a community policing assessment through the consulting firm of DeVore and Associates LLC, who volunteered their time to assist the agency. DeVore's report is available for public view on the JCSO website.

JCSO is an agency in transition and staff is engaged looking forward to a new style of leadership. Clearly, Sheriff Stanko is setting the tone and providing an opportunity to set a new vision that redefines the agency mission and has a positive impact on the organizational culture by being inclusive of the whole department during the revision process. The challenge for new leader is to maintain the momentum of change and enthusiasm that currently exists.

In review of planning documents provided to the LEMAP team, which included a copy of an annual report and a copy of a biannual report from the previous Sheriff, there were written sections in each document regarding attempts at strategic planning. In interviewing the staff, many were not aware of these efforts nor had they seen the two reports provided to the LEMAP assessor. Many felt that long term strategic planning and succession planning has never existed at JCSO. When provided with copies of the Mission, Vision, Values and Goals from the two prior reports, the staff advised they had never seen them before.

Sheriff Stanko provided a one day work shop with Sergeants and command staff in order to develop the start of a strategic plan. During this time they came up with a new Mission Statement that is reflective of the agency. Stanko envisions next steps in the process as an ongoing collaborative effort involving his Command Staff and by seeking external input from the community. Part of the community input will come from a newly appointed 12 person advisory board currently in the early stages of formation. Completion of a strategic plan and its implementation is seen as a tool that will help with operations and decisions that will guide the department in the future.

The current JCSO Mission statement says:

***The Jefferson County Sheriff's Office in partnership with our community is committed to preserving the peace, helping those in need and protecting the constitutional rights of all.***

Most of the employees interviewed knew a revised mission statement was in process and that the Sheriff has plans for additional planning sessions where Values, Goals and Objectives will be refined.

The staff interviewed sees Sheriff Stanko as one who takes the time to listen and is trying to create collaboration within all areas of the department while holding staff accountable, and responsible. Several staff members stressed the importance of agency responsibility and individual accountability as essential to the success of JCSO.

JCSO is an agency in transition with a new, yet seasoned, law enforcement CEO in the leadership role. Sheriff Stanko has an opportunity to recreate the Mission, Vision and Values of the agency and chart a new course for the agency. Broad participation of the department beyond the command staff and community involvement will be an important piece of the process. Once these pieces are fully developed, individual tasks assigned out to key department staff that are measured and published annually, the end product will help fortify pride, value and continuity for the community.

The Deputies and staff appear to do a good job in providing quality police services to the citizens of Jefferson County. Most police employees are goal oriented and by creating specific, attainable and measurable benchmarks that are developed collaboratively and with community involvement, JCSO will rise to a new level and enhance the levels of professionalism and public trust.

### Recommendations:

- Invite all JCSO employees to assist in development of the organizational mission, vision, values. Consider involving community members in this process and, if necessary, invite outside assistance to facilitate their development. All strategies should be specific, measurable and attainable and progress reported on and published for community consumption on an annual basis.

## CHAPTER 2 – ROLE & AUTHORITY

2.1 The agency requires all law enforcement personnel to take and abide by an Oath of Office to support, obey and defend the Constitution of the United States and the Washington Constitution and the laws of Washington and the governmental subdivisions.

2.2 Statutory authorization for the agency to perform law enforcement services is identified by the laws of the state of Washington and/or local ordinance.

***Purpose:** The legal authority of the law enforcement agency is established in state statute and in most cases local legislation. The legal authority of the agency law enforcement officers may be found in this same legislation.*

2.3 The agency has policies specifying legal requirements and procedures for any physical arrest completed with or without an authorized warrant.

***Purpose:** To ensure arrests are made in compliance with all statutory and constitutional requirements.*

2.4 The agency has policies assuring compliance with all applicable constitutional requirements for incustody situations including:

- Interviews and interrogations
- Access to Counsel; and
- Search and seizure

***Purpose:** Interviews and interrogations, questioning, or any other term used to describe in-custody verbal examinations are conducted in compliance with constitutional requirements. These constitutional requirements, federal and state, are vital to the role and function of law enforcement in a free society. By*

*complying with these requirements, law enforcement officers and agencies ensure fair, legal, and equitable treatment of all people.*

2.5 The agency has policies governing search and seizure to include the following situations:

- Search by consent
- Stop and frisk
- Search of a vehicle
- Crime scene searches
- Exigent searches
- Inventory searches of seized vehicles or other property; and
- Additional situations that may be authorized by the United States Constitution, Washington State Constitution, Washington Statutes, or case law

***Purpose:*** *To provide clear and basic guidelines for evaluating search and seizure issues and conducting searches within existing legal parameters that ensure the constitutional right of persons to be free from unreasonable government intrusion.*

2.6 The agency has policies for conducting strip and/or body cavity searches that include:

- Authority for conducting such searches with and without a search warrant;
- Privacy provisions with search by same gender; and
- Any required reporting procedures when such searches are conducted.

***Purpose:*** *Strip searches and body cavity searches by law enforcement personnel, even when legally permissible, are controversial. They should be done out of public view, with appropriate regard for the dignity of the suspect, and shall be considered legally necessary and reasonable. When possible all such searches should be witnessed. Body cavity searches should be conducted in a hygienic setting and by qualified medical personnel.*

2.7 The agency has policies and procedures concerning the arrest or detention of foreign nationals.

***Purpose:*** *To ensure compliance with Article 36 the Vienna Convention on Consular Relations that provides certain rights to foreign nationals when arrested.*

### **Observations:**

The right of states to make laws governing safety, health, welfare, and morals is derived from the Tenth Amendment, which states, "The powers not delegated to the United States

by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people." State legislatures exercise their police power by enacting statutes and delegating police power to counties and cities within the state. In Washington State, the legislature delegates police power within the counties to the Office of Sheriff under RCW 36.28.

The WASPC accreditation standards have several specific policy requirements covering the role and authority of the Agency and its employees. The agency's LEXIPOLbased policy manual meets all the standards. Policy 104 requires all sworn employees to take and abide by an oath of office that is provided in section 104.1.2. Employees confirmed this is the current practice of the agency. Policy 100.2 addresses police powers and references RCW 10.31.100 for warrantless arrests.

Section 440.3 of the Detentions policy covers *Terry* stops and pat down frisks for weapons. Searches of vehicles, outside of impound inventory searches, are not covered by policy. The Agency relies on the general guidance provided by 322 – Search and Seizure. Policy 406 Crime and Disaster Scene Integrity provides very basic guidance on searching a crime scene, requiring that once the scene is secure, "*conduct no further search until proper authority for the search is obtained.*" Policy 510.4 Vehicle Inventory – mandates an inventory search of stored or impounded vehicles. Policy 902 addresses strip or body cavity searches and covers authority, privacy and reporting requirements. Policy 422 addresses requirements involving the arrest and detention of foreign nationals.

Policy on interrogations and access to counsel are provided by two similar policy statements.

*100.3 Constitutional Requirements*

*All employees shall observe and comply with every person's clearly established rights under the United States and Washington Constitutions.*

*600.2 Constitutional Matters*

*All employees of the Jefferson County Sheriff's Department shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.*

Policy 322.3 – provides general guidance on searches. It lists, but does not go into detail, on exceptions to warrantless searches. This includes consent and exigent circumstances as required by current accreditation standards. It adds the following caveat:

*"Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law."*

While not detailed, the generalized nature of these policy statements is appropriate and reasonable. A comprehensive treatise on the constantly changing Washington case law is beyond the scope of a policy manual. For that, the Agency can turn to the authoritative *Confessions, Search, Seizure and Arrest: A Guide for Police Officers and Prosecutors*

which is routinely updated and maintained on the CJTC website. The current version of this guide stretches to 435 pages speaks to the futility of attempting an indepth treatment of these topics in a policy manual.

The Agency uses the LEXIPOL Knowledge Management System, also referred to as daily training bulletins (DTB's) which is a public safety webbased policy management and training platform used by a large number of police and fire agencies. The company provides standardized policies based on best business practices aimed at risk reduction and reinforces agency policy through the use of DTB's.

One of the benefits of using LEXIPOL is that the company continually provides policy updates to client agencies that comply with new court decisions or keep up with evolving technology and law enforcement trends. Law enforcement agencies, especially smaller agencies such as the Jefferson County Sheriff's Office, find it very difficult to keep abreast of important trends that may require policy language changes. Agencies pay an annual subscription to LEXIPOL to conduct the necessary research and write the policy updates. A check of Jefferson County's LEXIPOL portal revealed that the agency has not reviewed or accepted any of the numerous updates that LEXIPOL has issued since July of 2014. Failing to take advantage of the updates undermines one of the most important reasons law enforcement agencies use LEXIPOL.

If a policy is changed or updated by LEXIPOL, the agency should notify their employees and require they acknowledge the changes. LEXIPOL provides a module where employees can view the new policy language and acknowledge the changes with a simple mouse click. LEXIPOL also provides reporting capabilities that allow an agency to track who has or has not acknowledged policy updates and changes. It is the agency's responsibility to follow up and verify they acknowledge the changes. When the LEMAP team ran an acknowledgement report, it showed that many of the employees had not acknowledged policy manual changes.

Significant customization needs to be done to mold the standardized LEXIPOL policies to a particular agency's needs, culture and operating environment. An agency should carefully weigh each customization decision at a high level within the organization to ensure that edits are not contrary to best business or risk management practices. When policy decisions are pushed too low in the organization without adequate oversight, a danger exists that important policy language could be deleted or changed based on the personal opinions of the editor rather than the best interest of the agency. In speaking with the staff, customization at Jefferson County was done at the Captain (now first line supervisor) level. In *Bryan County vs. Brown* 520 U.S. 397 (1997), the US Supreme Court pointed out that a sheriff is the final policymaker and ultimately responsible. It's imperative that the Sheriff is aware of and has final authority over additions or removals from the policy manual.

Customizing a manual can be a tedious process but it is important that it is done in a careful, thorough manner that follows an implementation plan with adequate oversight and is supported by agency training. In reviewing the Jefferson County policy manual, it appears as if it was promulgated haphazardly. There is a perception among some of the staff that there was a rush to push the new manual out and that many of the employees are not versed in the contents. The currently issued manual is replete with typographical

errors, references to positions and units that do not exist and procedures that are not followed because they are not applicable to the Jefferson County Sheriff's Office.

### **Recommendations:**

- Preface to the policy manual is an introductory message from the previous Sheriff. The preface should be from the current Sheriff.
- Responsibility for policy decisions should rest high in the organization with the Sheriff as final authority on any changes.
- The policy manual needs to be reviewed in its entirety and edited to correct errors and accurately reflect the organizational structure and practices of the Jefferson County Sheriff's Office.
- Policy updates from LEXIPOL should be reviewed, accepted or rejected in a timely manner.
- The Agency should notify employees of any changes and require individual employee acknowledge of all changes within a reasonable period of time.
- The Agency should run an acknowledgement report within a reasonable time after each policy update to ensure each employee has acknowledged changes and is operating under the new policy language.

## **CHAPTER 3 – USE OF FORCE**

- 3.1 The agency has policies directing personnel to only utilize the amount of force which is necessary to effect lawful objectives, to include any amount of force up to and including deadly force.

***Purpose:** To establish policies and procedures for the necessary, reasonable, and legal use of force that ensures those decisions to use force are made in a professional, impartial, and safe manner, and that there is an understanding and appreciation for the limitations on the authority to use force.*

- 3.2 The agency has a policy governing the use of warning shots.

***Purpose:** If the law enforcement agency permits the use of firearm “warning shots” by agency personnel, the agency shall have a written directive governing their use. Otherwise, the agency shall have a written directive prohibiting the discharge of “warning shots” by agency personnel.*

- 3.3 The agency has a policy governing the use of nonlethal weapons.

**Purpose:** *To establish consistent procedures for the authorization and training by a certified instructor in the use of non-lethal weapons and control devices.*

- 3.4 The agency has a policy requiring appropriate medical aid after the use of force, when an injury is known, suspected, or is alleged.

**Purpose:** *This standard should reduce the severity of injury resulting from law enforcement action by requiring medical aid and attention for an injured individual. Appropriate medical attention may be as basic as keeping the person under observation to immediately having the person treated by medical professionals.*

- 3.5 The agency has a policy requiring personnel to submit a use of force report to the agency Chief Executive Officer or designee when they:

- Discharge a firearm (other than routine training or recreational purposes);
- Take any action that is capable of injuring a person.

**Purpose:** *To ensure that any force used that is capable of causing injury is recorded and that a formal review process is established to review use of force incidents for compliance with existing policy and law. The collection of use of force incidents should be analyzed to determine if there are training issues, equipment issues, or policy issues that should be addressed.*

- 3.6 The agency has procedures for establishing a formal process in response to any incident where an officer discharges a firearm with the intent to use deadly force, or has a firearm discharge that causes injury or death. Policy and procedure should include at least the following:

- Investigative responsibility and process;
- Supervisory and management responsibilities;
- Relief from duty of involved officer(s) pending formal review;
- Notifications;
- Media relations.

**Purpose:** *To ensure the agency has in place a formal response, review and investigative process for officer involved shootings that result in injury or loss of life, in order to protect interests, rights, and mental health of involved officers.*

- 3.7 The agency has a policy that requires only authorized weapons and ammunition shall be carried and/or used on duty.

## **Observations:**

The public bestows a great deal of trust and authority on peace officers, the most important is the authorization to use reasonable force, including deadly force, to effect arrests, establish order and to protect the public. Use of force has become one of the most divisive issues between the police and the communities they serve. The purpose of this chapter is to establish policies and procedures that guide an officer's use of force decisions to ensure that only that force which is reasonable and necessary is applied in all interactions with the public. Additionally, the standards in this chapter help to ensure that the department's policies conform to both State and Federal laws. Clear policies that are supported by regular inservice training governing the use of force, not only prepare Jefferson County deputies to do their jobs it also helps mitigate liability and enhance public trust.

JCSO policy requires deputies to use only that amount of force that is reasonably necessary given the facts and circumstances that a deputy perceives to accomplish a legitimate law enforcement purpose. The agency also has a policy governing the use of deadly force and a policy governing the use of warning shots. The warning shot policy does not completely prohibit the use but states that warning shots are "discouraged" unless the Deputy reasonably believes that they are necessary, effective and reasonably safe.

The agency has a policy in place for the use of a "Conductive Energy Device" (TASER) that is consistent with current recommendations for training, use of the tool, reporting and medical evaluations. The policy requires deputies to successfully complete department approved training before being allowed to carry the TASER. The policy also states that proficiency training "should" occur on an annual basis. However the deputies interviewed by the LEMAP assessor advised that they have not had any proficiency training in years. The policy also states that a supervisor should review each incident when that involves the deployment of the TASER and to download the device's data from the onboard memory, which in fact does occur.

The Use of Force policy also addresses the use of Oleoresin Capsicum (OC) spray to "bring under control an individual or groups of individuals who are engaging in...violent behavior". The policy is silent on any training requirements before a Deputy can carry OC spray. The policy also speaks to the use of OC projectiles and the requirements for the use of the projectile as well as supervisory requirements. Any application of OC into a residence, building or vehicle requires the Deputies to provide the owners and/or occupants with notice of possible presence of residue that could cause irritation or injury. The policy requires Deputies to provide clean water to the subject to cleanse the affected area and if necessary, have the subject examined by medical personnel.

The agency has a policy that provides guidelines for the use of a baton to control a subject and restricts the intentional use of a baton to the head, neck, throat, spine, heart and groin. The policy is silent on providing medical treatment after baton use.

Deputies are issued lesslethal 12gauge shotguns that have bright orange stocks. Bean bag shotgun rounds are issued to the deputies for less lethal use. There is a policy in place that governs the use of lesslethal munitions that address the appropriate deployment and use as well as a variety of relevant deployment considerations that should be considered. All Deputies are required to be trained in the use of lesslethal munitions by a certified controldevice weapons or tactics instructor. The policy is silent on providing medical treatment after a discharge of lesslethal weapons has occurred.

The areas in the Use of Force policy that specifically addresses providing medical aid are contained in the TASER policy, the OC spray policy and tear gas policy. There is no language in the policy governing the use of baton or lesslethal munitions with regard to providing medical treatment after deployment.

Use of force reporting is required by policy. All of the deputies interviewed stated that they report use of force incidents in the narrative of their report and that with the exception of TASER deployment, there is no separate use of force report form and first line supervisors are the only member of leadership that approve reports. There is a "TASER device report form" that is used when TASER is deployed. Analyzing use of force incidents on an annual basis is not occurring and would be nearly impossible to conduct because the information is contained within the narrative of the Deputy's police report. The establishment and use of a separate use of force reporting form is consistent with current best practices and would allow the agency to complete a comprehensive review and analysis that supervisors and command staff could review to determine if there are any training issues, equipment issues, and compliance with agency policies. There is a number of excellent use of force report forms currently in use by several law enforcement agencies that JCSO could adopt for their use.

