



Washington Association of
SHERIFFS &
POLICE CHIEFS

LEMAP

Loaned Executive Management Assistance Program

Review of the

Douglas 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 and 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 Sheriff Morris 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 the Douglas County Sheriff's Office 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:

Jim Burchett was appointed the Chief of Police for the City of Bremerton on August 1, 2018. Jim began his law enforcement with the Bremerton Police Department in 1993 and has held the positions of detective, K-9 handler, patrol sergeant, investigations sergeant and patrol lieutenant. From 2006 until his appointment to interim Chief of Police, he served as the Support Services Captain, where he managed investigations, records, warrants, internal affairs and the property room. He was also responsible for budget preparation, accreditation, and policy development. Jim is a Command College graduate and holds a Bachelor's degree in Administration of Justice from Chapman University.

David Doll recently retired as Chief of the Bellingham Police Department where he served since 1984 in a wide range of assignments including patrol, K9, school resource officer, investigations, organizational/field training, bicycle patrol, first-level and middle management leadership. David has served as an Accreditation Commissioner for WASPC and has successfully mentored both large and small agencies seeking accreditation. David holds a Bachelor's Degree in Criminal Justice, has instructed for IACP's "Leadership in Police Organizations," and is a graduate of Northwestern University's School of Police Staff and Command.

Randy Maynard has been employed as a Kennewick police officer since 1990. During his tenure with KPD, Randy has served as a patrol officer as well as K9 handler. Randy held the rank of sergeant between 2001 and 2018 where he served in multiple assignments including patrol, investigations, and administration. In 2018, Randy was promoted to the

rank of commander where he is currently responsible for the Criminal Investigations Division. Randy has a BA degree in Criminal Justice from Washington State University. He is a graduate of Force Science Institute as well as Leadership in Police Organizations.

Kelly Donnelly has subject matter expertise in both police records and property room management. She has primarily served as the evidence technician for the Mercer Island Police Department since 1999. Kelly has also served as a records specialist for Mercer Island and is currently the public records official for the Mercer Island police and fire departments. She has served as committee chair for property and evidence with L.E.I.R.A., and is a founding member of the 200+ member statewide association EPIN (Evidence and Property Information Network), and in 2004 initiated proposed legislation to expand the laws pertaining to law enforcement donation of unclaimed property.

Michael Painter is the Director of Professional Services for the Washington Association of Sheriffs and Police Chiefs and has served in that capacity since 2012. Prior to WASPC he served 32 years with the Kent Police Department where he retired as Assistant Chief. Mike 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 an 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.

GENERAL OBSERVATIONS

Sheriff Kevin Morris invited a WASPC LEMAP team into the Douglas County Sheriff's Office (DCSO) over June 22 and 23, 2021 to conduct an operational review of the office. Sheriff Morris was appointed as the Douglas County Sheriff during the summer of 2018 and was elected to the office and began serving as of January 2019. Morris is a lifelong resident of the Douglas County area and has worked his way through the Sheriff's office ranks starting as a reserve deputy nearly 30 years ago. Prior to being elected as Sheriff he served as the Undersheriff to Sheriff Harvey Gjesdal. It was clear to the LEMAP team that Sheriff Morris has worked hard to positively shape the current culture of the DCSO. His ultimate goal with this LEMAP assessment is to invite a fresh set of eyes into the agency to reveal blind spots as the agency works toward continuous improvement.

Douglas County is located almost directly in the center of Washington State. According to 2019 census data, the county is made up by 1,819 square miles and has a population of approximately 42,000 residents. The Sheriff's office provides law enforcement services to all parts of the county except for the city of East Wenatchee, which has its own police department. The majority of the county is rural and is made up of arid dryland, farms and orchards. The northern part of the county was devastated by a wildland fire in 2020 that scarred thousands of acres and destroyed or damaged hundreds of homes. The fire was a significant drain on DCSO resources both during and following its occurrence.