Jefferson County Sheriff's department has contemporary policies and procedures in place when an officer discharges a firearm in a use of force situation. The policy details the investigatory process and outlines the responsibility of supervisors and management. The policy also addresses notifications, relief from duty of involved deputies and media relations when there is a use of deadly force. There is one section in the policy that is seldom seen that requires a supervisor on scene to order the involved Deputy to provide a "Jefferson County Sheriff's Office Public Safety Statement". The public safety statement is a list of nine questions to ask the Deputy(s) involved that cover information about the suspect, direction that rounds were fired, injuries, any outstanding suspects, any witness and evidence that needs to be protected. The answers by the deputy are written down verbatim. The policy also provides for legal and/or bargaining unit representation.

The agency policies addressing authorized weapons and ammunition is very inclusive and specific. Deputies are issued their handgun, a rifle, a lesslethal shotgun and an assault rifle. They are also issued standard department ammunition for each issued weapon. The agency allows deputies to carry personal firearms as long as they are .40 cal or .45 caliber, they are department approved and the officer qualifies with the weapon. The policy also clearly states that only authorized weapons and ammunition will be used and carried on duty.

## Recommendations:

- Conduct annual proficiency training for TASER use as current policy requires.
- Recommend adding language to the policy sections governing baton use and use of lesslethal munitions that addresses providing medical attention to suspects involved in these types of use of force applications.
- Develop a separate Use of Force Form to be used when a use of force incident occurs and conduct an annual review and analysis of all use of force applications.

## CHAPTER 4 – MANAGEMENT, STAFFING, ORGANIZATION, & UTILIZATION OF PERSONNEL

- 4.1 The agency has a protocol and procedures for situations including the following:
- Absence of the Chief Executive Officer
  - Exceptional situations involving different specialty units deployed in a common joint operation
  - Routine, daytoday operations

***Purpose:** There is always a need to have a member of the agency designated as being responsible for the operation of the agency. This process provides continuity of command and allows agency personnel to know who has been designated to manage, lead, and administer the agency.*

- 4.2 The agency has a policy that requires personnel to obey any lawful order of a superior officer and also addresses conflicting or unlawful orders.

- 4.3\* The agency has a policy that requires an annual management review and analysis, with final review approved by the chief executive officer, of the following incidents:

- Vehicle pursuits
- Use of force events
- Internal investigations
- Biased based profiling incidents

***Purpose:** It is the intent that agencies require ongoing first level supervisory and administrative review of these high liability incidents. Additionally, an annual review and analysis of these incidents shall be conducted at the command level, with approval by the CEO, and can be used as an early warning system. Agencies should address policy, procedure, training and/or personnel issues that are identified during this review process.*

4.4 The agency has a system of written directives that includes procedures for developing, approving and disseminating directives to all personnel. The system will include:

- Methods for tracking changes and archiving prior versions of policies;
- A process that confirms receipt of directives by affected personnel.

***Purpose:** To ensure the agency has a consistent and current policy and procedures manual that provides clear employee performance expectation and constraints. A system of written directives provides command direction to the agency and its personnel relating to their duties and responsibilities. That system should allow for quick access and retrieval of agency policies, procedures, rules, and regulations.*

### **Observations:**

This chapter is intended to take both a high level look at the organization's performance in key areas and assess the organizational structure from an operational perspective. The chapter also encourages assessors to work much closer to the ground and evaluate whether agency practices align with policy and that periodic reporting of critical department functions are completed, analyzed and routed through the Chief's office. LEMAP assessments are not intended to be staffing studies and assessors are discouraged from generating observations and offering opinions on staffing levels. Nonetheless, certain areas of the agency will deserve mentioning where the LEMAP team recommends further evaluation and possible action.

### ***Organizational Structure***

The Jefferson County Sheriff's Office (JCSO) is structured in a typical manner of most sheriff offices. It contains command, supervisor and administrative support positions throughout the organization. Sheriff Stanko is responsible for overall command of the agency and directly supervises the Undersheriff, Superintendent of Corrections and a Confidential Secretary who oversees the Records Division. Under Sheriff Joe Noles is responsible for all operational divisions in the Sheriff's office including Patrol, Detectives and Civil Divisions.

Sheriff Stanko is supported by a full time Confidential Secretary. The Confidential Secretary position also oversees the Sheriff's department Records Division with three full time records officers and a possible fourth position to be funded in the near future. JCSO does not have a true crime analyst or software program to aid in data driven policing and the Records officers normally generate administrative reports as needed without the aid of analytical software. The Sheriff's Office utilizes PSNET for records management and as JeffComm (the county Communications Center) moves to the New World CAD system, the Sheriff's department is also moving to the New World standardized records management system as part of a region wide initiative. The move to New World RMS will provide JCSO an additional level of real time policing data and the hiring of a fourth records persons may allow the agency part

time in crime analytics. In many ways, the records division acts as a traditional support services unit by also providing information on statistics, records management, property and evidence and accounts payable.

### ***Position Specific Information***

JCSO operates a reserve deputy with four current members. The Undersheriff has expressed an interest in expanding the program. All reserve deputies attend a formal CJTC sanctioned reserve police academy and complete the same background processes as a regular deputy. This program is overseen by a designated Sergeant and new reserves follow the same Field Training Officer (FTO) process as a full time deputy. JCSO also operates a cadet program in partnership with Port Townsend PD and they now have four cadets assigned to this program.

The Jefferson County Jail Facility provides incustody services for the Sheriff's Office as well as providing contract services for other jurisdictions. Although not part of this LEMAP, the Corrections Division was included in this LEMAP review as an ancillary part of Prisoner Security/Transport (see chapter 18).

### ***Workload Indicators***

Jefferson County Sheriff's office has an operational budget of \$5.5 million and serves a population of 30,228. JCSO averages a combination of 16,659 calls/ incident reports per year. Sheriff Stanko believes JCSO receives strong support from both the County Commissioners and community. The department is near full authorized staffing at the time of the LEMAP team's visit with only one open deputy position, that provides patrol coverage for the west end of the county, and a proposed fourth records clerk position.

An ongoing recent focus of JCSO has been a concerted effort of continuing to build strong ties with the local community. Both the Sheriff and Undersheriff are active in local service clubs. The agency has representation in Rotary, Kiwanis, Chamber of Commerce, and Mental Health and Drug Court. Sheriff Stanko has launched several community programs such as Coffee with Cop and most recently he began development of a 12 person Citizen Advisory Board, which will consist of community members from across the county.

The patrol division has a two person traffic unit that is trained as advanced accident investigators. These two Deputies have responsibility for all traffic enforcement and investigation of accidents within Jefferson County that are not handled by the Washington State Patrol. The patrol division also includes a marine services unit (MSU) that is staffed by of six certified marine/boating deputies that operate three marine vessels.

JCSO does not participate in any special units outside the department. At one time, JCSO considered forming a SWAT unit, and initially trained several deputies in SWAT tactics and provided them specialized equipment, but the team did not work out and much of the equipment remains with the deputies that were initially outfitted with it. Other specialized services, such as the Bomb Squad and Civil Disturbance Team, are provided by Washington State Patrol.

JCSO has a strong volunteer program. Volunteers contributed 3,182 hours in support of the Sheriff Office operations. This program is supervised by a Patrol Sergeant and is assisted by a designated lead volunteer who provides much of the direction to volunteers in the program. JCSO volunteers handle various crime prevention tasks, code enforcement, special events, and distribution of sex offender notices, house checks, assist with traffic direction and positioning of the radar trailer. Several work on a routine basis in the records division completing a variety of duties including records destruction, filing, data entry and fingerprinting. The LEMAP assessors were unable to find any records of initial training or structured program documentation (similar to FTO) for this program. There also does not appear to be any formalized (or documented) operational records or reports where the volunteers have been involved in activities that describe their value to the organization.

The Civil Division is assigned three special commission deputies who are tasked with serving the legal process as mandated by the state. This division serves and executes various legal processes issued by and local courts and handle public disclosure requests that come in through the Jefferson County courthouse, where they are housed.

Detectives Division functions in a very traditional manner doing both follow up and initial case development. This unit is considered a major crimes division and there are four detectives assigned to this division. The division handles both follow up and self initiated case work. All crimes against persons are handled in this division. At one time, JCSO provided a detective to the local drug task force (PANCOM) but that position returned to headquarters earlier this year and JCSO is no longer involved with the task force.

There is no structured succession planning and mentoring of personnel. Command Staff reflected that outside of the state requirements for supervision training, they have not developed a formal program for continued support and growth of the management staff. Under the direction of Sheriff Stanko, JCSO now encourages staff to seek out training opportunities and they are exploring ways to host classes within the agency. All first level supervisors have the appropriate training and certifications from CJTC. No supervisor had applied for their specific career level certification; however some were intent on doing so. Both the Sheriff and Undersheriff have some form of executive leadership certification and the Undersheriff is working toward submission for middle management career level certification through CJTC. The Sheriff has identified succession planning will be part of his overall strategic plan and it will be an organizational priority along with department accreditation.

As mentioned in the review of chapter 2, JCSO utilize the LEXIPOL policy manual that has not been updated and appears to have critical policy sections removed or (at minimum) heavily customized. The policies currently in effect did provide for absence of the Chief Executive Officer, exceptional situations involving different specialty units deployed in a common joint operations and routine daytoday operations. The policies also provided for the requirement for personnel to obey any lawful order of a superior officer and also addressed issue surrounding conflicting or unlawful orders.

JCSO staff indicated that policy updates and written directives are infrequent and when

released are problematic. No master copy or list of policy/directive updates could be located during the LEMAP team's visit and it appeared likely those records do not exist. Consequently it is difficult for staff, particularly new employees, to know what changes have been made to policies or what directives have been enacted.

The agency does not have a separate pursuit report that is completed after each pursuit. JCSO does not collect data on use of force, internal affairs or specific bias policing data and the agency does not complete an annual written review or analysis of these critical areas.

### Recommendations:

- Formalize and complete a yearly review and analysis of:
  - Vehicle Pursuits
  - Use of Force
  - Internal Investigations
  - Biased base profiling incidents

This exercise should include review of each of these areas and a quantitative and qualitative analysis of each area. Consider implementing a specific form for capturing data regarding vehicle pursuits and use of force. Similarly consider a logging system for tracking complaints, internal investigations and their dispositions. A final yearly analysis can provide an excellent opportunity for supervisory discussion, future training, and can also act as an early warning system.

- As a priority, JCSO must review, develop, and train staff on their policy system as soon as possible. Once reviewed, edited and updated, distribute the manual to each employee, and maintain a copy of the manual on the agency server so all employees have access at any time. Hard copy versions of the manual should be placed in strategic locations throughout the department.
- Once the policies are reviewed and/or updated consider implementing an electronic distribution (or utilize vendor systems already in place) and notification system for all policy updates and new directives outside of policy.

## CHAPTER 5 – RECORDS MANAGEMENT

5.1 The agency has a standardized records management system.

*Purpose: This standard requires a standardized records management system for the law enforcement agency. This will ensure that the agency has a consistent process to record law enforcement incidents and activities such as report writing, property management, inmate tracking, permits, and licensing.*

5.2 The agency has a system to record and maintain a record of every call for

service.

**Purpose:** *To ensure that the Law Enforcement agency has a system, CAD or otherwise, to record all calls for service. The record should contain the date, time, location, nature of the incident, responding units and a disposition for the call for service.*

5.3 The agency has policies governing its compliance with all rules for ACCESS participation, to include:

- The agency can show 100% compliance or has made corrections to comply with any ACCESS findings from the previous triennial audit and/or FBI audit
- The agency can show that all personnel have been trained and certified

**Purpose:** *To ensure compliance with ACCESS regulations and operates ACCESS terminal(s) in a secure, professional and legal manner. The agency should provide the documentation from their previous triennial audit by WSP/ACCESS or the FBI. Any compliance issues must have been addressed and documentation should be provided to show that the agency has corrected any noted deficiencies.*

5.4 The agency physically protects the privacy and security of agency records in a manner that assures that only authorized personnel with the appropriate need to know and right to know – can access those records.

5.5 The agency complies with Washington State law governing dissemination of records.

**Purpose:** *To ensure that the agency is in compliance with the Washington State Public Records Act, RCW 42.56. Policy governing compliance as well as common practice should be demonstrated.*

5.6 The agency complies with Washington State law governing preservation and destruction of records.

**Purpose:** *To ensure that the agency is in compliance with Washington State law governing preservation and destruction of records to include identification and maintenance of essential/permanent records. Policy governing compliance as well as common practice should be demonstrated.*

5.7 The agency has procedures for processing and maintaining notice of infractions and citations.

**Purpose:** *Agencies must be accountable for all notice of infractions and citations issued, their timely delivery to the court system, and retention for audit purposes.*

5.8 The agency has guidelines to address the release of public information to the

media.

**Purpose:** Agencies should clearly identify who is authorized to release public information and what type of information the agency is comfortable with releasing through a PIO or other means.

- 5.9 The agency has policy and procedures for community notifications of registered sex offenders.

**Purpose:** The agency shall have policy and procedures in place that allow for notification in accordance with RCW 4.24.550.

- 5.10 The agency has policy and procedures for investigating and verifying missing persons, including updating ACCESS databases with additional identifying features as they become available.

**Purpose:** Agencies shall have a process for verifying that a missing person is still missing, periodically updating the status of the case, and ensuring that as much information as possible is packed into the WACIC/NCIC record. Policy and Procedure should include provisions for a person missing for 30 days or more and compliance with RCW 68.50.320 for investigation.

- 5.11 The agency has policy and procedures for:

- The lawful impounding of vehicles
- The recovery of stolen vehicles, to include attempts to notify vehicle owners

**Purpose:** Agencies should have policy on how to handle evidence, impounds, notifications of owners, and ACCESS Locates for the recovery of a stolen vehicle.

- 5.12 The agency participates in Uniform Crime Reporting and/or NIBRS by reporting to WASPC as required.

### **Observations:**

Law enforcement records provide a vital link between police operations and the public. In order to provide excellent service to citizens and city stakeholders, and to reduce significant risk to the Sheriff's office, the records unit must function with consistency and efficiency while operating within the scope of all regulatory statutes. Concurrently, a records division should strive to remain accessible and receptive to both internal and external customers. Effective management that provides a solid structure and expectations is essential to achieve these goals.

Shortly after Sheriff Stanko assumed office, he recognized several areas of the department that should be a priority for operational review. Given the complex and highly visible nature of public records, he invited Jeanne Jacobs from Everett P.D. into

his agency to conduct a one day review. Jacobs is a certified public records officer, has extensive experience as a records manager, and actively serves in leadership roles with LEIRA and WAPRO. Jacobs' written review is not (entirely) included as part of this study, but her report was provided to the LEMAP assessor to provide context for evaluation of the JCSO Records system. The assessor focused on those areas and findings that were relevant at the time of our visit and are essential to the future success of the JCSO Records unit.

The Jefferson County Sheriff's Office Records Staff consists of three Records Officers. Sheriff Stanko is in the process of hiring a fulltime Records Specialist on a 12 month contract. The records section is open from 0800 – 1600 hours, Monday through Friday. The records section is the first point of contact for the public when visiting the Jefferson County Sheriff's Office. For this reason the Records Officers are an extremely important reflection of the Sheriff's Office. Records staff are often the only contact individuals may have with JCSO and public perception of the agency is greatly affected by their initial contact with anyone assigned as a first point of contact for the agency.

The records officers do not wear uniforms which can lend itself to a feeling that they are not a valued part of the "team". The wearing of uniforms creates a professional and cohesive mindset as well as a sense of personal pride. Those working in the Records Office are responsible for high liability, high risk areas involving not only the confidentiality and security of Sheriff's Office records but also the management of public documents which has become a complex and time consuming task for agencies. Records staff also play a critical role in the timely compilation and dissemination of criminal justice reports and information for investigative and prosecutorial staff that directly impacts successful investigations and prosecution.

The Records Officers are supervised by the Confidential Secretary, Sharon Mitchel, who is a new employee and is currently being trained by the incumbent. Sharon has no experience in law enforcement records functions, however does have Human Resources and Management experience.

JCSO is in transition for the Records Management System as they are using PsNET and are in the process of transitioning to a system called New World. The agency has been in the process of transitioning to New World for quite some time and a JCSO Detective is primarily responsible for training the staff on the system. They are hoping to go live with New World by the end of 2015.

Records officer, May Tracer, has been employed with the Sheriff's Office for the past 15 years and became the ACCESS Terminal Agency Coordinator (TAC) in November 2014. She spent quite a lot of time initially learning the TAC position and was able to ensure all employees were current on their ACCESS training and certification. May estimates she spends no more than 2 hours per week on her TAC duties.

JCSO had their ACCESS business (TAC) audit on April 8, 2015. JCSO responded to auditor findings and the audit was deemed completed by ACCESS on May 29, 2015.

In addition to her duties as TAC, May is responsible for entering reports in NIBRS and submits monthly reports to WASPC. She also processes Concealed Pistol Licenses

(CPLs) and background checks for federally licensed firearms dealers (FFL). The FFL may not transfer the firearm to the purchaser until either the purchaser clears the background check or ten business days have elapsed from the date the FFL requested the background check, whichever occurs first. May stated she is able to respond to FFL background check requests within five days. May's description of her procedures for processing CPLs and FFL background checks are in line with best practices.

Public Disclosure Requests (PDR) come into the records section and are directed to the supervisor for assignment. May estimated there were 5 – 7 public records requests received each week. The LEMAP assessor reviewed the 2015 Records Request Log for January and part of February and discovered that May was assigned to process a small percentage (8 out of 34) of the JCSO Public Disclosure Requests.

Court requests to destroy records are handled by May. When she receives a request she immediately retrieves the record, removes it from PsNET, puts a card in the file noting its destruction, then destroys the file. When May receives a court order to seal Juvenile records she pulls the file, seals it, and then files the request in a binder and notes in PsNET that it is sealed and not for dissemination. May places those files into a locked 2 drawer filing cabinet next to the front counter. She stated she has not had training in the destruction of those records and there is currently no written procedure to purge juvenile records.

May *attempts* to track agency training and it is her responsibility to file the annual report to the Washington Criminal Justice Training Commission certifying that commissioned employees completed their mandatory 24hour training for the year. The employee training records are located in the records section in a filing cabinet and the current system for tracking training is a spreadsheet. New World has a module in AEGIS to track employee training and would be an improvement to their current method.

A second Records officer, Kay Rowland, has been employed with JCSO for 15 months. Her main duties consist of accounts payable so she spends very little time on Records functions. Kay estimates that she spends approximately 60% of her time working on account payables and when not working on payables she is responsible for issuing ID cards to employees and dealing with customers arriving at the front counter.

One of the areas that take the records officers out of the office is the Drug Take Back program. This is a program that is available at most police agencies where the agency takes back (typically) prescription drugs from the public as a community service. JCSO has recently changed their procedure for receiving drugs due to citizens putting liquids and needles into the container located in the lobby. Consequently, a lock was installed on the container about two months ago and citizens who now come in to dispose of drugs must be escorted by the Records Specialist. This procedure now requires the Specialist to leave the office, go into the lobby, and unlock the box so the drugs can be placed in the container.

Kay stated she has had no training on CPLs, processing FFL requests and entering NIBRS. She enters Infractions and Citations, answers the telephone and is assigned processing of some Public Records Requests. Reviewing the 2015 Records Request Log for January and part of February Kay was assigned 50% of the Public Records Requests.

There is no identified Public Information Officer or procedures in place to address the release of information to the public. The current process involves Kay printing out a "Press Log" which is sent to the local newspaper or the Undersheriff sending out major news releases.

Records Officer Lynn Chesterfield has been with the Sheriff's Office for the past three years. She is assigned some Public Disclosure requests in addition to providing assistance in property and evidence. She also backfills the records section when both records officers are out for breaks or on leave. She is familiar with most records functions as she started her career with the Sheriff's office in the records section.

There is very little cross training in the records office which creates a potential problem in the event an employee is gone for any length of time. May does not know how to issue ID cards and Kay does not have training in CPLs or the process for FFL background requests. Additionally, training is lacking across the agency in the area of Public Disclosure which may potentially create a liability for JCSO. The records officers should be encouraged to join the Washington Association of Public Records Officials (WAPRO) and Law Enforcement Information Records Association (LEIRA). A Records Unit Procedures Manual is in the process of being developed and will be helpful to assist records officers in learning the various job duties they are responsible for.

The Records Office utilizes volunteers to assist with filing, fingerprinting and records destruction. Their main volunteer, James Myers, has been with the Sheriff's Office for the last 12 years and is very experienced working in Records. He maintains a binder with certificates of destruction detailing the required information on records that have been destroyed per the Washington State Records Retention Schedule. Prior to destroying the records, Jim has May or Kay sign off authorizing the destruction. Jim is assisted by other volunteers in the records section who he supervises while they are working. The volunteers who work in records have gone through background checks and 15 out of 19 active volunteers are listed as having taken the CJIS Security Awareness Test. Records maintains a spreadsheet of JCSO volunteers and all details relating to background checks.

JCSO uses a private communication consortium known as JEFFCOM. The interagency agreement states JEFFCOM will perform the following: Hit Confirmation, Dispatch, Record Entry, Use of regional management system, and Record Validations for Warrants & Orders. Validations for missing unidentified persons, violent persons, sex offenders & stolen/missing items will be reviewed by JCSO Staff and returned to JEFFCOM's TAC once completed, who will then verify the completeness and accuracy of the actual entry.

The records office staff takes in money for CPLs and Fingerprinting Services and only accepts exact amounts. There is a cash drawer located in the records section, however it does not contain any monies at the start of each day and there is no petty cash located in the records section. All monies taken in by staff are hand receipted from a receipt book and a copy of the receipt is paper clipped to the currency and locked in the cash drawer. Both May and Kay each have a key to this drawer and their process is to take the money and receipts to their supervisor each day and she checks the receipts to ensure they are in numerical order and makes the deposit.

Although the JCSO auditing/confirmation process is defensible, it could be improved upon. For example, if currency and a receipt went missing there is no system in place to determine who may have been responsible. Installation of a point of sale cash system coupled with a random audit of the CPLs taken in (on any given day) is recommended as an internal control to prevent mismanagement of funds. Additionally, crosstraining with another JCSO employee, possibly a supervisor, on cash deposits is recommended in the event the supervisor is away from the office for an extended period of time (see chapter 9 for recommendations).

Old personnel and internal affair files are also stored in the records section. These records are not being maintained in a secure area and should be evaluated for destruction per the WA State Archives Records Retention Schedule and RCW 41.06.450.

The door to the Records Office does have a sign stating “Authorized Personnel Only” but this door is left open much of the time and JCSO staff has free access to that area. Additionally, the janitorial staff is granted unfettered access into every area of the Sheriff’s Office including the Records section after hours with nothing to prevent them from accessing reports, taking copies or even removing confidential information from the office. The LEMAP assessor witnessed an individual who appeared to be a courier get buzzed into the Sheriff’s Office, walk into the Records office and drop items on the counter. This practice has apparently been unquestioned until now. Access to any police department’s Records vault must be restricted to individuals who have specific need and authorization to enter. In most agencies this would only be those employees assigned to the Records function.

Security has been upgraded since the January review by Ms. Jacobs and anyone accessing Records now signs in and out on a log sheet. Records are accessed by Records Officers and Supervisors rather than deputies walking in and taking reports out of the records section, which was prior practice. There is a moveable shelf that can be lowered between the area where Records are stored and the rest of the records office. This serves as a physical reminder to staff that records are to be accessed by authorized personnel only. A more effective security measure would be a locking gate that could secure the records storage area ensuring unauthorized access isn’t permitted (such as janitorial staff).

Public Disclosure is an area of high risk civilly for WA agencies and requires that employees tasked with public disclosure are trained and have a good system for responding to requests. Additionally, the agency’s website should have detailed information on how the public can request records including referencing the RCW. An example is the Clallam County Sheriff’s webpage:  
<http://www.clallam.net/sheriff/publicdisclosure.html>

Currently, JCSO processes Public Records Requests received at the headquarters facility in Port Hadlock manually. The records staff receives the requests and sends them to the supervisor who then assigns the request to one of the records officers (including the property and evidence officer). The requests are tracked on an excel spreadsheet which encompasses the information necessary to satisfy public records requirements. However, nobody manages or monitors the spreadsheet to ensure the training requests are responded to according to the law. Training for those employees involved in Public Records Requests is mandated by RCW 42.56.152. The Records Staff completed an

initial 40 hour training course on Public Disclosure and have had inservice training with the county prosecutor as well as training with the LEIRA.

One of the areas that needs prompt attention is Public Records Request form that is given to the requestor describing why the request was denied. The form does not include detailed explanations when materials are withheld or redacted. This issue was addressed in the January 2015 assessment conducted by Jeanne Jacobs; however the form was not revised at the time of the LEMAP team's visit and continues to expose the Sheriff's Office to high risk. The Washington Association of Public Records Officers (WAPRO) wrote a summary of the decision with guidelines for agencies to follow to avoid potential liability in this area. The WAPRO summary can be found at: [http://www.wapro.org/assets/docs/Teleconferences/teleconference\\_20150130\\_lakewood\\_v\\_koenig.pdf](http://www.wapro.org/assets/docs/Teleconferences/teleconference_20150130_lakewood_v_koenig.pdf) and following is taken from the summary:

A brief explanation should at a minimum "explain" – meaning affirmatively state – two things:

1. The information or record withheld is the information covered by the exemption.
2. Any "conditions" that limit the application of the exemption have been met.

Community notifications of registered sex offenders are handled by a detective who gives flyers to police volunteers to deliver in the community. The detective also reports to Offender Watch, which tracks movement of sex offenders. However, the Detective was unaware of the RCW mandating that records of investigative reports pertaining to sex offenders, or sexually violent offenses, must be sent to WASPC for retention. The detective was provided with a copy of the RCW along with the WASPC directive that explains the process for meeting this requirement.

The JCSO Volunteer Program is very selfsufficient and the volunteers conduct a variety of tasks for the Sheriff's Office to include: vacation house checks, handling of abandoned vehicles, assisting with the JCSO Marine unit, radar trailer placement, limited forms of traffic control (some maintain flagger certification), and service on the newly established Citizen's Advisory Board.

Recognition for the work of both employees and volunteers is an excellent way to build morale and pride in the individual and organization. Employee and Volunteer of the Year awards for exemplary service are an easy and effective way to show leadership and publicly value those individuals which often inspires their loyalty to the organization. The Presidential Volunteer Service Awards Program provides a free volunteer timekeeping database as well as a very inexpensive way to recognize volunteers for their service.

### **Recommendations:**

- Ensure all staff is properly trained in all areas of New World records system to ensure a smooth transition from PsNet to NWS. JCSO should identify at least one "super user" who is a subject matter expert on the system that will act as the lead staff trainer and can confirm that the agency is using all components of the system that can optimize organizational efficiency.

- Consider the value of outfitting JCSO Records staff in agency uniforms. Ensure that all Records staff is allowed to contribute to the conversation before a final decision is made.
- Evaluate how many of the JCSO record functions are allowed to operate in silos, meaning that very few employees – other than the one responsible for a given task – are cross trained in the function. Consider the value of cross training all Records employees so that the efficiency of the agency is maintained during any type of employee absence or disruption.
- Evaluate the JCSO drug take back program and the logistics necessary to operate it. If deemed necessary, are there other (safe) ways to take in drugs from the public?
- Evaluate and address the following areas of physical security at JCSO headquarters:
  - Visitors – Identification should be required for all visitors and a visitor’s credential, which is worn by the visitor and is clearly visible to all employees, will be issued to each visitor that enters the secure interior of the headquarters building.
  - The AFIS LiveScan (fingerprinting) machine should be moved out of the secure interior of the Sheriff’s Office as soon as possible. Access to the secure area of Sheriff’s Office, by those asking to be fingerprinted creates a needless security risk for JCSO employees.
  - Limit Janitorial Staff’s ability to have unescorted access to all areas of the Sheriff’s Office and in particular the Records Office. Confidential information is located in many areas of the building and those county employees and/or visitors should never have unescorted access to parts of the building that may breach that confidence.
  - Install a secure gate or door system for the secure records vault and prohibit unauthorized access to the records files after hours.
  - Ensure that the office door to JCSO records is closed at all times. The door was left open on a regular basis during the LEMAP team’s visit.
  - Ensure only authorized personnel are allowed into the records section and if JCSO deliveries are received for records do not allow access by the delivery personnel into the Records office area. Records staff should meet the delivery person outside the records office.
- Records Officers and their supervisor should be provided with additional training in the area of Public Disclosure see RCW 42.56.152. Additionally, they should join WAPRO and be encouraged to receive certification. More information on this process can be found at: <http://www.wapro.org/certification> .
- Update the Sheriff’s website to include a page detailing the Public Disclosure process to comply with RCW 42.56.040 – Duty to Publish Procedures

- Update the form providing information describing why the request was denied. Refer to the WAPRO Summary for guidance.
- Immediately remove the Personnel and Internal Affairs files from the Records Office and transfer to the Sheriffs Confidential Secretary for retention or destruction decisions. These records are subject to public disclosure and need to be carefully managed separate from police records.
- Start submitting reports pertaining to sex offenders and sexually violent offenses to WASPC per RCW 40.14.070 (b)(i). This is also a requirement for WASPC Accreditation.
- Establish a procedure to address the release of public information to the media. Ensure those releasing information are trained in that area and all news releases are approved by the Sheriff or designee prior to release and keep the agency point of contact to one (1) person for each incident.

## CHAPTER 6 – INFORMATION TECHNOLOGY

6.1 Access to the agency’s computer system is secure with restricted access to those who are authorized and who have a passed background investigation.

6.2 The agency can show 100% compliance or that it has made corrections to comply with any ACCESS/CJIS findings from the previous technical triennial audit and/or FBI audit.

***Purpose:** To show that the agency is complying with requirements to provide a safe and secure environment for the transmission of ACCESS data.*

6.3 The agency has policies governing appropriate use of agency technology.

***Purpose:** Agencies need policies to address appropriate use of technology to define what acceptable practice for that agency is.*

6.4 Each fixed and mobile computer workstation has an up to date copy of agency approved, security software installed and running while the equipment is in use.

***Purpose:** Agencies should attempt to secure and protect their data from potential harm from outside sources with security such as anti-virus, anti-malware, anti-spyware, firewalls, etc.*

6.5 Electronic information is routinely backed up at least once a week. Backup data is kept in secure storage and is completely destroyed when no longer needed.

***Purpose:** Agencies should protect their data. Backing up a system on a regular basis is recommended. Proper data destruction so that it doesn’t become*

*available to unauthorized users is required.*

### **Observations:**

Information Technology (IT) is vital to any agency's operational functions. IT services for JCSO is supplied through the Jefferson County IT department. For the purposes of the LEMAP assessment, IT services are generally focused on dispatch (CAD), records management (RMS) and local hard/software used by JCSO employees. For the purposes of this report the LEMAP team interviewed JCSO staff that was working that the time of the visit and Dave Olsen from Jefferson County IT.

Access to the JCSO computer system, mobile, desk and laptop, is secure and requires individual employee authentication for access. All employees and volunteers accessing the system have passed a background investigation consisting of a check of state and national criminal data bases. JCSO is able to show 100% compliance with its last ACCESS/CJIS triennial audit which was conducted in April, and successfully completed in June, of 2015.

JeffComm manages the New World CAD and RMS systems for JCSO and data is backed up daily. Data managed by Jefferson County IT is backed up daily to three different (redundant) platforms for maximum safety and security. All JCSO devices are protected by ESET virus protection with virus definitions updated on a regular basis, often multiple times per day.

The agencies LEXIPOL policies governing use of its computer system are adequate and Jefferson County has an extensive computer policy that encompasses JCSO employees.

### **Recommendations:**

No recommendations.

## **CHAPTER 7 – UNUSUAL OCCURENCES**

- 7.1 Every sworn member of the agency has completed the National Incident Management System introductory training course(s).
- 7.2 The agency has plans for responding to natural and manmade disasters, civil disturbances, and other unusual occurrences.  
  
***Purpose:** To ensure the agency has a current plan in place and is prepared to respond to any disaster immediately.*
- 7.3 The agency works with the County and/or regional agencies in developing a county or regional disaster or emergency response plan.
- 7.4 The agency has a policy for requesting and providing mutual aid.

## **Observations:**

Depending on the department, planning for unusual occurrences in law enforcement is often an afterthought. It is a function that is often handled by the local fire or emergency management department and is sometimes viewed as a nuisance that is parked at the bottom of the agency's list of priorities. However, in those rare events when an unusual occurrence strikes, it typically overtakes an agency. Consequently, leadership is often forced to scramble for staffing, support and resources during response and recovery to the incident which jeopardizes the safety of residents and places the Sheriff at the forefront of public criticism. This chapter is intended to provide agencies with a platform to work from that focuses on basic training of employees and participation in activities that potentially allow for broad support and assistance when disaster strikes.

Jefferson County has vulnerability in areas typical of many coastal counties in Western Washington; earthquakes, tsunamis, flooding, storms and wild land fires. JCSO is fortunate because they have a county emergency management officer (Bob Hamlin) that can assist them with preparedness, response and recovery to unusual occurrences. A check of JCSO training records indicate that all sworn staff, and those that have EOC responsibility in a support role, have met or exceeded the training requirements (at minimum ICS 100 and IS 700) commensurate with their position.

During an interview of Hamlin, he indicated that he holds periodic meetings with a variety of Jefferson County emergency management stakeholders that have an interest in emergency management. Hamlin facilitates monthly team meetings of Jefferson County employees that may be activated to the county emergency operations center (EOC) or have an interest in training or planning for exercises and drills. He also holds quarterly meetings with community stakeholders (including business, faith based and community organizations) that have an interest in emergency preparedness and would be important partners following a disaster. Hamlin reports excellent participation in all of these meetings by JCSO Command staff, particularly Undersheriff Nole who has been a consistent attendee at most meetings.

Hamlin indicates that although there has been excellent participation and involvement with emergency management at the command level, interest or participation at the first line supervisor and line level has not been as good. He reports that he has tried to inspire these groups in the incident command system, or planning/preparation for disaster or emergencies, and in most cases the supervisors have not been interested. He admits that in some cases emergency management is not relevant to the line level and the opportunity to exercise the skills and principals of ICS do not occur as frequently as they may with fire departments. But he would like to see more involvement.