Governance of Douglas County is led by a County Board of Commissioners, made up of three elected Commissioners. Sheriff Morris reports that the relationship between him, his office and the Commissioners is very good. The LEMAP team believes that this positive

relationship exists because of the Sheriff's transparent communication skills and a strong belief in fiscal stewardship. Good relations do not always exist between some sheriff's offices and their county board of commissioners and often the tension is palpable and readily apparent to agency employees and residents. But when the relationship is strong between elected individuals, good things happen for residents and the level of organizational pride, respect and job satisfaction among employees is evident.

DCSO is served by 32 commissioned deputies and six (6) civilians. Sheriff Morris is supported by Undersheriff Tyler Caille, Chief Criminal Deputy Steve Groseclose and Chief Civil Deputy Kelly Soltwisch, five Sergeants and one Records Supervisor. The organization is split between a North detachment covered by one squad that is made up of a sergeant, a corporal, five deputies and an SRO. The north detachment provides 24/7 law enforcement services with a single squad that covers a lightly populated (large) geographical area. The Valley detachment is made up of two squads (day and night shifts) that primarily cover the southern part of the county surrounding the city of East Wenatchee, and is more populated. There is no question that DCSO deploys a limited number of commissioned deputies in both a creative and extremely efficient manner as they work to provide law enforcement services to a large and complex geographical area.

Case investigations are handled by a working Sergeant and two (2) detectives. All civilian positions in the department are well integrated with commissioned deputies and the LEMAP team found that department members work exceedingly well together to accomplish the agency mission *"To promote a high quality of life for the people we serve through leadership in public safety"*.

Dispatch services are provided by a regional communications center known as RiverCom and jail services are provided by the Okanogan County Jail and Chelan Regional Corrections Facility. DCSO has one detective assigned to the regional drug task force and they also have a contingent of deputies that are part of a part-time regional tactical team. Sheriff Morris indicates that DCSO works closely with all surrounding counties and the Washington State Patrol, which has a detachment in Wenatchee.

DCSO adopted the Lexipol Knowledge Management System (KMS) as its policy instrument in 2018. The agency administrator (Tiffany Augustson) serves an important role for Sheriff Morris because they serve as the gatekeeper for policy content, updates and accountability for employees accepting changes to the manual. Given the changes occurring in Washington law enforcement now, this position will become even more critical and Augustson will need support from the Sheriff and all Chief Deputies to ensure that proposed changes to the Lexipol policy content not only align with new state laws but remain true to the customs and practices of the Sheriff's office.

All LEMAP team members were extremely impressed with the employees interviewed at the DCSO. All were welcoming and appeared open and forthcoming. The LEMAP team commends the men and women of DCSO for their optimism, commitment to professionalism and agency improvement. We are hopeful that every employee finds this report valuable and will use it as a mechanism to launch the agency toward best practices, agency accountability, and professional excellence.

SECTION I

ADMINISTRATIVE

STANDARDS

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:

Written mission and/or vision statements define the core purpose of an organization. They guide and motivate employees while educating and earning support from the community. A strategic plan, or formalized goals and objectives, that involve the organization describes the process by which that organization intends to meet their mission and often communicates specific employee actions necessary to achieve the agency mission and/or vision. The mere existence of these documents, or lack thereof, signal how well the agency is looking forward and attempting to work on the organizational and operational challenges of both today and tomorrow.

Development of an organizational mission statement and the thoughtful construction of specific goals, objectives or strategic plans produce a detailed roadmap for the future. While this may sound simple, progressive leaders understand that these defining products require the collaboration of both internal and external stakeholders. They cannot be created in isolation at the top of the organization. Mission statements not only define an agency's role and purpose but should also inspire support and ongoing commitment from all law enforcement stakeholders and all strata of the organization. Goals, objectives, and/or strategic plans envision the future to ensure agency preparedness in meeting the ever-changing internal needs of employees and the external demands of the community for which they serve. This also results in an organizational culture of inclusion and service that is community oriented.

Sheriff Morris and administrative staff report that the DCSO vision and mission statement was updated when the agency adopted Lexipol in 2018. The current DCSO artifacts are:

Mission Statement

Promoting a high quality of life for the people we serve through leadership in public safety.