JCSO has two sections of the policy manual that covers mutual aid; incidents involving a request for air support and hostage and barricaded subject incidents. The typical LEXIPOL policy product has a comprehensive section that covers requesting mutual aid and deputy responsibilities when responding to requests for mutual aid. These sections appear to have been removed and the two remaining sections are insufficient to provide proper direction to employees when handling circumstances surrounding mutual aid.

## **Recommendations:**

- Expand the involvement and skills of all supervisors in the ICS and disaster planning processes. Consider assigning responsibilities for meeting attendance, planning exercises, training and drills to each supervisor in an effort to broaden involvement in this area.
- Develop a comprehensive mutual aid policy that directs agency involvement and clearly defines deputy responsibilities for requesting, and responding to requests, for mutual aid.

## CHAPTER 8 – HEALTH & SAFETY

- 8.1 The agency has written guidelines that inform employees of the threats and hazards associated with airborne and blood borne pathogens.
- 8.2 The agency provides personal protective equipment, which should include latex gloves (or equivalent), eye protection and protective shoe covers to minimize exposure to potentially infectious materials and objects.
- 8.3 The agency provides soft body armor and requires its use for personnel engaged in uniform field duties or highrisk situations.

***Purpose:** The agency is responsible for ensuring that personnel engaged in field duties or high-risk situations are wearing necessary protective equipment.*

- 8.4 The agency provides reflective clothing and requires its use.

***Purpose:** The agency provides OSHA approved reflectorized vests to increase the visibility of employees while exposed to traffic hazards. Use of reflectorized vests is mandated for personnel while directing traffic, or at the scene of a traffic accident (ANSI Class II – 2009).*

- 8.5 The agency has procedures for disposal and decontamination when there is an event or contact involving biohazard material including blood or bodily fluids.
- 8.6 The agency has procedures for postexposure reporting and followup after suspected or actual exposure to infectious diseases.
- 8.7 Non commissioned police employees are physically separated from the public by a physical barrier in the lobby area.
- 8.8 The agency requires all personnel to use safety restraint/seat belts while operating agency vehicles.

### Observations:

Chapter 8 is primarily intended to remind agencies and employees of the importance of high risk/low frequency activities that can easily place employees at risk. Many of these occurrences are uncommon, have little to do with crime fighting, and in some cases are considered nuisances. Therefore, preparing and equipping employees easily becomes a low priority. This chapter reminds agency leadership of the threats associated with these threats and encourages them to set up inventory systems, reminders and check lists to ensure that employees receive basic amounts of training and are supplied equipment to keep them safe. Absent these safeguards, employee health and safety is compromised with threats that fall out of the normal cache of what employees would commonly recognize as hazardous.

JCSO's policy manual contains comprehensive language that covers communicable diseases. The section identifies various threats, explains the importance of an exposure control officer (ECO) who manages an exposure control plan (ECP), and provides relevant direction on decontamination and post exposure reporting. Policy section 1016.4.2 of the manual discusses supervisor reporting requirements for individuals experiencing an infectious disease exposure which involve collecting information about the employee including their social security number, which is unusual and not required by WAC.

Unfortunately, the communicable disease section is like many other sections throughout the JCSO policy manual where most employees are not aware of its content and therefore the content is not being followed. Several supervisors referenced Undersheriff Nole, who they thought might be the agency ECO. Nole advised he was not the ECO and had last received training on pathogens 15 years ago as an agency representative. JCSO does use a county incident reporting form when deputies or employees experience a pathogen exposure, but that form is normally routed to the county risk management office.

JCSO deputies are provided a pathogen exposure kit that includes coveralls, gloves, a paper face mask, goggles and other safety equipment. In the two cars that were inspected, one kit appeared to have never been opened and the other deputy indicated he had used parts of the kit during his patrol duties. Deputies interviewed appeared to be aware of decontamination procedures should they experience a pathogen exposure. Periodic training, that reinforces decontamination protocols, should be included as part of the LEXIPOL daily training bulletins (DTB's) or agency inservice training.

A small cadre of deputies and supervisors were issued tactical kits that contain a gas mask, ballistic/tactical soft body armor, a tactical helmet and goggles and additional armament. Some of this equipment contains a life cycle established by the manufacturer and is now in need of replacement – at considerable cost to the agency. Clearly a needs assessment, as part of a strategic discussion on equipment and uniforms, needs to occur in the very near future as some of this equipment has surpassed its expiration date.

JCSO policy 1024 covers the requirement for all deputies placed in harm's way to be outfitted with soft body armor. In past years, the agency has participated in the DOJ's vest partnership program and a list of assigned vests to deputies was maintained by the Sheriffs' confidential secretary. This list has historically been kept with the secretary and although the spreadsheet identifies the officer and year their vest was issued to them, the secretary has not been responsible for notifying the deputy when their vest is approaching

the five year expiration point. Additionally, the secretary advised that she has not kept up with asking DOJ for reimbursement and the list may not be current. Responsibility for vest maintenance and replacement rests with the deputy, which can be problematic.

The agency is housed in a contemporary facility (built in 2004) that physically separates front office staff from the public by a solid wall and Plexiglas. JCSO staff provides a welcoming environment and it was clear to the LEMAP team that they work in an environment where most are comfortable with each other and typical security measures may be lax. One example of a security weakness, that was quickly obvious to the LEMAP team, is access to the inside of the JCSO headquarters building. Visitors are allowed access into the office without providing identification and are not issued a visitor's credential even though sensitive or confidential criminal justice information or records may be in view. This also presents challenges to building safety and security and is an area that we will encourage the Sheriff to review and assess. (See recommendations in chapter 5).

Other health and safety features for JCSO include a policy that requires deputies to use high visibility vests at any time it is anticipated they could be exposed to the hazards of approaching traffic or construction and recovery equipment. Finally, all members of the JCSO shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by the agency, while on or off duty or in any privately owned vehicle while on duty.

### **Recommendations:**

- Conduct a comprehensive review of JCSO policy 1016, Communicable diseases. Retain language that meets the requirements of the WAC and ensures the safety of all employees. Confirm that all responsibilities defined in policy are assigned out to specific employees that have clear understanding and direction of the policy content.
- Develop an inventory/inspection system for all JCSO deputy vehicles. Ensure that all equipment, including PPE (personal protective equipment), is current and all vehicles are uniformly stocked with contemporary safety equipment.
- Evaluate the need for any JCSO deputy to be issued an air purifying respirator (gas mask). If a need is determined, the agency must commit to a robust PPE program with commensurate training for the defined use of the mask with annual training components and appropriate medical screening.
- Assign management of all soft body armor to a senior supervisor or commander. Responsibility for vest replacement should not be left to the deputy. Assess the need for any deputy to be issued a tactical vest. If justified, ensure tactical vests are placed on a life cycle replacement schedule to ease pressure on the JCSO budget.

- Provide periodic (at least annual) training to all employees on decontamination protocols for those that could experience a pathogen exposure. This training can be part of the DTB program or included as part of inservice or first aid training.
- Clarify the reporting process for employees involved in a pathogen exposure. If the agency elects to use the county reporting form, ensure that the Sheriff or designee are aware of the incident (normally by signature block) before it is routed to the office of risk management.

## CHAPTER 9 – FISCAL MANAGEMENT

- 9.1 The Chief Executive Officer has the authority to spend funds in the approved budget for daytoday operation of the agency.
- 9.2 The Chief Executive Officer makes regular reviews of the agency budget.
- 9.3 The agency has a system for review and approval of expenditures.
- 9.4 The agency has a policy requiring supervisor approval of all overtime.
- 9.5 The agency requires supervisor approval for all employee timesheets.

***Purpose:** Elected officials (Sheriff) are exempt from filling out timesheets.*

- 9.6\* The agency has a system to document and record the use of cash funds that include receipts, supervisory approval, and periodic audit.

***Purpose:** To ensure that control measures are in place for all cash activities in the agency, specifically the common areas of petty cash, cash received in records, and investigative funds.*

### **Observations:**

Sharon Mitchel was hired in May 2015 as the Confidential Secretary to replace outgoing (retiring) employee, Susan Zoya. Sharon was in the process of training with Susan during the LEMAP which made an indepth interview challenging for the LEMAP assessor. Sharon does not have law enforcement records experience; however she has a human resources and management background. The Confidential Secretary is responsible for overseeing and managing the budget which includes payroll, payables, receivables, and managing grants. Susan stated that the payroll system is cumbersome and requires dual entry by her and a county employee. The Accounts Payables are currently being handled by Records Officer Kay Rowland.

The Confidential Secretary is responsible for the maintenance and security of all JCSO employee personnel and administrative files, internal investigation records, medical and

training materials. All public records requests are sent to her and she is responsible for the assignment and oversight of those requests.

Sharon stated that Sheriff Stanko has the authority to spend funds in the approved budget and hasn't been reviewing the budget monthly; however his intent is to initiate a monthly review of JCSO's budget in the near future. The January 2015 assessment by Jeanne Jacobs detailed the previous challenges the Confidential Secretary had when it came to budget issues and Susan (the outgoing secretary) reiterated during the LEMAP assessment that she continues to be left out of the budget process on a regular basis even though it was a primary responsibility of hers.

The system for review and approval of expenditures consists of verbal approvals from the Undersheriff Joe Nole. Nole reviews and approves expenditures with the exception of minor expenses such as supplies which Sharon approves. There is no purchase order system in place therefore the accountability for purchases relies on those with credit cards who are the Sheriff, Undersheriff, Captains, Sergeants, Detectives and Sharon. The majority of expenses on the credit cards are travel related. Receipts are turned into Kay and she reconciles receipts to bills at the end of each month.

Sharon stated that their practice is to have supervisor approval of all overtime and Sharon does not input overtime unless a supervisor has signed off on it. There are no timesheets except those created by Sharon from the schedules provided by the Jail Supt and Captain Stamper. After completing an excel timesheet for each employee, she then looks at overtime and leave slips to input that information on the timesheets. Neither the employees nor supervisors are signing the timesheets that Sharon generates so accountability is limited and restricted to Sharon and the supervisor providing her with employee's payroll information.

JCSO maintains a \$200.00 petty cash fund in Sharon's office which is rarely used. When a request is made for petty cash the employee will give Sharon a receipt, she determines if it is appropriate for a petty cash disbursement and then disburses the cash to the employee. Sharon did not know if there was a periodic audit system in place for the Petty Cash as that was not covered when she was training with Susan. Undersheriff Nole has a buy fund in his office located in the safe (see chapter 16 on this fund).

The current system of Records officers taking in money at the front counter did pass the State Audit two years ago. However the fact the only JCSO employee trained to make deposits is the Confidential Secretary creates a single point of failure. Additionally, there are no regular audits of the front counter cash fund, or a point of sale system, to protect employees and ensure procedures are being followed regarding the intake of money. The cash drawer in the Records Office is used to intake cash for fingerprinting and concealed pistol licenses and is used exclusively to hold cash transaction monies in a secure location. All cash, checks and receipts are given to Sharon for deposit at the end of each day.

Employees are an organization's greatest asset and in most cases an employee's performance can be improved with the assistance of their supervisor. JCSO has a very limited support staff and each employee is vital to the organization's success. It is recommended that Sharon spend time with her employees learning their job duties so she

can identify if and where problems may be occurring so she can address them in a timely manner.

### Recommendations:

- Implement a purchasing system utilizing purchase orders that require a supervisor's approval prior to the purchase. This type of system will enhance accountability and internal tracking procedures. A purchase order system will eliminate the verbal approvals and allow for a system to track purchases, vendor, date and amount as well as the budget line that paid for the expenditure.
- As a priority, develop a written policy directive, with audits, that govern credit card usage. Each employee issued a credit card should sign an agreement stating they understand the procedures for credit card usage.
- Develop a payroll accountability system where timesheets are signed by both employee and supervisor. The current system provides no accountability for the employees or supervisors and instead places all responsibility for accuracy of employee timekeeping with the confidential secretary. The confidential secretary should act only as a gatekeeper and responsibility for hours of work should remain with the employee and immediate supervisor.
- An audit system should be instituted to ensure proper procedures and processes for the intake of money in Records are being followed.

## CHAPTER 10 – RECRUITMENT & SELECTION

- 10.1 The agency has written standards and hiring criteria for sworn and nonsworn employees and, if applicable, reserve, parttime, or limited commission personnel.

***Purpose:** To create a professional, fair and equitable recruitment and selection process that attracts qualified candidates meeting minimum requirements as established by state training standards and applicable laws.*

- 10.2 The agency requires that background investigations be conducted on each candidate for a sworn position prior to appointment, and requires that proof is submitted to the Washington State Criminal Justice Training Commission.

***Purpose:** The critical and important nature of law enforcement employment require that only the most qualified people are hired to work as law enforcement officers. One of the most important aspects of the selection process is the background investigation. A comprehensive background investigation, conducted by competent investigators is very beneficial in determining the most qualified candidates for selection.*

- 10.3 The agency requires that a medical examination, including drug screening, be performed by a licensed physician for each candidate for a sworn position, prior to appointment.

***Purpose:** A full and complete medical examination is necessary to ensure the health and physical condition of candidates for law enforcement employment.*

- 10.4 The agency requires that a licensed psychologist or psychiatrist conduct a psychological fitness examination for each candidate for a sworn position, prior to appointment.

***Purpose:** The mental and psychological health of a law enforcement officer is essential. This is important to the officer candidate and to the law enforcement agency. The Washington State Criminal Justice Training Commission's psychological testing requirements satisfy this accreditation standard.*

- 10.5 The agency requires that a polygraph examination be administered, by a qualified technician, for each candidate for a sworn position and prior to appointment.

- 10.6 Applicant files are secured and available only to those who are authorized to participate in the selection process.

- 10.7 Employee personnel files are separate and secured from other files. Medical tests, psychological evaluations and polygraph results are kept separate from personnel files in secure locations.

***Purpose:** To ensure that records related to agency personnel are legally maintained and purged as needed, and that dissemination criteria are established and confidentiality is maintained.*

### **Observations:**

An agency's most valuable resource is their personnel which makes recruitment and selection of qualified employees extremely important. Jefferson County Sheriff's Office relies on the County Civil Service Commission to screen their applicants for both Sworn and NonSworn to narrow the pool down to a "Top 3" list for Sworn and a "Top 3 plus 1" list for NonSworn. Those lists are sent to the Sheriff's Office for final interviews, selection, background investigation final testing.

JCSO's website is independent of the County website; however there is a link to it from the County's site. Currently, JCSO is recruiting for an entry or lateral deputy by means of a small tab located on the JCSO website which takes the user to a page explaining the process. Jefferson County's website has a page for County Job Openings, however does not list the Deputy Sheriff position as an employment opportunity. Public Safety Testing (PST is an independent testing firm located in Washington) does have Jefferson County Sheriff's Office as having a position available.

Jefferson County Sheriff's Office hires their positions through the Jefferson County Civil Service Commission process. JCSO utilizes PST for entry level written and physical testing; lateral candidates are required to only take a written test. Applicants passing the first phases of the hiring process are next sent to the Civil Service Commission where interviews are conducted to rank the top three candidates. The list of the top three candidates established is sent to the Sheriff's Office for interviews with Command Staff. The Sheriff then selects his top candidate, extends a conditional offer of employment then schedules the Background, Polygraph, Psychological and Medical examinations. JCSO does not conduct drug screening though it is in their LEXIPOL Policy 1000.2.1 (b) that drug screening is one of the required screenings for all applicants.

The background checks are conducted by Bob Gebo who is a Civil Service Commissioner and works parttime with the Sheriff's Office. Bob is retired from the Seattle Police Department (SPD) and stated that in addition to his experience working internal investigations he also conducted preemployment background checks when the SPD background unit was backlogged. Bob attends conferences for Civil Service Commissioners; however he has no formal training in background investigations. Although obvious that Gebo is skilled and experienced with background investigations, his role as a Civil Service Commissioner and as a JCSO employee that is part of the hiring process may present a conflict of interest. This conflict should be vetted by the Sheriff before he conducts any further background investigations.

Gebo indicates JCSO used to do credit checks on applicants but they have not done so in years, which was confirmed by Nole. Lack of investigation into a candidate's credit worthiness, which speaks to trust and judgment of the candidate, is highly unusual in law enforcement. Tom Reyes is the Civil Investigator for Clallam County and is responsible for background checks on all employees. He utilizes the Credit Karma site and has offered his assistance to JCSO if they have any questions regarding background investigations.

Social media can also be a valuable tool for background investigators though there are restrictions when used in hiring decisions. JCSO does not currently incorporate a check of social media in the background investigation process and they should consider doing so as content can be revealing about a candidate's suitability for work in law enforcement. The following link provides an informative PowerPoint presentation, authored by a local risk management law firm from November 2014, which covers a variety of issues related to background investigations, including access to social media: <http://www.riddellwilliams.com/uploads/pdf/presentations/pres20141105backgroundcheckandprescreening.pdf>

Undersheriff Joe Nole conducts all preemployment polygraph examinations on both sworn and nonsworn applicants. Nole is a trained polygraphist and reports he is an active member of the American Polygraph Association (APA) and the Northwest Polygraph Examiners Association. Both organizations have robust inservice training requirements and Nole's training is current with both. JCSO employs a Psychologist with offices in Silverdale and Seattle to conduct their Psychological evaluations.

The nonsworn positions are hired through the Civil Service Commission process as they maintain a list of applicants who are ranked according to the results of a written test. The

“Top 3 plus 1” are sent to the Sheriff’s Office where the Confidential Secretary schedules interviews with the applicants followed by a conditional offer of employment to the final candidate. There is no medical screening for nonsworn employees.

The preemployment files (medical, poly, background and psych) are kept in separate folders in the same locked filing cabinet as personnel files. The cabinet is located in the Confidential Secretary’s office and access to that cabinet is restricted to the Confidential Secretary and Sheriff. The preemployment files are kept in a separate drawer from the personnel files and are color coded. The Confidential Secretary, Sharon Mitchel said she was told the preemployment files were not sent to the County Human Resources Department due to concerns about maintaining confidentiality of the files.

### Recommendations:

- Update the JCSO website to advertise/announce all current positions being recruited for. Link the JCSO and county websites for broad appeal to interested candidates.
- Provide updated training to all employees tasked with conducting background investigations. This will help keep them abreast of current practices and case law in this vital area of the hiring process.
- Explore and deconflict the relationship between Bob Gebo’s role as a Civil Service Commissioner and as a JCSO background investigator.
- Incorporate a credit check of all applicants in any position for JCSO.
- Institute drug screening as part of the preemployment background or medical screening process.

## CHAPTER 11 – TRAINING

- 11.1 The agency requires all fulltime, sworn members to successfully complete the Basic Law Enforcement Academy or Equivalency Academy, as certified by the Washington State Criminal Justice Training Commission prior to assuming law enforcement duties, and requires that they begin attending the Academy within six months of their date of hire.

***Purpose:** All newly hired peace officers shall comply with all requirements of the Washington State Criminal Justice Training Commission.*

- 11.2 The agency has established a formal field training program for all newly sworn officers that includes:
- Field training officers who are specially trained for that purpose;
  - Regular documentation of the progress of the student officer; and
  - Requiring the student officer to successfully complete the training

program prior to assuming law enforcement duties.

**Purpose:** *To ensure that new police officers complete a formal field training evaluation program that complies with requirements and provides officers with actual, critical, field experience prior to solo assignment. A well-designed field training program must be planned, managed, and assessed in a careful manner. This program provides the new law enforcement officer with the structured initial exposure to the role and functions of the law enforcement occupation. It is also important because it incorporates the basic training program with the practical application of that training in actual law enforcement situations.*

11.3 The agency maintains and updates training records of all employees.

**Purpose:** *It is important to the law enforcement agency and its employees to record all training programs and courses that agency personnel attend. The information should be recorded for each employee and should include the type of training, the date(s) of the training, any certificates received, and any available test scores.*

11.4 The agency maintains records of each formal training it conducts, to include:

- Course content/lesson plans;
- Name of all attendees;
- Performance of the attendees;
- Credentials of the presenter or instructor; and
- Copies of any test results.

**Purpose:** *This standard deals with the training programs that the law enforcement agency conducts. In addition to the listed minimum requirements, the law enforcement agency may consider additional information for personnel consideration and possible legal needs in the future.*

11.5\* The agency can show 100% compliance with the annual WSCJTC requirement for training.

**Purpose:** *To ensure the agency is providing necessary and required training to all personnel in accordance with WAC 139-05-300 and industry best practices.*

11.6 Agency personnel are required to demonstrate satisfactory skill and proficiency with agency authorized weapons before being approved to carry and/or use such weapons.

**Purpose:** *Law enforcement officers who carry and use agency-authorized weapons shall be required to demonstrate proficiency with the weapons. The officers should also be trained about the authorized use of force options, their appropriate applications and the legal requirements on the justified use of force and deadly force.*

11.7 Staff members who are designated as fulltime supervisors or managers have earned the appropriate certification by the Washington State Criminal Justice Training Commission.

**Purpose:** *Agencies must comply with RCW 43.101.350.*

11.8\* At least annually, agency personnel receive inservice training on the agency's use of force and deadly force policies. Inservice training for nonlethal weapons shall occur at least once every two years.

**Purpose:** *All agency personnel who are authorized to carry weapons shall receive in-service training on the use of force and deadly force policies annually. Biennial in-service training is required for agency personnel who are authorized to carry and use non-lethal weapons.*

## Observations

An effective training program is the hallmark of a professional agency. Police work has become increasingly complex and, as a result, police agencies have an obligation to train its officers for the new and recurring tasks that officers will face during their career. Training establishes standards for employees conduct and is the foundation that prepares employees to make sound decisions that are consistent with the Agency's mission, values, legal requirements and best business practices.

In chapter 139 of the Washington Administrative Code related to the Criminal Justice Training Commission, the legislature emphasizes this point in its preamble to WAC 139 05300 Requirement for inservice training:

*“The commission recognizes that continuing education and training is the cornerstone for a successful career as a peace officer in providing competent public safety services to the communities of Washington State.”*

JCSO has a formal field training program for all newly sworn deputies. Policy 102.1 requires that all sworn deputies receive certification by CJTC prior to assuming law enforcement duties and they attend the basic police academy (BLEA) within the first six months of employment. JCSO meets this requirement. The records staff was able to produce CJTC certificates for 2013 and 2014 attesting that all sworn deputies completed the 24hours of annual training required by WAC 139050300.

The LEMAP team identified several deficient areas in the agency's training program. The foremost issue being that the agency lacks a central figure in charge of training. Islands or silos of training responsibility are dispersed across the agency to the respective trainers for the different disciplines. Each has their own way of documentation and scheduling. This results in a lack of coordination and commitment to an overall training philosophy. The policy manual provides for such a position, but in actuality it does not exist:

*208.4 TRAINING PLAN - A training plan for all employees will be developed and maintained by the Training Sergeant. It is the responsibility of the Training Sergeant to maintain, review, and update the training plan on an annual basis.*

The agency has highly capable people who can fill this role. One sergeant, on his own initiative, has developed a training plan that would meet this requirement. Implementation of the plan was been hampered by what was perceived as lack of interest by the previous administration.

JCSO has also neglected training in several areas that are of a high risk nature or are required by their own policy. Law Enforcement agencies have an obligation to train their peace officers for the recurring tasks that they face during their career, especially in those areas that carry the highest risk and where it is foreseeable that police action may result in harm to another person. This includes use of deadly and nonlethal force, warrantless arrest and searches, vehicle pursuit and prisoner safety. The agency must provide this training in a manner which is consistent with generally accepted practices.

In *City of Canton v. Harris* 489 U.S. 378 (1989), the US Supreme Court applied the standard of deliberate indifference against law enforcement administrators for failing to train their officers. This case puts law enforcement agencies and local government on notice that their officers must be trained and there are no excuses if they fail to provide training.

The following are high risk areas of police operations where JCSO needs to address as high priority. Some of these areas are required, but not complied with, by JCSO policy:

- **Defensive tactics (DT)** A sergeant who was interviewed believes the last training was conducted approximately seven years ago where an employee was injured during the training so no further DT training was conducted.
- **Emergency Vehicle Operations** Jefferson County sends a few Patrol deputies each year to Kitsap County for EVOC training. According to available records, in 2014 they sent three in the spring and seven in the fall. Detectives and administrators do not attend, in spite of the fact that their vehicles are equipped with emergency lights and siren. Several detectives said that they would not hesitate to use an emergency response using lights and sirens in an emergency situation. These deputies should attend EVOC.
- **Pursuits** The policy manual requires annual training on pursuits under section 314.8.1. Jefferson County does not train or test to its own policy. This should not be confused with pursuit driving, as covered in EVOC. The training and testing should address pursuit decision making (i.e. when to engage in and when to terminate a pursuit), risk factors, conduct of the pursuit, pursuits involving other agencies, pursuits entering other jurisdictions, participation by unmarked vehicles and pursuit intervention.

- Legal updates Policy 208.4(a) requires annual legal update training. Policy 322.2 requires training more specifically on search and seizure. Some deputies who were interviewed say they don't recall having recent training on legal issues or case law. Another deputy recalled training provided by the prosecutor's office. A survey of Personal Training History reports showed some deputies had Legal Issues training as recently as 2013, but it is inconsistent and not on an annual basis for each deputy.
- Hate Crimes Policy 338.7 requires all employees receive training in hate crime recognition. There is no record of this being accomplished and the deputies do not recall receiving this training.
- Non – Lethal weapons:
  - Taser recertification is required to be completed annually by policy 309.9. Deputies who were interviewed thought it was done every two years. A survey of Personnel Training History records showed the last documented Taser recertification was offered in February of 2013.
  - Training in handcuffing techniques, baton or pepper spray (OC) has not been conducted in years.
  - Policy 208.4 (c) requires members to complete inservice training on less thanlethal weapons every two years. The Captain in charge of the less lethal program advised that less lethal weapons were issued in 2009 to approximately six deputies who received training at that time. They have not received recurrent training since.
- Firearms Policy 312.2 requires that members qualify with a firearm prior to being carried. Policy 312.4 requires all sworn personnel qualify biannually with their duty weapon. The LEMAP team was informed by a range instructor that this requirement is followed and that all deputies and the special investigator qualify twice a year at the Jefferson County Sportsman's Club. One shoot is during the day and the other is at night. The range instructor was asked to print out a Yearly Pistol Qualification Report for the entire Agency from the RangeMaster Pro database with a date range from 2010 through 2015. Based on the records the Agency provided, it does not appear that they are meeting the requirements of their policy. The agencies organizational chart shows approximately 20 sworn deputies, not including civil deputies. The range qualification report shows that in 2013, five deputies qualified at the range and only two of them biannually. 2014 only had three deputies were recorded as qualifying. The LEMAP team is also uncertain if the reserve deputies are receiving any firearms training or if they are

qualifying per policy. For all of the above, the source of questions about firearms qualifications may be a lack of training, poor record keeping or a combination of both.

- Application of decision making regarding deadly force It is clearly established that law enforcement agencies must conduct firearms training on a regular basis. Courts have ruled this must go beyond annual or semiannual qualifications, which is insufficient for assisting officers in making deadly force decisions. Qualification courses which emphasize speed under stress and marksmanship, without decision making skills may actually enhance liability. Agencies must also conduct decision making training with respect to when to use deadly force. Scenarios should include all the tools a deputy has available (i.e. did the deputy give verbal commands? Did the deputy use other tools where they may have effectively resolved the event without resorting to deadly force where appropriate? Did the deputy give a warning (where appropriate) before using deadly force?) The firearm's instructor was unavailable for interview and the agency was unable to provide documentation that any deadly force decision making training was provided. When asked to describe the content of firearms training deputies described training that included low light, movement to cover and tactical reloading but no decision making related to the use of deadly force.
- Annual training on useofforce and deadly force policies This is not necessarily the same as scenariobased deadly force decision making training described above. Deputies recalled receiving useofforce training during a recent firearms training but documentation could not be produced to show what (or who) was trained.
- Back up weapons JCSO has modified the standard LEXIPOL language regarding backup and offduty firearms. Whereas LEXIPOL requires annual or bi-annual requalification for these weapons, the agency has removed this language. This may have been an unintended deletion during customization but it is bad public policy. A range instructor printed out a Backup / Off Duty Carry qualification report from RangeMaster Pro. It shows ten deputies have documented backup or off duty weapon qualifications since 2011. None of the deputies qualified more than once. The range officer acknowledged that there are probably more deputies who carry backup or off duty weapons than are listed on the report.
- Career level certification – State law (RCW 43.101.350) requires all fulltime supervisors and managers earn career level certification through CJTC. The two sergeants and two captains have certificates for attending CJTC #4127 First Level Supervision. They have not completed the required 40hours of elective course or

submitted their application for certification to the CJTC. A check with the certification manager for the Washington State Criminal Justice Training Commission revealed the two captains applied for, but were denied enrollment in the CJTC #4220 Middle Management course, likely due to their position on the organizational chart as first line supervisors, not midlevel managers. The Undersheriff does not have First Level Supervision or Midmanager certification. The CJTC certification manager explained that because of the nature of his appointed position, he is not mandated to be certified by the RCW. However, the Undersheriff will need both first level and midmanagement level certification if JCSO desires WASPC accreditation.

The third major area of deficiency is documentation of training. Training records should be sufficiently detailed to allow the agency to show they adequately trained their staff. If the agency becomes involved in litigation, the Sheriff should be able to demonstrate exactly what was taught at a particular training session on a particular day, not rely on a oneline entry in a personal training history that only lists the title of the course.

The JCSO LEXIPOL policy manual provides guidance under section 208.6 – Training Documentation on what records to keep. It aligns with the WASPC accreditation standards and reads:

*Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the Jefferson County Sheriff's Department. Records should minimally include the following:*

- *An overview of the course content and/or an instructor lesson plan.*
- *Names and agency contact information of all attendees.*
- *Instructor credentials or resume.*
- *Individual attendee test results (if applicable).*
- *Course completion roster.*

It does not appear the Agency is consistent in following this guidance. Record keeping suffers from the decentralized training structure and is haphazard in practice.

Deputies who attend training submit a training form that is routed to the Records staff where the course attendance is entered into the PsNET database. The form contains minimal basic information. The database can produce a report called a Personal Training History. If a deputy forgets to submit a completed training form, it does not get recorded. One officer noted that he has reviewed his Personal Training History and found it listed courses he has never attended.

The Agency has a standalone database, RangeMaster Pro, for tracking firearms training. Running a report on the system revealed that range qualification training scores had not been entered in the computer database for the previous several range qualifications. The individual score sheets from 201415 were found after some searching, in a range instructor's box. One range instructor said that other than individual score sheets, the range staff does not produce an aftertraining report.

On a positive note, the staff was able to locate some excellent handouts and training material, though it was generated by other agencies. This includes a 2011 CJTC Handgun Instructor Course handout that was apparently used at Jefferson County. The afteraction report produced by the Kitsap County Sheriff's Office for their EVOC course, which some Jefferson County SO deputies attended, was another excellent example that should be emulated for all training.

### **Recommendations:**

- Assign the collateral duty of Training Manager to a supervisor who will be the focal point of the Agency's training mission. This position needs to have the authority from the Sheriff to implement the annual training plan and standardize record keeping.
- The Training Manager should thoroughly review the new policy manual in order to locate training requirements attributed to policy.
- The Training Manager should develop a list of all training required by legal standards or policy, along with the required frequency.
- An annual training plan should be developed for JCSO with input from a cross section of employees across the department. From this overall plan, plans for each employee should be created.
- Maintain records of all inservice training, including when training was held, which deputies attended, which topics were covered and who provided the training (See requirements of Policy manual 208.6).
- Review the Personal Training History of each employee for accuracy. Purge entries which incorrectly document training that did not occur.
- All deputies should have copies of all training certificates and description of the training received placed in their individual department training files. This training information should be kept uptodate.
- All sworn deputies who drive a vehicle equipped with emergency lights and sirens, including unmarked detective cars, should attend an EVOC course on a regular basis, preferably annually.
- Conduct annual training on the Pursuit policy in accordance with the requirements of section 314.8.1 of the policy manual.

- Ensure the sergeants and captains complete the 40 hours of electives and apply for First Level Supervision certificates. The Undersheriff should complete certification through the Executive Leadership level. If JCSO desires WASPC accreditation, both the Sheriff and Undersheriff must have midmanagement certification by CJTC.
- Supervisory training should be instituted that emphasizes the Sheriff's expectations regarding supervisory duties, leadership, policy interpretation, implementation and enforcement, as well as performance evaluation of subordinates.
- Incorporate decision making related to deadly force scenarios into the training plan. One solution is videobased decision making simulators (i.e. FATS, VirTra, or MILO). Arrangements to periodically train JCSO deputies could be made with a nearby agency that employs such a system.
- Provide opportunities to review, and document, each deputies review of the JCSO use of force and deadly force policies on an annual basis.

## CHAPTER 12 – PERFORMANCE EVALUATION

- 12.1\* The agency has an evaluation policy that requires formal written review of the work performance of each employee and is conducted annually.

***Purpose:** To ensure that regular evaluations of employee performance take place that includes identification of levels of performance, supervisory responsibility, and disposition of completed evaluations.*

- 12.2 The agency has a system for evaluating the performance of all probationary employees.

### Observations:

Performance evaluations are an essential component of any high performing contemporary police organization. The evaluation process is essential to developing and fortifying the supervisory/subordinate relationship; it creates hope and optimism for employees by promoting career development. A contemporary evaluation system fosters organizational discipline. For any evaluation system to be effective the process must be fair and consistent. Employees must be able to expect that their performance will be evaluated on an annual basis and that the evaluation system will fairly and accurately reflect their performance. Unfortunately in many police organizations evaluation systems are poorly constructed and completed by supervisors on a sporadic basis, which creates cynicism for the process.

The Jefferson County Sheriff's department has used a number of evaluation instruments over the years. The evaluation system currently in place at the department is a fairly typical evaluation instrument that has three ratings: Meets Standard, Needs Improvement, Not applicable. Employees are rated on four different performance areas: Job Skills/Technical, Job Skills/General, Work Behaviors and Work Standards. Specific skills sets are contained within each overall rating area. Employees are evaluated on a comprehensive list covering everything from vehicle operation, report writing and use of force to knowledge of criminal law and procedures, public relations, time management care of equipment. The same evaluation instrument is used for both commissioned and civilian employees but the instrument is clearly geared toward the evaluation of commissioned employees. Employees report that they do not believe that Reserve deputies have ever been part of the evaluation process.