Vision Statement

We are a premier public safety agency where employees are valued and work in partnership with our citizens to promote safety and security in our homes and neighborhoods

The process that was employed to arrive at these artifacts included meetings of administrative staff (Sheriff Gjesdal, Undersheriff Morris and Chiefs Groseclose and Soltwisch) and included an invitation to the bargaining unit for involvement. Several meetings were held and ultimately both the Mission and Vision statements were updated from a previous iteration that dated back over 10 years. If the artifacts are useful, and provide guidance and meaning to the members of the DCSO, then a periodic review and

evaluation of the artifacts is all that is necessary. By deepening the review team with a broader cross section of the department, Sheriff Morris may find that the agency Mission and Vision may become more authentic, legitimate and meaningful to agency members and the community.

Sheriff Morris reports that he has not formalized agency goals and objectives since being elected as Sheriff. He does indicate that he has considered several informal goals since taking office but is interested in any LEMAP suggestions on how he can facilitate and formalize a goal setting or strategic planning process. Douglas County does not require goals and objectives as part of the budget process and Sheriff Morris is not aware of any attempts by DCSO to initiate strategic planning.

Recommendations:

- Consider establishing a periodic (2-3 year) review process to look at the agency Mission, Vision and (possibly) Values. This process does not need to be laborious and should involve a cross section of the organization. This type of exercise is valuable because it sends a strong message of inclusiveness and can act as a bond to strengthen relationships across the chain of command.
- Prior to the DCSO budget kick off process, solicit agency members through their supervisors, for goal ideas that can be used to move the department forward and build community support. All suggestions should have carefully constructed and contain clear guidelines for staff input. Pursue budget funding for any suggestions that are endorsed by the Sheriff.
- Using a similar inclusive format as the budget suggestion initiative, solicit supervisors for ideas for annual goals and objectives. Consider using the annual evaluation meeting of supervisors for the Sheriff to introduce the framework of this exercise. Suggestions should not be capital project related and should focus on enhancement of DCSO delivered services that inspire community trust and support. Install firm timelines and assign each goal to one employee to serve as lead. Encourage conversation between supervisors and their direct reports as an important part of the process.

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 in-custody 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 search and seizure policies that adhere to state and federal 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. Proof of compliance may include copies of incident reports that detail stop and frisk incidents; search by consent, search of a vehicle and searches that are part of a crime scene or are part of an inventory process.*

- 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:

Law enforcement officers are entrusted to protect the rights of all citizens. With recent legislated police reforms, the expectation and demand for police accountability continues to evolve. Police leadership should demand the absolute best efforts possible by all their staff, both commissioned and civilian. Police leaders have an opportunity to create agency cultural norms by setting expected standards of performance which comply with the role and authority vested in the job of police employees.

Administration of an Oath of Office is an opportunity for police leadership to set the standard from the onset of employment.

Douglas County Sheriff's Office policy requires:

102.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

Sheriff Morris administers an Oath of office upon successful completion of Basic Law Enforcement Academy, or equivalent. The most recent Douglas County deputy hired, Deputy Williams, took the oath following her completion of the Washington State Criminal Justice Training Commission Basic Law Enforcement Equivalency Academy.

Her oath reads:

I, Jacquelyn Williams, do solemnly swear or affirm that I am a citizen of the United States of America; that I will support and uphold the Constitutions, laws, and ordinances of the United States, the State of Washington, and Douglas County; that I will support and abide by the Code of Ethics, rules, regulations, vision, and mission of the Douglas County Sheriff's Office; and I will to the best of my judgement, skill, and ability; faithfully, diligently, and impartially perform the duties of the office of Deputy Sheriff in and for Douglas County, Washington as such duties are prescribed by law and the policies of the Sheriff.

This oath of office document has signatures from both Deputy Williams, as well as Sheriff Morris, along with the date the oath was administered.

Statutory law enforcement authority is granted by RCW 36.28 which defines the role and responsibilities of County Sheriffs. Further reference is located in various chapters and sections of the Washington Administrative Code (WAC). Douglas County Sheriff's Office utilizes Lexipol for policy documents. In a review of the DCSO policy, there are multiple references throughout the policy document wherein lawful authority of Sheriff Office

employees are addressed. According to a review of the Douglas County Code, along with an interview of the Administrative Assistant Augustson, there is no existing County code language formalizing the presence of the sheriff's office.