Interviews with Command staff, two Sergeants, three Patrol Deputies and two Detectives were conducted. Each reported that, historically, when evaluations were actually done all four Sergeants would evaluate the deputy and then, together, all four of the Sergeants would review the evaluation with the deputy. The deputies I spoke to indicated that it was a very intimidating process and was unfair because the deputy was often being evaluated by supervisors that had seldom, if ever, worked with the deputy. That process is no longer in place.

Every deputy, regardless of rank, reported that conducting employee evaluations was very inconsistent in the department. Both detectives had been evaluated every year for the last three years, but had not been evaluated as patrol deputies. Others reported that they had not been evaluated at all in the last several years and some, particularly civilian staff, had never been evaluated.

Probationary employees are evaluated on a daily basis during the thirteen to fifteen week field training program using the typical San Jose model of daily observations that are reviewed with the deputies each day. Field Training Officers also review the observation reports with their supervisor. Probationary deputies are supposed to receive a formal evaluation at the end of the probation period, which rarely ever occurs. Policy and practice is silent on the evaluation requirements for reserve deputies.

Policies are only effective when put into practice. The policies currently in place for the evaluation of employees contain, *in writing*, appropriate direction and appropriate practices; however, those policies and practices are not currently followed. The most obvious of which is the policy requirement that employees receive annual evaluations. Finally, the performance ratings are different in policy than those actually used on the evaluation instrument.

There is a field training system in place for evaluating probationary employees during the FTO period. JCSO policy is silent on the administration of daily observation reports

during the field training and does not cover those deputies in solo status but still on probation.

### Recommendations:

- 12.1 All employees, including reserve deputies, must be evaluated on an annual basis.
- 12.1 Recommend that the agency either revise current department policy to mirror the current performance ratings used on the evaluation instrument or, revise the evaluation instrument to align with the current policy language.
- 12.1 Revise the current evaluation instrument so that the metrics are relevant to JCSO, require narrative (as opposed to numerical) ratings with appropriate benchmarks, and has utility with civilian employees.
- 12.1 Provide updated training to all supervisors on how to conduct performance evaluations.
- 12.1 Ensure that all Reserve deputies are part of the annual evaluation process as required by policy 350.
- 12.2 Recommend putting language in the current policy manual that addresses how the evaluation of employees in the field training program are conducted and language that addresses how a probationary employee will be evaluated during the probationary period after completion of field training.

## CHAPTER 13 – CODE OF CONDUCT

- 13.1 The agency has a code of conduct that outlines specific conditions of work, which apply to all agency personnel and include, but are not limited to, the following:

- Personal appearance standards
- Uniform regulations
- Tobacco use policy
- Alcohol and drug use policy
- Reporting employee convictions
- Outside employment
- Employee speech, expression and social networking

***Purpose:** To establish professional guidelines for all employees that provide consistency and conformity of appearance and operation, minimize or eliminate conflicts of interest, and comply with legal mandates.*

- 13.2 The agency has a policy prohibiting sexual and any other forms of unlawful or improper harassment or discrimination in the work place. The policy provides guidelines for reporting unlawful or improper conduct, including how to report

if the offending party is in the complainant's chain of command. The policy includes "whistleblower" protection.

**Purpose:** *To prevent discriminatory and/or harassing practices and ensure conformance with Title VII of the Civil Rights Act of 1964.*

- 13.3 The agency has a policy prohibiting biasedbased profiling, which also has been known as "racial profiling."

**Purpose:** *Biased-based profiling, which also has been known as racial profiling, is any traffic stop, field contact, vehicle search, asset seizure/forfeiture, or enforcement action based solely on a common trait of a group. Common traits include, but are not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.*

- 13.4 The agency has written policy and procedure for responding to and investigating allegations of domestic violence involving employees of law enforcement agencies.

**Purpose:** *To establish clear procedures, protocols and actions for investigating, reporting and responding to domestic violence involving agency employees and law enforcement officers from other agencies and to thereby discourage and reduce acts of domestic violence by sworn law enforcement personnel. (RCW 10.99.090)*

- 13.5 The agency has written policy governing disclosure of potential impeachment information to prosecutors involving police employees who may be called to testify under oath.

**Purpose:** *To comply with Brady v. Maryland and U.S. v. Olsen regarding law enforcement's duty to provide potentially exculpatory or impeachment information to prosecutors, including information that is discovered during the course of an ongoing investigation.*

### **Observations:**

JCSO policy provides a complete set of guidelines in all code of conduct areas required by WASPC accreditation and industry business practices. The Agency has a code of conduct that outlines specific conditions of work, which apply to all agency personnel and include:

- Policy 1044 Personal appearance standards
- Policy 1046 Uniform regulations Policy 1018 -  
Tobacco use policy Policy 1012 -  
Alcohol and drug use policy
- Policy 1010 Reporting employee convictions
- Policy 1040 Outside employment
- Policy 1060 Employee speech, expression and social networking

Policy 328 prohibits sexual and all other forms of unlawful or improper harassment or discrimination in the work place. Section 328.4 of the policy provides guidelines for reporting unlawful or improper conduct, including how to report if the offending party is in the complainant's chain of command. The policy includes "whistleblower" protection under 328.1 in the form of a prohibition against retaliation. Policy 402 prohibits racial or biased based profiling. Policy 1052 provides procedure for responding to and investigating allegations of domestic violence involving employees of law enforcement agencies. Policy 612 governs disclosure of potential impeachment information to prosecutors involving police employees who may be called to testify under oath. JCSO's tobacco policy addresses smoking, but does not address other types of smokeless tobacco.

One note of caution is required. The LEMAP team had a sense that although JCSO has a solid set of new policies; it may be a matter of form over substance. Some employees felt the new manual was rushed into service. Customization was not properly vetted among command staff or agency subject matter experts before editing. As mentioned throughout this report, the LEMAP team noted grammatical errors and policy language that did not match practice. One supervisor noted that, in his opinion, that rank and file employees "don't know what's in there," when referring to the current manual.

Adoption of a new policy is not just a 'check the box' activity. Management must elevate the importance of the new policy in the culture of the Sheriff's Office. Policy defines the Sheriff's Office expectations of how its employees are to handle specific situations or conduct themselves. Employees are the key to an effective policy adoption. They must understand why the policy is important and what has changed. In short, practice and policy must match. If they don't, change one of them.

One way to ensure the policy becomes integrated into the culture and with the practices of the organization is continual training. The Agency subscribes to the daily training bulletin (DTB) service from LEXIPOL. Each month, LEXIPOL provides approximately thirty customizable, scenariobased training bulletins that link directly to the policy manual. Employees can read and take a one question test pertaining to a section of the policy manual every day. These bulletins are effective in slowly disseminating and reinforcing the content of the policy manual over time. However, the bulletins are based on the master policy. If an Agency has customized a section of policy, it may not match the DTB.

#### **Recommendations:**

- The administration should raise awareness of all policies and reinforce how they apply to every phase of Sheriff's Office operations. It is critical that policy matches practice.
- Carefully review the monthly DTB offering from LEXIPOL and crosscheck against the issued policy manual to ensure the DTBs are accurate and link to JCSO policy prior to being issued to employees.

14.1 The agency requires the documentation and investigation of all complaints of misconduct or illegal behavior against the agency or its members.

***Purpose:** To establish procedures for the reporting, investigation, and disposition of complaints received against the agency or any employee of the agency.*

14.2 The agency identifies which complaints supervisors investigate and which types of complaints are investigated by an internal affairs function.

14.3 The agency has procedures for relieving an employee from duty during an internal investigation.

14.4 The agency has a policy where complainants are provided with notification concerning the disposition of their complaint.

14.5 The agency maintains records of complaints and their dispositions in accordance with Washington State Retention Guidelines.

***Purpose:** To ensure the agency retains complaint/disposition records for at least the minimum retention period appropriate for any particular complaint category.*

### **Observations:**

WASPC accreditation standards require that accredited agencies document and investigate all complaints of misconduct or illegal behavior. In policy 1020 – Personnel Complaints, JCSO has adopted standard LEXIPOL language that differentiates between informal and formal complaints. Under this policy, “Formal complaints of alleged misconduct shall be documented by a supervisor [1020.3],” however informal reports, “*need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.*”

The Agency should consider customizing the LEXIPOL language in this area to create a higher standard that is more consistent with the current trend in law enforcement to document all complaints, regardless of:

- The severity of the alleged misconduct,
- The desire of the complainant,
- The complainant’s satisfaction with the supervisor’s handling of the issue or
- The perceived lack of credibility of the complaint.

This allows a second level check by the Undersheriff of all complaints to ensure consistent application of the complaint process across all first line supervisors. This can avoid charges that a supervisor favors one employee over another by taking complaints

against one, but not the other or that the Agency sweeps complaints “under the rug.” It also allows early detection of trends, such as a pattern of rudeness or poor driving, that the Sheriff or Undersheriff should be made aware of. This was underscored when one supervisor revealed he was able to resolve all complaints within the last several years without the need to document them on a complaint form. Presumably no complaint made it past this filter to the attention of higher command. This practice is highly problematic in any police organization because it does not allow for tracking or accountability.

The JCSO policy manual is vague when identifying which complaints supervisors investigate and which types of complaints are investigated as an internal affairs function. Section 1020.3 – supervisor responsibility – requires the supervisor notify command staff when the complaint involves “allegations of a potentially serious nature.” The policy does not define what that might be. The Agency may wish to provide more guidance such as is given by this sample language:

*“Most minor complaints can be resolved by the supervisor. This is applicable to first time incidents of minor misconduct or procedural violations such as driving, rudeness, discourtesy or poor service. Allegations that should be investigated as internal affairs investigations include, criminal conduct, complex and time-consuming investigations, allegations of serious misconduct, patterns of habitual minor misconduct or those investigations directed by the Sheriff.”*

The confidential secretary provided the LEMAP team with an example of a completed 2010 complaint investigation. The form only listed the ‘findings of fact’ which described only the misconduct. It lists the final determination as being made by the previous Sheriff, but does not list what the determination was or describe any corrective action taken. The documentation provided was insufficient to determine thoroughness of the investigation or appropriateness of the corrective action.

Complaints are not tracked on a log. Statistics are not kept on the number of complaints received.

WASPC accreditation standards and Policy 1028 require that a written notice of the findings be sent to the complaining party upon final disposition of a complaint. According to the undersheriff, he was not aware of this requirement and it is not being done.

When an internal affairs investigation is warranted, it is typically assigned to the civilian special investigator, who has extensive internal affairs experience with his former department. The LEMAP team reviewed a completed internal investigation file. It was thorough with the all the appropriate notices. The accused employee was advised of the nature of the allegations against him and his due process rights, including the *Weingarten* right to representation during interviews.

We did not find a *Garrity* notification in the file. The special investigator said it was not his practice to issue a *Garrity* notice and that it had never been an issue at the Jefferson County SO. While a government employer is not required to give *Garrity* notifications to its employees outside of California or those states covered by the U.S. 7<sup>th</sup> Circuit Court, it

is a general practice in Washington law enforcement internal investigations to administer *Garrity* warnings. A sample warning is provided for consideration:

*“You are being questioned as part of an official investigation. You will be asked questions specifically, directly and narrowly related to performance of your official duties or fitness for office.*

*If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to discipline up to and including termination.*

*Neither your statement, nor any information or evidence which is gained by reason of such statement, can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent discipline.”*

In the investigation we reviewed, questioning of the accused employee was conducted through written questions and written responses. The special investigator brought this practice over from his previous agency. If the accused employee does not answer satisfactorily, the special investigator sends the employee follow up questions or schedules an interview. To the LEMAP team this seemed a laborious process. In our opinion, inperson interviews using open ended questioning are more effective by being fluid and spontaneous. Investigators can pick up on and immediately address nuanced or dissembling answers that might be missed with the studied and cautious written responses that are frequently crafted with the assistance of a Guild attorney.

Policy 1020.4 governs assignment to administrative leave when “a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public.”

When an internal affairs investigation is initiated, the confidential secretary issues a sequential control number to the assigned investigator and logs the investigation on an Excel spreadsheet. Once the investigation is complete, the file is routed to the Sheriff’s confidential secretary for storage. The records are appropriately kept in a locked file cabinet with access limited to the confidential secretary, the Undersheriff and the Sheriff. The original records are maintained for at least the minimum retention period specified by the applicable Washington State Retention Guidelines. Upon expiration of the retention period, the confidential secretary destroys the files by placing them in a locked, tamperproof shredder box. The only record of the destruction is a notation in a field on the Excel spreadsheet. The destruction should be recorded on a standardized destruction log which is forwarded to the County’s Public Records Officer.

## Recommendations:

- Change the complaint policy language to require acceptance and documentation of all complaints, regardless of whether they are informal or formal. Train the supervisors to this new standard.
- All employees tasked with investigating complaints of misconduct must receive contemporary training related to this discipline. Investigators should be selected based on skill level, not rank or position within the organization.
- Ensure that all employees tasked with investigating complaints are taking an investigative approach that is approved by the Sheriff or Undersheriff. The practice of exchanging written questions by the investigator with written answers by the employee should be abandoned.
- Develop a standardized complaint tracking process that includes the complete investigation and ultimate review by the Undersheriff. The investigator's role should be confined to only fact finding.
- Provide written notification to all complainants of the disposition of their complaint as required by Policy 1020.8. Maintain a copy of this letter with the complaint file.
- Consult with County legal staff about the advisability of adopting a practice of providing *Garrity* notifications to accused employees prior to interviewing them as part of an internal affairs investigation.
- Destroyed records should be logged on a destruction log that is forwarded to the County Public Records officer.

SECTION II

OPERATIONAL  
STANDARDS

## SECTION II—OPERATIONAL STANDARDS

### CHAPTER 15 – PATROL FUNCTION

15.1 The agency provides response to emergency events 24/7 by sworn employees who have completed Basic Training per the Washington State Criminal Justice Training Commission.

15.2 The agency has procedures for response to emergency and nonemergency calls.

***Purpose:** To provide guidelines for response to calls for service, and to ensure agency responses conform to state law. It is important that law enforcement agencies classify responses for service according to the seriousness of the call. This will provide guidelines as to when emergency lights and siren should be used and the method of response to an incident.*

15.3 The agency provides 24hour, twoway radio capability providing continuous communication between a communications center and the officer(s) on duty.

***Purpose:** It is an essential element of law enforcement that officers are able to communicate with one another and with a communication center on a 24-hour basis. Two-way radio capability is a safety necessity for the officers and it is a necessary management responsibility.*

15.4 The agency has written guidelines for the use of authorized vehicle emergency equipment.

15.5 The agency has policies governing the pursuit of motor vehicles that conforms to Washington State law that includes:

- The factors to be considered when initiating a pursuit;
- Initiating officer responsibilities;
- Secondary unit responsibilities;
- Restrictions pertinent to marked and unmarked vehicles;
- Supervisor responsibilities;
- Dispatcher responsibilities;
- Stopping techniques;
- When a pursuit should be terminated;
- Procedures to be followed when a pursuit enters or leaves the agency's jurisdiction; and
- Procedures for reporting and administrative review of pursuits.

***Purpose:** In compliance with RCW 43.101.226 and to establish clear direction on the initiation and conduct of police pursuits that includes on-going training requirements and review/analysis processes (WASPC model policy).*

15.6 The agency has procedures for investigating vehicle collisions on public and

private property and uses the current Washington State Patrol authorized accident reporting, or ereporting (SECTOR), forms.

***Purpose:*** *To ensure that traffic crashes are consistently reported and investigated in accordance with the Revised Code of Washington, specifically identifying the type of crashes that require investigation.*

15.7 The agency has procedures to take timely action to address hazardous road conditions.

15.8 The agency has procedures for responding to and investigating domestic violence calls.

***Purpose:*** *To ensure that response to domestic violence incidents meets requirements established by applicable Revised Codes of Washington.*

15.9 The agency has procedures for utilizing Public Alert Systems.

***Purpose:*** *The policy should include Amber Alert, Endangered Missing Person Advisory and Blue Alert.*

15.10 The agency has procedures for the handling of mentally ill individuals, including those with pending criminal charges and mental health commitments.

***Purpose:*** *To provide written guidelines for handling mentally ill persons which are compliant with state laws and provide opportunity for the appropriate evaluation and treatment of mentally ill persons.*

### **Observations:**

Normal staffing strength for a JCSO patrol shift is 2 to 4 deputies dependent on the time of day and day of the week. Scheduling of deputies for patrol coverage is a handled by the department Sergeants. Shifts for Patrol are 10 hours, 06001600, 08001800, 1800 0400, and 20000600. This schedule allows for Sergeants to provide patrol supervision all but four hours per day and provides for an overlap day every Wednesday. The JCSO does provide marine services/law enforcement for the 379 miles of water in the county. The marine service operators are provided out of the patrol deputy staffing.

Jefferson County Deputies are certified by CJTC as entry level or lateral Deputy Officers. All Deputies are expected to participate and complete an FTO program.

All deputies are equipped with contemporary radio equipment and are dispatched by a centralized regional dispatch center known as JEFF Comm. JEFF Comm. Provides 24/7 radio services for JCSO, Port Townsend and multiple fire districts. JCSO currently utilizes and is dispatched over a UHF system as their primary radio communication system.

JCSO has a discretionary pursuit policy and is currently under final review by the Sheriff. The deputies interviewed indicated they have not been involved in any vehicle pursuit

recently and they do not have a separate reporting mechanism to review, critique or measure the pursuit. There is no annual analysis of pursuits completed by the department. The pursuit is memorialized in the report narrative which may/may not make it to the Undersheriff or Sheriff for review. All deputies interviewed seemed to understand the key to a discretionary pursuit policy is that ability to terminate the pursuit. The deputies generally have supervision on duty in order to provide assistance during a pursuit. Department members advised that it has been multiple years since they have had any formal EVOC or driver (slow speed) training. JCSO policies provide adequate guidance on the authorized use of vehicle emergency equipment. But as with most areas of the JCSO policy manual there needs to be confirmation by the Sheriff that the deputies are aware of and are following agency policy.

The agency has procedures in place for investigating vehicle crashes on public and private property. JCSO utilizes SECTOR for traffic enforcement and collision investigations. JCSO has two dedicated Traffic deputies who have advanced traffic accident training. Fatality or serious injury collisions are generally investigated by the Washington State Patrol with JCSO assisting. JCSO does not do any advanced analysis of traffic data. This could be accomplished utilizing the crime analysis applications in the New World Records Management System once fully operational. JCSO policy provides adequate direction to deputies for the handling traffic collision investigations, the impounding of vehicles and the identification/mitigation of road hazards.

JCSO does not have any procedures in place for utilizing public alert systems. The deputies interviewed were able to provide the general response protocols for an Amber alert. Several mentioned this action would be handled by the Sergeants or by the Undersheriff. None was able to provide information regarding Blue Alert or Endangered Missing Person (outside of reporting a normal missing person case).

JCSO did not have any specific written guidelines for handling the mentally ill. Everyone interviewed was versed in the resource available locally and from the county in support of the mentally ill. All deputies recently completed CIS training.

### **Recommendations:**

- As the agency addresses the overall need for complete review of the current policy manual, the agency should request reviews from the department's legal advisor, risk manager and/or insurance carrier in critical or high liability areas.
- Until separate reporting instruments are developed, all reports involving applications of force, those involving vehicle pursuits, and those that may have amplified liability concerns should be routed to and reviewed by the Undersheriff.
- At minimum, JCSO should provide biannual driving training for all deputies. This training should exercise and evaluate slow and high speed skills and should also include a review of the agency pursuit and emergency driving/equipment policy.
- Conduct a comprehensive review of the current agency pursuit policy to confirm it aligns with the Sheriff's philosophy and direction on this high risk activity.

- Since most deputies are outfitted with vehicle stopping devices (stop or spike strips), JCSO should provide annual refresher training on agency policy and the risks and proper application of these devices.
- The agency should develop and implement policy/ procedures for public alerts including training of staff specific to alerts for Endangered Missing Person and Blue Alerts.
- The agency should develop, implement and train staff on procedures specific for the handling of mentally ill individuals, including those with pending criminal charges and mental health commitments

## CHAPTER 16 – INVESTIGATIVE FUNCTION

16.1 The agency utilizes a case management system for screening and assigning incident reports for followup investigations.

16.2 The agency has written guidelines for investigating elder abuse.

***Purpose:** To identify the role of agency members in the prevention, detection, and intervention in incidents of elder abuse, and ensure that mandatory state reporting requirements are completed within specified guidelines.*

16.3 The agency has written guidelines for investigating child abuse.

***Purpose:** To provide guidelines and procedures for timely reporting and investigating of suspected child abuse in accordance with the Revised Code of Washington (RCW 26.44.030). The procedures should include the taking of minor children into protective custody.*

16.4 The agency requires that interviewers of child victims of sexual abuse cases have received the mandated training from the Washington State Criminal Justice Training Commission.

***Purpose:** The Washington State Legislature has determined that each county shall revise and expand child sexual abuse protocols, to include child fatality, child physical abuse, and criminal child neglect cases (RCW 43.101.224).*

16.5 The agency has written guidelines for investigating hate crimes.

***Purpose:** To provide guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or bias.*

16.6 The agency has written guidelines for investigating identity theft.

16.7 The agency has policies and procedures governing the use of informants.

16.8 Victims and witnesses are interviewed in locations that are separated by sight and sound from the public areas of the facility.

16.9 Persons with a vested interest in property and evidence are provided the legal reason for the seizure and intended forfeiture as defined by state law. The agency has procedures for notification, appeal and disposition.

***Purpose:** To establish guidelines for agency personnel to ensure applicable state and legal procedures are followed, (i.e. drug cases, money laundering cases, DUI's etc.).*

16.10 The agency has clearly defined deconfliction procedures in place when conducting felony level investigations that pose greater than normal risk to officers, citizens and/or property.

***Purpose:** To enhance officer safety and efficiency of criminal investigations by consulting with established information clearinghouses, such as the Western States Information Network (WSIN), prior to execution of high risk criminal investigations to ensure multiple agencies are not targeting the same criminal enterprises.*

### **Observations:**

The Investigations unit is comprised of three detectives and a parttime civilian “special investigator.” All four members are assigned to the same room, separated by cubicles. There appears to be adequate space for the investigators to operate. As with any “bullpen” style working environment, distractions exist. The investigators have, however, adapted to the arrangement.

The detectives are selected to the unit by the administration based on interest and needs of the Agency. Selection of detectives occurs without a test, but the candidate is subject to an informal interview by the Sheriff and/or their designee. Detectives remain in the unit until retirement or removal for performance or the needs of the Agency. The three certified detectives have twentytwo, fifteen and seven years of law enforcement experience respectively. The LEMAP team was impressed with the investigative staff. All were engaged in the LEMAP process and exhibited competent knowledge in their field.

Productivity of the unit is enhanced by dictating their investigative reports and outsourcing the recordings for transcription with a secure, commercial service. Turnaround on transcription is typically one or two days.

The civilian special investigator position is unique to this Agency and presents special challenges. The special investigator was a commissioned officer for a major metropolitan police department for twentynine years, much of that as a detective, before retiring and coming to Jefferson County in 1999. He has extensive training and experience in the areas of major crimes and internal affairs. The Sheriff’s Office brought him on in 2008 as a volunteer investigator working on cold cases. This morphed into a

paid investigator's position limited to sixty-nine parttime hours per month. In speaking with other JCSO staff, the special investigator is highly respected for his skill and experience. Several staff indicated they defer to his opinion and advice.

The special investigator carries a case load which focuses on cold cases, background and internal affairs investigations. He makes arrests on occasion and has assisted narcotics officers with drug buys. He is armed and qualifies twice annually with his firearm, as all JCSO sworn personnel are expected to do. He does not participate in defensive tactics. He is issued a County vehicle, but is not required to attend the Emergency Vehicle Operations training (EVOC).

The LEMAP team had concerns about the legality or statutory authority for this position since he is making arrests and acting in a quasilaw enforcement capacity for the Agency. A check with the Criminal Justice Training Commission (CJTC) revealed the special investigator is not a certified police officer. His last official logged course with the CJTC was in 1996. In order to reestablish his peace officer certification, the special investigator would likely have to attend the full five month Basic Law Enforcement Academy since he had a break in service of over two years.

CJTC Peace Officer Certification Manager Tisha Jones explained that RCW 36.28.010 and RCW 36.28.020 allow an elected Sheriff to make special appointments. The statutes read:

*"The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his or her office, he or she and his or her deputies...shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary."*

*"Persons may also be deputed by the sheriff in writing to do particular acts; including the service of process in civil or criminal cases, and the sheriff shall be responsible on his or her official bond for their default or misconduct."*

It is clear that the Jefferson County SO rightly places high value on this special investigator. He would be an asset to any agency. Regardless of statutory authority, the Agency should consider obtaining a reserve officer certification for the special investigator and, at a minimum, require him to attend all training a fully certified peace officer performing the same functions is required to attend. The alternative is to limit his activities in areas of high risk normally assumed by certified peace officers – firearms, search & seizure and arrest.

Another fairly unique investigative component is the Cold Case squad comprised of four or five retired detectives. The squad was established by former Sheriff Mike Brasfield around 2008. They worked primarily old missing person cases thought to be homicides. One of the cases dated back to the 1960's. Initially, the current undersheriff would attend meetings of the squad as they formulated investigative plans. As time went on, the Undersheriff attended fewer meetings, leaving the retirees to work the cases on their own. The retired detectives would go in the field, conducting interviews on behalf of the Sheriff's Office. As the leads were checked out and the retirees had personal matters to attend to, their meetings became fewer and fewer. The Cold Case squad has not met since approximately December 2014. The LEMAP team applauds this innovative use of a tremendous resource, however, caution is advised. If the retirees are conducting investigations on behalf of the Sheriff, a JCSO supervisor or commander should be briefed on and provide authorization for all their investigative activities.

RCW 40.14.070 (2)(b) requires that investigative reports prepared by a law enforcement agency pertaining to sex offenders or sexually violent offenses are required to be transferred to WASPC following the expiration of the document's retention period. The Sheriff's Office is apparently unaware of this requirement and has not complied (see notes in chapter 5).

Accreditation standards require the agency to utilize a case management system for screening and assigning incident reports for followup investigations. Jefferson County does not use a case management system. The Undersheriff used to be the Chief Criminal Deputy under the previous Sheriff. The Chief Criminal Deputy position had been eliminated in the current organizational structure. The unit is nominally still supervised by the Undersheriff. His new appointment has resulted in more Departmentwide responsibilities that limit the time he has to oversee the detectives. Clearly, any contemporary detective unit needs management and supervision that is closer than the Undersheriff is currently able to supply.

Cases come in for followup investigation from Patrol, the Undersheriff or the Sheriff. The assigned cases are not recorded in any master log or RMS case management module. Detectives average from 7 to 10 active cases. Investigators report that they do not maintain an individual case log and do not routinely review case progress or case load with the Undersheriff. Detectives have the authority to close their own cases but final authority rests with the Undersheriff. One investigator said that if an officer wanted to check the status of a case, they would look the case up in the Records Management System (RMS) to see if any work had been done on it or ask around the Detective unit to see if anyone was working the case. There does not appear to be a system in place that allows for easy tracking of unit or individual investigator statistics.

Case management is not restricted to large agencies and is the responsibility of any law enforcement officer tasked with investigative work. It is best achieved through an effective system of supervisory oversight and the use of case logs or software. Offense reports should be screened by a supervisor for solvability factors and assigned for follow up investigation when warranted. Cases assigned for followup should be entered into a case management system which captures all assigned cases, dates assigned, and investigative efforts. This system can be as simple as an Excel spreadsheet or more complex, such as a module in the Records Management System (RMS) or standalone

commercial software. At periodic intervals, the supervisor should review the status of the cases with the assigned investigators.

Case management includes setting priorities. The supervisor must be alert for either a flood of minor cases or the impact of a single complex case on an individual detective and be prepared to intervene before a detective's case load becomes unmanageable. Case tracking logs or software assists the supervisor in evaluating the productivity of individual investigators or the unit as a whole. This includes statistics on case closure, arrests and confessions that should be provided to the Sheriff.

The Agency has the required accreditation policies covering hate crimes, identity theft, elder abuse and investigating child abuse. The detectives could not recall any recent elder abuse or hate crime cases. Policy 330.7.3 mandates that only those members who have successfully completed Washington State Criminal Justice Training Commission sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. The detective normally assigned such cases is trained in child interview procedures and reports all deputies are aware of and follow this requirement.

Policy 608 governs the use of informants. One of the detectives was previously assigned to the Olympic Peninsula Narcotics Enforcement Task Force (OPNET) based in Clallam County. The current administration decided against continued participation in OPNET and brought that detective back in house at the beginning of 2015. Any narcotics complaints received by the Jefferson County Sheriff's Office are funneled to this former OPNET member. The detective was familiar with narcotics operations, risk assessment, deconfliction, raid planning and informant handling. The detective still uses OPNET forms and said he would call on OPNET for investigative resources should the need arise. The agency has not conducted narcotics operations since the detective's return from OPNET.

The detective recently used one of his old OPNET informants for a local case. When questioned about this use, the detective acknowledged the informant file was maintained by OPNET. JCSO has not opened up its own CI file on this informant.

The Agency maintains an onhand supply of investigative funds, a vestige of the previous partnership with OPNET. The detective is provided with an allotment of funds from a safe in the custody of the Undersheriff. The detective maintains a ledger, with a receipt system, to track expenditures. The Undersheriff audits the detective's ledger at time of re supply. The Undersheriff said that no one has ever audited his funds or the paperwork he maintains for these funds.

The agency has excellent interviewing capability for an agency its size. There are two interviews rooms in close proximity to the detective's office within the secure area of the Sheriff's Office. Victims and witnesses interviewed in these rooms are separated by sight and sound from the public areas of the facility. The interview rooms are wired for audio and video recording using the Case Cracker system. The recording system is located in a locked closettype room in between the two interview rooms. One detective did not have access to the room and had to obtain a key from another staff member. Audio and video recording is a tremendous investigative tool and should be available to a wider section of

the Agency. Case Cracker is an easy system to use and there is no reason Patrol Deputies should not be encouraged to use it for important cases.

Asset forfeiture guidelines are provided by Policy 606 and 800.3.5. Persons with a vested interest in property and evidence are notified within 15 days following a seizure. The notification includes the legal reason for the seizure and information regarding how to appeal the pending forfeiture. According to the detective who was formerly in OPNET, JCSO has not had a seizure in the last four years.

The nature of the drug trade has resulted in a flexible response by law enforcement where narcotics units frequently operate in the jurisdiction of another agency. The objective of deconfliction is to prevent deputies from unknowingly conducting undercover transactions against one another, coordinating an event on the same suspect at the same time or interfere with each other's investigations. The worst case scenario in a failure to deconflict is a friendly fire incident where a detective is injured or killed by an officer from another agency. Jefferson County's policy is silent on deconfliction. The detective who was previously assigned to OPNET advised that the task force deconflicted "every time." Since he has returned to Jefferson County SO at the beginning of the year, the detective is not aware of any cases where the agency would need to deconflict. If the need arose, he would rely on OPNET. To meet this accreditation requirement, the Agency could add the following language to their policy:

*"To prevent unsafe conflict, out-of-area search warrants, arrests, undercover buys, and surveillance will be cleared or deconflicted with local police, local Task Force, HIDTA, or Western States Intelligence Network (WSIN)."*

### **Recommendations:**

- The Sheriff's Office should consider the benefits of a more competitive selection process when filling future vacancies in the investigative unit.
- Consider bolstering the authority and legal standing of the special investigator position through a reserve commission and certification. If commissioned, this employee must meet all the same inservice training requirements as a certified peace officer.
- Establish a case management system for the Detective Unit that includes more supervisory involvement and tracking of the units activities. This may be accomplished through activation and use of the New World Systems case management module.
- The Agency should evaluate the need to maintain a system of investigative funds in light of fact they no longer participate in the OPNET task force. If the funds are not actively used, liquidate them and return to the JCSO budget as investigative funds are a high risk asset for any law enforcement agency.

- If the Agency decides maintaining an onhand supply of cash for investigative funds is in their best interest, they should proactively seek to establish regular and surprise audits of the funds and ledger of every member who holds such funds.
- If the Agency continues to use confidential informants independent of OPNET, they should establish and maintain their own file system in accordance with their policy manual. Otherwise, OPNET should be fully informed and involved in the use by JCSO of an OPNET informant.
- The Agency should include deconfliction language to their policy manual and train deputies on the importance of this policy.
- Grant wider access to the interview room recording system. Training and encourage Patrol deputies to use the system. Ensure that all recorded media complies with state retention rules and guidelines and is preserved or purged in accordance with these standards.

## CHAPTER 17– EVIDENCE & PROPERTY CONTROL FUNCTION

- 17.1 The agency has procedures for the proper collection and identification of evidence and property consistent with the Washington State Patrol Crime Lab guidelines.

***Purpose:** To establish written guidelines for agency personnel that ensure evidence and property are properly collected, handled and secured in field operations in order to maintain the integrity of the chain of custody.*

- 17.2 The agency has policies requiring efforts are made to identify and notify the owners, or custodians, of property and evidence in the agency's custody.

- 17.3 The agency has a policy that requires property and evidence is placed under the control of the property and evidence function before the officer completes their shift.

***Purpose:** To establish guidelines for agency personnel to follow that prohibit property from being stored anywhere other than under the control of evidence section upon the completion of their shift.*

- 17.4 The agency has the means to temporarily separate and secure property and evidence while it is waiting processing into the permanent storage facility.

- 17.5 The agency has the means to properly preserve and secure perishable property both temporarily and after it is received in the permanent storage facility.

- 17.6 The agency has the means to temporarily separate and secure evidence containing hazardous materials while it is waiting processing into the appropriate permanent storage facility.