Douglas County Sheriff's Office Policy 100 delineates law enforcement authority for deputies. Policy 100.3.1 specifically addresses the lawful requirements for arrest of subjects with and without arrest warrants. Subsections A and B explain conditions of arrest of subjects without arrest warrants (probable cause arrests). Subsection C of this policy says deputies may arrest subjects with arrest warrants, but does not address or explain specific procedures necessary for these arrests. Interviews with various deputies confirm adherence to the policy language pertaining to arrests with and without arrest warrants.

In order to ensure legitimacy in policing, protections of rights afforded to all persons should be a paramount consideration in all enforcement activities. Within the Douglas County Sheriff's office policy manual, there are multiple references to protection of individual rights including specific policies on lawful detentions including advisement of Miranda rights and policies prohibiting unlawful searches and seizures.

Policy 331 – Limited English Proficiency and Miranda further ensures the rights of citizens who do not speak English as a primary language. Various case report reviews and interviews with Douglas County Sheriff's office commissioned staff verified compliance with the requirements for related to protections of individuals' access to counsel, including advisement of Miranda when applicable, and protections against violations of 4th Amendment searches.

The policy document pertaining to lawful detentions of citizens contains policy language in effect **prior** to the implementation of police reforms by the Washington State Legislature in the spring 2021 legislative session. Although comprehensive changes have been legislated, the policy documents reviewed and staff interviewed demonstrate consistency in the application of the **current** policy requirements and state law in effect at the time of the LEMAP team's visit in June of 2021.

Douglas County Sheriff's Office Policy 901 is a comprehensive policy document related to all custodial searches. The policy document specifically addresses conditions in which strip searches and / or body cavity searches are authorized. Specific procedural steps and requirements are also listed which include a requirement for written documentation of the search performed. Interviews with commissioned staff articulated understanding of the policy and restrictions in which these types of searches were authorized.

Douglas County Sheriff's Office has a robust policy pertaining to the arrest and detention of foreign nationals, and requirements for Consular notifications. Although a fairly low frequency event within Douglas County, Patrol Sergeant Mike Baker and Detective Sergeant Jason DeMeyer both independently articulated understanding and compliance with the policy requirements. A Daily Training Bulletin (DTB) was also issued by Douglas County Sheriff's Office to all commissioned staff in March 2021, specifically addressing circumstances pertaining to the arrest and detention of any foreign national. This particular

DTB included a tested response by all commissioned staff. Verification of 100% review and compliance with this particular DTB was provided to the LEMAP team.

Douglas County Sheriff's Office policy document 900.4.2 reads, "Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults." Douglas County Sheriff's Office has two (2) temporary holding cells adjacent to one another within the Sheriff's office. One of these cells is currently used only for storage. However, no signs were observed anywhere in the immediate area of the holding cells demonstrating compliance with this policy statement.

Recommendations:

- Douglas County Sheriff's office policy states "Upon employment..." an Oath will be administered for sworn members. Consider administration of the Oath of Office commensurate with the actual hire date for new employees. Administering the Oath at time of hire sets the expectations from the date of hire, which thus would include time at the Basic Police or Equivalency academy. Additionally, administration of the Oath at the time of hire is in compliance with the policy statement of Douglas County Sheriff's Office (102.1.1).
- Consider adding more detailed policy language to 100.3.1 (c) including procedural requirements in order to lawfully effect the arrest of a subject with an arrest warrant.
- Scour and update DCSO policy pursuant to legislated police reforms passed in the 2021 legislative session. Some of these changes have sweeping effect on DCSO deputies. Conduct legal update training to all commissioned staff regarding updated policy modifications pursuant to legislated reforms.
- Recommend review of policy 900.4.2 with respect to the placement of signage in temporary custody locations informing foreign nationals of their rights to consular notification.