17.7 The permanent storage facility has controls to keep property protected from unauthorized entry, fire, moisture, extreme temperature, and pests. At a minimum, alarms for unauthorized entry and fire must be monitored 24/7.

17.8 The permanent storage facility containing biohazards or organic matter has systems in place to prevent the exposure of hazards and noxious odors to agency employees and the public.

17.9 Access to the agency's property and evidence facilities is restricted to authorized employees only.

**Purpose:** *To ensure that access to the property room and/or property/evidence storage area(s) is limited to property room personnel, unless by escort from property room staff or with CEO permission.*

17.10 The agency records the name, date, time, and purpose of persons who enter and leave the storage facility who are not assigned to the property/evidence function.

17.11 The agency provides additional security for guns, drugs, cash, jewelry, or other sensitive or valuable property, that is over and above that provided for other property and evidence.

**Purpose:** *High liability evidence items must not be co-mingled with general evidence.*

17.12 Evidence and property is packaged, individually tagged and logged into a centralized tracking system as soon as possible. The tracking system must accurately describe the current location of every piece of property and evidence.

17.13 Every piece of property and evidence is related to a report describing the circumstances of the seizure or custody by the agency.

17.14 The tracking system accurately records the movement of every piece of property and evidence by date, location, reason and person.

**Purpose:** *A meaningful records and reporting procedure for the evidence and property system is a requirement for the protection and integrity of the evidence and property in the custody of the law enforcement agency.*

17.15 Drugs are weighed using a calibrated scale whenever they enter or leave the secured facility, unless they are being prepared for destruction. The agency also has processes for the destruction of drug evidence that includes, at a minimum, a visual inspection of the property item to detect possible tampering and weighing of random selections

**Purpose:** *Agencies should provide additional processes to ensure that drug*

*evidence is not tampered with prior to destruction. This process and the destruction are witnessed by at least one other person who does not have access to the property room.*

17.16 The agency has policies governing the release and disposition of property and evidence in accordance with applicable state law.

17.17 Property containing hazardous materials, biological hazards or other materials restricted by State or local health regulations is disposed of properly.

**Purpose:** *To ensure that the disposal of police evidence dangerous waste conforms with standards established by the Washington State Department of Ecology.*

17.18 When property is sold, the disposition of the money received is accounted for and recorded according to State law.

17.19 The agency destroys illegal drugs, contraband and other illegal items by methods that are safe. Documentation of destruction is maintained according to the State's retention schedule.

**Purpose:** *To ensure that the disposal of police evidence dangerous waste conforms with standards established by the Washington State Department of Ecology.*

17.20\* The agency ensures that an unannounced audit of evidence and property, including drugs, money, jewelry and firearms is conducted at least annually by personnel not directly in the evidence unit's chain of command.

**Purpose:** *Inspections, inventories and audits of the property room are necessary for a secure and reliable system for the evidence and property functions of the law enforcement agency. This provides a means of accountability for the system and ensures agency oversight of the process. The scope of the audit is at the discretion of the CEO.*

17.21 A full inventory of sensitive items, to include money, jewelry, drugs and guns, is conducted whenever a change of the Property Room Manager occurs.

**Purpose:** *The agency should also consider an audit of general property, in which the scope of the audit is at the discretion of the CEO.*

### **Observations:**

Providing the appropriate security and safety for property and evidence that comes into the possession of a law enforcement agency is a crucial responsibility of any professional police organization. These safeguards require diligent attention to ensure that the policies, procedures and preferred practices in property and evidence handling are in

place and being practiced. Problems that occur within an agency's evidence function can often call into question the leadership of the agency and can have a negative impact on the agency's reputation and can compromise public trust. This chapter provides a basic framework for agencies to operate a safe, secure and defensible property and evidence function.

The Property and Evidence handling for the Jefferson County Sheriff's Office is the responsibility of one individual Evidence Technician. The current Evidence Technician has been in her role for just over one year, having been placed into the position after the previous Evidence Technician retired. Prior to her placement, the position had gone unfilled for at least one year and the Undersheriff and a Captain were responsible for the intake and storage of property and evidence. Consequently, there was little else being done with property and evidence other than basic intake and storage.

When the current Evidence Technician was placed into the role she had dual responsibilities: Records and Evidence processing. During the first few months in the role as the Evidence Technician the vast majority of her time (approximately 80%) was spent in the Records unit. Fortunately she now spends about 80% of her time in the property and evidence role and 20% in the Records unit.

There are currently three people who are key holders to the property/evidence room with the potential of a fourth person. The Evidence technician, a Captain, and the Undersheriff are key holders and consideration is being given to the new Records Manager having access. As a matter of best practice, access to the property/evidence room should be limited to property/evidence personnel only. Serious consideration should be given to reducing the number of key holders to the property/evidence room. Access to the property room should be limited to the Evidence Technician only. The department could put a system in place whereby a key and the alarm code placed in a safe that only one person has access to in the event an emergent situation required entry by someone other than the Evidence Technician.

When items of property/evidence are booked into the property room, the Evidence Technician will log the item(s) into New World centralized tracking system. Prior to transitioning to New World, the department used a system called PS Net. Currently the Evidence Technician is using both systems to track and locate property because not all of the items stored in the property room have been converted into New World as of yet. The system(s) also records chain of custody by tracking the movement of property/evidence by person, date, location and reason.

The agency has policies that require efforts be made to identify and notify the owners of property and evidence in compliance with State Law. Additionally, there is a policy that requires that property and evidence be placed into temporary lockers and under the control of the property/evidence function before the end of a Deputy's shift. Deputies

and Sergeants interviewed by the LEMAP assessor confirmed this was, in fact, the practice of the agency.

There are appropriate temporary storage lockers in the deputies work area of the property room that provide deputies the ability to store property and evidence before the item(s) are processed into the permanent facility. The agency also has a large garage behind the Sheriff's Office that is used to store a Command van and another car that all deputies and volunteers have access to. Built within that garage is a secure room for storing large items or items contain gasoline, such as, lawn mowers, chainsaws, and other items that contain hazardous materials. However, when deputies have items that need to be stored in this secure room, they place the item(s) in a common area outside of the secure room where anyone who goes into the garage would have access to. The secure room is large enough to build a partition to create a secure, temporary holding area, where items can be placed until moved into the permanent holding area within the room.

The Jefferson County Sheriff's Office also has a resident deputy on the west side of the County, which is about a threehour drive from the Sheriff's office in Port Hadlock. In speaking with that resident deputy, there are temporary storage lockers in his office. When that deputy takes evidence into his possession he will place it into the temporary locker at the end of his shift and then will transport it to the Sheriff's office the next day for storage into the permanent facility. Or, he will meet another deputy half way and turn the item over to that deputy who will then book the item(s) into the permanent facility. There is a small refrigerator in his office that can be used to place perishable items in but that refrigerator is not used solely for perishable items of evidence and there is no lock on it. A refrigerator specifically used for evidence items only will need to be provided and it will need to be able to be secured with a lock.

The agency has a refrigerator in the deputies work area of the property room for a deputy to temporarily place perishable items. This refrigerator has a clasp for locking but currently there is no lock required. The Evidence Technician is waiting for someone in the Command ranks to purchase a lock because she is not authorized to do so.

When drugs are processed into the property/evidence room, deputies are weighing the drugs before packaging. When the Evidence Technician books the drugs into the permanent facility, the drugs are not being weighed. Best practice is for the drug(s) to be weighed at the time on intake into the permanent facility.

The property/evidence room in the Sheriff's Office has an alarm system in place for entry and fire protection, but the alarm is not in use. The Evidence Technician told me she had never used the alarm and did not know what the code was, or if a code existed, in order to arm the system. This was also the case within Command ranks as well. The permanent storage area for property/evidence within the outside garage does not have an alarm system and must have one installed in order to be in compliance with accreditation standard 17.7. The west side office also does not have an alarmed property room or

storage system. This facility would be outside of standard 17.7 because it is used for temporary purposes only. However, this outpost is in a remote location and consideration should be given to installing an alarm system to protect against unauthorized entry and fire.

The agency recently acquired a safe for the storage of high value items and currently the only property kept in the safe is currency. Drugs, jewelry and other valuable property are stored on the property room shelves and are comingled with all other property/evidence. Drugs, jewelry and other valuable items will all need to be purged or located from their current location and placed into the safe. Firearms are stored neatly in a specific area of the storage facility but there is no additional security provided. All sensitive items (money, drugs, jewelry and firearms) must be secured separately from all other property room items. Sheriff Stanko is strongly encouraged to discontinue the practice of storing currency in the property room, unless the currency has actual evidentiary value. Many agencies are depositing currency directly into a holding (bank) account until it is adjudicated.

Biohazards such as Sharps containers are brought to the fire department for destruction. Drugs are destroyed at an authorized disposal site in Spokane. Current department policy 800.6.7 requires that a "Chief Criminal Deputy" to oversee the storage, control, and destruction of all narcotics and dangerous drugs. The rank of Chief Criminal Deputy does not current exist in the agency and JCSO may want to reconsider the need for this requirement.

The ability for the Evidence Technician to do any meaningful purging and/or destruction of property is very limited. The fact that there is only one individual responsible for all property/evidence handling for the department make this important aspect of property room management almost nonexistent. As such, the property room will eventually begin to reach capacity for storage space. As an example, the property room is very close to reaching capacity for the storage of firearms. The use of limited duty deputies or a cadre of full time deputies dedicated to the task of purging evidence and property from the permanent facilities should be a priority before space comes to "critical mass".

Audits and inventories of property/evidence rooms are absolutely vital to ensure that there is a means of accountability and reliability of systems used in the property and evidence functions. Audits provide necessary oversight and the opportunity to discover potential problems and/or errors and most importantly protect the employees assigned to the property and evidence function.

Current department policy 800.8 requires the supervisor of the Evidence Technician to conduct monthly inspections of the property room and that audits are conducted on an annual basis. The policy also requires that a complete inventory be conducted when there is a change in a key holder. The Evidence Technician, Captain and Undersheriff all

indicated that annual audits have never occurred and when a recent change in a key holder took place the department did not conduct an inventory.

Best practice is that someone outside the Evidence Technician's chain of command conducts unannounced audits of the property/evidence facilities on an annual basis. An obvious lack of these types of audits, or at least a realistic and workable plan for conducting audits, exposes the agency to risk and potentially compromises the overall integrity of the property/evidence function at JCSO.

### **Recommendations:**

- Provide a secure temporary holding area for additional property/evidence placed into the garage in order to limit access to those items.
- Provide a lock for the refrigerator in the processing area of the property room.
- Provide a refrigerator with a lock for the County's west side resident Deputy's office for storing perishable items of property/evidence.
- The Evidence Technician should obtain a new security code for the alarm system and learn how to use the alarm. The alarm should be activated whenever the permanent facility is going to be unoccupied.
- Install an alarm system for the permanent storage location in the garage.
- Consideration should be given to installing an alarm system for the west side resident Deputy's office.
- Limit access to the property room to property room personnel only and establish a system and policy for providing access to a single person other than the Evidence Technician if an emergency requires entry.
- Provide additional security for the firearms storage area using clasps and locks.
- Locate all drugs, jewelry and valuable items that are comingled with other property/evidence and move those items into a safe, or at least a separate and secure location.
- The Evidence Technician must begin weighing drugs when they are being booked into the permanent storage area and documenting the weight on the Property Report.
- Consider revising JCSO policy 800.6.7, which requires the Chief Criminal Deputy to oversee the storage, control and destruction to reflect the current rank

structure of the department and to oversee only the destruction of narcotics and other drugs

- As a moderately high priority, develop a purging system to better manage the flow of property into the property/evidence room. Efforts should be made on at least a monthly basis to conduct meaningful purging activities to rid the property room of superfluous evidence or property. This monthly activity should be handled by the Evidence Technician and accountability for these actions should be assigned to JCSO supervisor or commander. An annual report to the Sheriff, identifying the total number of items of evidence, and efforts made throughout the year to reduce the volume of evidence, should become part of the property room's reporting and accountability process.
- Conduct an unannounced audit sometime before the end of the year and establish a plan to continue to consistently conduct audits on at least an annual basis.
- As a priority, completing a full inventory of high value items to include money, guns, drugs and jewelry must be accomplished, particularly because there was a change in keyholders over one year ago.

Consider revising Department policy 800.6.4 and allow, in addition to the Prosecutor's office, the detective supervisor the authority to release evidence. This can expedite the ability to release and/or purge evidence in a timelier manner.

## CHAPTER 18– PRISONER SECURITY

- 18.1 The agency has written guidelines governing the methods and use of restraining devices used during prisoner transports.

***Purpose:** To establish procedures for the transport of prisoners that ensures the safety of the transporting officer and the general public and provides for the security of the prisoner in transport and arrival at destination.*

- 18.2 The agency has written guidelines for transporting the sick, mentally ill, injured or disabled prisoners.

- 18.3 The agency requires transporting officers to conduct a thorough search of prisoners prior to transport.

- 18.4 The agency requires a thorough search of all vehicles used for transporting prisoners before and after transport.

***Purpose:** At the beginning of each shift, any vehicle used for prisoner*

*transportation should be thoroughly searched for contraband, weapons, or implements for escape. This should also be done before and after each prisoner transport.*

18.5 The agency has procedures for officers transporting prisoners for:

- Safety and security of firearms;
- Removing restraining devices;
- Delivering documentation to the receiving personnel; and
- Advising receiving personnel of any potential medical or security concerns or hazards posed by the prisoner.

***Purpose:*** *Upon the arrival at the destination of the transport, certain actions are necessary and important for public safety, officer safety, and the safety and security of the prisoner. The listed procedures are the responsibility of the law enforcement agency and the completion of them is a requirement of the transporting officer(s).*

18.6 The agency's temporary holding facility includes access to shelter, warmth, potable water, and a toilet.

***Purpose:*** *This standard identifies the required minimum physical conditions that are necessary in order for a law enforcement agency to operate temporary holding facilities.*

18.7 The agency has procedures for using temporary holding facilities that addresses:

- Supervision and accountability for temporary detainees;
- Authorization for using temporary holding facilities;
- Temporary restraint devices approved for use;
- Separation by gender and status (i.e. adults/juveniles); and
- Plans for fire prevention, suppression and evacuation.

***Purpose:*** *To ensure appropriate operation of a temporary holding facility in a professional and legal manner and to establish policies and procedures governing booking, housing, maintenance of prisoners, and required annual inspections.*

18.8 The agency has procedures for handling juveniles who are status offenders.

### **Observations:**

The handling of prisoners, particularly those with special needs, is a high risk/high frequency function of agency operations that exposes the city to heightened levels of liability if not uniformly managed. Chapter 18 sets out basic guidelines that require law enforcement agencies to adopt policies and apply procedures that ensure the safe and responsible handling of all prisoners.

The Jefferson County Sheriff's Office does have two holding cells. These cells are generally not used as the Jefferson County Correction Facility is housed on the same campus as the Sheriff's Office. Generally all persons taken into custody, in need of temporary holding/processing or DUI processing, are taken directly to the jail. The jail handles all fingerprinting and photographs of prisoners. The jail has capacity to house 37 prisoners and general population currently averages 27 incustodies per day. Jail operations are overseen by a Jail Superintendent and dedicated corrections staff. The Sheriff is responsible for all administration and oversight of the jail.

The holding cells housed within the Sheriff's Department are used very infrequently. In review of the cell logs one cell was used in July of 2008 and then again in June of 2015. One cell was currently being used to store miscellaneous equipment and was not in use at all. Neither cell had video or audio recording capabilities. The Sheriff's Office does have two interview rooms which are both video recorded. While there is ample facilities to meet sight and sound restrictions, in nearly all case the persons are taken directly to the jail itself. The jail may also assist with prisoner transports as needed.

Juveniles are not held at the Sheriff's office. They are taken directly to the Proctor House or Youth Services in Kitsap County. During interviews by LEMAP assessors, there appeared to be a good understanding of the term "status offender" and the rules governing the restraint and holding of juveniles. JCSO is in good standing with the Office of Juvenile Justice Programs (OJJP) regarding the holding cell log for juvenile status offenders.

LEMAM staff found the Deputies to be skilled in the handling and security of prisoners. In the interview of staff, all were consistent in how incustodies and juveniles are handled and processed. While the department does not routinely utilize the holding cells, they do have or use:

- Supervision and accountability for temporary detainees articulated in practice and policy
- Operate a modernized facility with all conveniences allowing for the use of temporary holding facilities
- Approved restraint devices;
- The ability to separate any temporary population by gender and status (i.e. adults/juveniles); and
- Plans for fire prevention, equipment for suppression fire and evacuation of the facilities

The agency does have current policy or procedure addressing the use of restraining devices on special populations during transport. JCSO requires thorough searches of suspects prior to transport, as well as required searches of vehicles prior to and following transport of prisoners.

While the JCSO Deputies have all completed the required CIS (crisis intervention) training, the agency does not have current policy or procedure regarding the transportation of the sick, mentally ill, injured and/or disabled prisoners.

**Recommendations:**

- Develop, implement and train staff on policy and procedure that addresses the transportation of the sick, mentally ill, injured or disabled prisoners. Along with this, the agency should develop procedures for the handling of mentally ill individuals, including those with pending criminal charges and mental health commitments.