CHAPTER 3 – USE OF FORCE

- 3.1 The agency has policies directing personnel to only utilize the amount of force which is necessary to affect 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 non-lethal 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 an officer involved shooting/deadly force response policy that includes steps for first responders and includes a comprehensive independent investigation and review of the event.

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, that complies with state law and 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 people of Washington State grant peace officers the authority to use reasonable levels of force to enforce the laws they enact. At the same time, the people demand, as 2021 Washington police reform legislation has shown, that peace officers do not misuse this authority. Law enforcement leaders have a duty to ensure that officers are properly trained in the use of force and use that force appropriately. Sheriff’s Office policies, which have a significant impact on how force is used in street-level encounters, must clearly set forth the legal standards for the appropriate use of force.

The DCSO's Lexipol-based policy manual, until recently, provided policies on use of force that mirrored state and federal law. With the sweeping police reform legislations set to become law on July 25, 2021, that may no longer be the case. For instance, Douglas County Policy 300.3.4 – Carotid Control Hold, will no longer be lawful. The Sheriff's Office is aware of the recent changes and have plans are in motion to ensure their policy manual meets current State law. Focused emphasis must be placed on the following policy areas:

Section 300.3 – Use of Force, requires a deputy use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Section 300.4 – Deadly Force Applications, limits deadly force applications to protecting the deputy or others under imminent threat of death or serious bodily injury or to stop a fleeing felon within the strictures of *Tennessee v. Garner* - 471 U.S. 1 (1985). Policy 306.7.3 Warning and other Shots - prohibits warning shots.

Less-lethal weapons are covered in Policy 303 - Control Devices and Techniques and Policy 304 - Conducted Energy Device. These polices provide guidance on the deployment of:

- Impact Devices (Batons) Policy 303.5) – Douglas County Sheriff's deputies are not issued, nor do they carry batons.

CS Gas (Policy 303.6) – This policy will require significant editing with the passage of House Bill 1054, which requires law enforcement officers to get approval from the highest elected official in their jurisdiction before using tear gas.

Oleoresin capsicum spray (Policy 303.7). At DCSO, the carrying of OC spray is optional. Few deputies carry it on their belt. Most who do carry it keep it in their vehicles. DCSO does not include OC in their defensive tactics training.

- Pepper projectiles (Policy 303.7.2),
- Kinetic energy projectiles (Policy 303.9) and
- Conducted Energy Devices (Taser) (Policy 304)

As noted above, Douglas County deputies generally carry just a firearm and Taser. Noticeably absent were intermediate weapons such as OC or baton. Many agencies carry some other tool to provide officers or deputies with additional options during encounters in which force is necessary. DCSO should evaluate whether the paucity of tools carried by deputies is the best option in today's environment. If a Taser malfunctions or is ineffective in a situation where an intermediate level of force is appropriate, what other options do they have?

The DCSO's Use of Force policy requires medical assistance be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious as a result of a

use of force under section Policy 300.6 – Medical Considerations. The deputies who were interviewed confirmed this practice at Douglas County SO.

Most Washington State law enforcement agencies complete a separate use-of-force form for each incident in which force is used. The Douglas County Sheriff’s Office uses a form similar to those used by most agencies. Each use of force is routed through the chain of command, all the way to the Sheriff, for review and signature – an excellent practice. According to the Chief of Patrol, the Sheriff’s Office does not currently compile or analyze the data from the use of force forms. An agency should analyze its use-of-force beyond the individual incident. This is generally done by entering data from the use of force forms into a database, such as a simple Excel sheet. The Sheriff should be able to ask and readily receive answers to the following types of questions:

- What types of force is one squad using compared to another squad?
- If there is a difference, why?
- Is one type of force proving ineffective?
- Do the deputies need more tools or training in a particular area?
- Does one deputy use force at a significantly higher rate than his or her peers?
- Are there any identifiable trends in the agency’s use-of-force against minorities?

The ability to quickly answer these types of questions is especially important in today’s environment of mistrust and scrutiny of law enforcement.

Douglas County does not require a use-of-force form be completed when a deputy draws and points a firearm or Taser at someone, such as during a high-risk traffic stop. Many agencies now track these interactions. It can be used to demonstrate to the public the number of times deputies diffuse tense situations without resorting to discharging their weapons.

Policy 305 covers officer involved shootings and deaths. The content is standard Lexipol policy and adequately covers all the WASPC accreditation standards including responsibilities, notifications, relief from duty and media relations. This policy needs significant editing to address the requirements of the Law Enforcement Training and Community Safety Act of 2019 or WAC 139-12. For example, it allows for DCSO participation in the investigations into a use of deadly force by one of its deputies. Policy areas that need prompt attention include:

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

305.6 CRIMINAL INVESTIGATION

If appropriate, investigative personnel from this department may be assigned to partner with investigators from outside agencies to avoid duplicating efforts in related criminal investigations.

Involvement of department investigative personnel is clearly not allowed under the Independent Investigations provisions of LETCSA. In practice, the agency meets the requirements of LETCSA and WAC 139-12 by participation in the SIU, a multi-agency officer-involved shooting investigation team comprised of investigators from Douglas County, Okanogan County, Chelan County, Wenatchee, East Wenatchee and the Washington State Patrol.

Policy 303.3 prohibits control devices from being carried and used by deputies unless issued by the Office or approved by the Sheriff or the authorized designee. Policy 306.3 restricts officers' firearms, ammunition and other tools to those that have been issued or approved by the Sheriff's Office.

306.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Range master.

All other weapons not provided by the Department may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander including but not limited to:

- (a) Edged weapons.
- (b) Chemical or electronic weapons.
- (c) Impact weapons.
- (d) Any weapon prohibited, or restricted by law, or that is not covered elsewhere by department policy.

This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law. The LEMAP team noted several deputies carrying fixed blade knives. DCSO does not have a knife policy in the manual, nor do they train with the knife during defensive tactics training. Fixed blade knives go beyond a simple tool used to cut seatbelts and open packages. The LEMAP team is aware of the discussions among Defensive Tactics and SWAT personnel, extolling the potential value of fixed blade knives as a last-ditch lifesaving weapon, particularly if the deputy is disarmed and/or mounted by an assailant. The LEMAP team does not provide an opinion on any potential benefits or liabilities of fixed blade knives, other than to recommend that if fixed blade knives are carried, they should be addressed in policy and trained during DT. Sample knife policies are available upon request.

Recommendations

- Consider requiring deputies carry one additional intermediate level tool besides Taser to provide deputies more tools and options during a force encounter.
- Modify the agency's use of force policies to comply with recent police reform legislation. For example, Policy 300.3.4 Carotid Control Hold and Policy 303.6 – CS Gas.

- Add regular OC training to the defensive tactics curriculum since deputies do have it in the field, even if only in their vehicles.
- Create a database in which pertinent data from use of force forms can be collected and analyzed. This can be done on a simple Excel spreadsheet. Samples can be provided upon request.
- Conduct an annual use-of-force analysis to identify trends, concerns, or training needs.
- Consider collecting and analyzing data on how and when deputies draw and point a firearm or Taser at a person as part of the use of force reporting.
- Edit Policy 305 to meet the requirements of WAC 139-12, including removal of sections that violate the independent investigation provisions of LETCSA.
- Fixed blade knives should be authorized in writing as required by Policy 306.3
- Fixed blade knives should be addressed in policy and trained during Defensive Tactics training.

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, day-to-day 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:

Law enforcement administration's critical role includes ensuring that the organization not only provides essential personnel to professionally and effectively handle emergent 911 calls for service, but also to make certain that the agency stays true to its proclaimed mission, vision and values. This is a demanding task, as it requires established systems of continuous observation and analysis, accompanied by a foundational culture of transparency and accountability. Thankfully, even though our assessment of the Douglas County Sheriff's Department encompassed a short two days, a strong culture of transparency and accountability was readily apparent, and recommendations provided in this report will certainly enhance those efforts.

Sheriff Kevin Morris has robust institutional knowledge of DCSO, as he joined the organization in 2000, was DCSO's previous Undersheriff for four years and is currently in his third year as Sheriff. His "hands on" approach includes regular (at least weekly) meetings with his command staff. Morris describes these meetings as informational and motivational. They facilitate his desire to understand important events which occurred the previous twenty-four hours, activities or concerns currently in progress and future projects and planning efforts designed to continue serving the community.

According to DCSO's social media postings, the organization's stated philosophy is "community policing," focusing on creating essential partnerships to engage in collaborative community problem solving. Morris describes "collaboration" as an element of his own leadership style and frequently engages his staff in planning and important decision making such as the hiring of new deputies. Overall, assessors found Sheriff Morris fully engaged in many aspects of organizational operations while also understanding the need to continue mentoring and preparing future leadership.

When Sheriff Morris anticipates a planned absence, policy direction provides who is in responsible charge during the absence. DCSO policy § 200.3.1 (Succession of Command) reads: “The Undersheriff assumes all responsibility in the absence of the Sheriff.” Further, additional command authority, per policy, is vested, in order, to “Field Operations Division Commander” and then to a “Senior Sergeant.” Morris indicates there are times when both he and the Undersheriff may be on a planned absence at the same time, so additional communications may be necessary to avoid confusion. Personnel interviewed indicated supervisors typically email their staff notice of an anticipated absence and who will oversee their unit during the absence. Additionally, since the policy was established, the leadership position of Corporal was created and should be added to the list of persons exercising supervisory authority in the chain of command.

DCSO policy § 608 (Operations Planning and Deconfliction) provides comprehensive guidance and procedures when conducting joint operations involving different specialty units. In reviewing a recent operational SMEAC (Situation, Mission, Execution, Administration/Logistics, and Command) procedures were found to be closely followed, including deconfliction, which was accomplished through notification via WSIN. Personnel indicated this is always the case, however, no documentation was found that the deconfliction process was followed. Relying on another agency’s affirmation that a particular procedure was followed, in this case confirmation of deconfliction from WSIN, cannot always be guaranteed, and the remedy quite simple. An additional check-box, or notation, on the SMEAC document will confirm that this essential procedure was followed.

Per organizational policy § 400 (Patrol Function), Douglas County Sheriff Department personnel provide essential law enforcement services 24/7 through uniformed patrol and investigatory follow-up. Eighteen uniformed deputies, three corporals and three sergeants encompass Patrol Operations under the overall supervision of the Chief Criminal Deputy. The position of corporal is relatively new and the agency requires first-level supervisory certification through CJTC for all corporals. One sergeant oversees two detectives and an additional detective assigned to the region’s drug task force. DCSO has a Reserve Officer Program which is currently being phased out due to the number of work hours by the Reserve that is required to maintain certification. Currently, Reserve Officers only work with a full-time deputy when deployed.

Uniformed patrol deputies routinely patrol three districts 24/7. The North District does not have 24/7 coverage and provides 911 response on a call-out basis during the early morning hours of most days. Patrol deputies work a 10-hour shift with rotating start times throughout the year and bid their shifts, by seniority, for an entire one-year period. Scheduling is facilitated through an electronic application called “Plan It”. This scheduling software allows for quick processing of leave time requests and provides accurate accrual banks reporting to ensure appropriate time is available. At this time, the organization is fully staffed.

Dispatch services are currently contracted through RiverCom 911. Recent narrow-banding hampered portable radio communications in the southern county area, which is currently being remedied through the installation of a new repeater due late summer or early fall of 2021.

DCSO policy § 200.3.3 (Orders) provides guidance to personnel regarding the requirement to obey a lawful order. Interviewed personnel appeared to understand the dynamics of this policy and the important role that communication between the two parties (supervisor and subordinate) play in the process. There is no element of required documentation in this process, and a recommendation is provided. Additionally, Lexipol policy language requires personnel: "...to ask the issuing supervisor to clarify the order or confer with a higher authority." Further clarity on "higher authority" may eliminate potential confusion.

To assist in enhancing DCSO's culture of transparency and accountability, it is essential to consider the overall perspective used in the appraisals. Singular incidents involving Use of Force, Vehicle Pursuits, Personnel Complaints and Bias-based Policing are easy to evaluate on their own, but finding important trends requires a comprehensive and complete analysis involving more data. Trends showing systemic problems with policy, equipment, training, supervision, and performance can only be seen clearly when organizational behavior is viewed across-the-board over an extended period of time.

DCSO has comprehensive policies concerning Use of Force (§ 300), Vehicle Pursuits (§ 307), Personnel Complaints/Internal Affairs Investigations (§1010) and Bias-based Policing (§401). The organization does a good job in individually documenting each of these types of low frequency/high risk incidents. Regarding Use of Force and Vehicle Pursuit reviews, Sheriff Morris indicates that his Command Staff does a "quarterly review" from information documented on an excel spreadsheet to determine if there are any trends to consider. Missing is a year-long analysis of the data, a high-altitude overview which may identify such trends that could harm the organization's essential public trust. Resulting analysis must be provided to the Sheriff, Command Staff Training Staff, and ultimately the entire organization for continued improvement if needed.

The agency subscribes to the Lexipol® Knowledge Management System (KMS) for template policy guidance. DCSO published their first Lexipol® manual on May 5, 2018. This system requires intense editing to ensure that organizational culture and practice mirrors the provided policy language. With recent legislation, it is imperative that the agency reviews anticipated upcoming content changes carefully, and in collaboration with legal counsel to ensure proper application. Additionally, many Lexipol® policies indicate mandatory training is done by the organization as frequently as "yearly." The agency should ensure that if training is required by DCSO policy, it is being completed. Practice must mirror policy language.

While Lexipol® issues frequent updates which are ultimately published and acknowledged by all personnel, the organization may need to modify policy/procedure in the interim. For this purpose, DCSO follows policy §201 (Departmental Directive). During an internal review, Sheriff Morris discovered that directives had not been issued individual numbers per § 201.1.1 protocols. This is in the process of being remedied.

Recommendations

- Succession of Command.
 - Always publish an internal notice when the Sheriff absence is anticipated establishing who is in responsible charge during the planned absence.
 - Edit DCSO policy § 200.3.1 to include the position of Corporal in the chain of command.
- Operations Planning. Add additional information to any SMEAC that deconfliction was successfully done through communication with WSIN in accordance with § 608.5.
- Day to day operations. Continue reviewing staffing analysis to ensure equitable workloads and area coverage to provide essential law enforcement services.
- Obey lawful orders. Consider adding language to policy § 200.3.3 (Orders) that requires documentation of the incident. Suggestion includes: “The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.”
- Annual management review. Add policy language that mandates a yearly analysis of:
 - All Use of Force incidents
 - Vehicle Pursuits
 - All Internal Investigation
 - Bias-based policing
 - Consider training in implicit bias and cultural awareness

Example of potential policy language for Use of Force Analysis: “The (add appropriate individual) tasked with use of force data will conduct an annual review of the use of force reports. The annual review shall be utilized to reveal patterns or trends that could indicate training needs and/or policy modification. The annual review shall be provided to the Chief of Police, Command Staff, and Training Staff.”

- Written Directives. Ensure directives are issued individual numbers for tracking purposes and immediately rescinded once published as 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, and 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;
 - 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.

- 5.13 The agency complies with Washington State law governing the submission of sex offense case files to the WASPC Criminal Justice Information Support Department (CIJS) for archiving pursuant to RCW 40.14.070.

Purpose: To comply with the RCW and state retention schedule standard LE 2010-063.

Observations:

Law enforcement records have become both increasingly important to provide public accountability and protect agencies from liability. Functions overseen by the Records Unit not only include maintaining criminal case records, but other tasks, such as processing pistol transfers, disseminating community notifications of sex offenders, reporting criminal history and providing statistical data. Any lapse of rigid application of guidelines in processing any of these tasks could compromise community confidence in the agency, or worse, public safety. The team operating the Records Unit at Douglas County Sheriff's Office exude knowledge, professionalism, commitment and courtesy. All the staff demonstrated proficiency and expertise of their duties and were forthcoming and welcoming to the LEMAP assessors.

The Records area is part of a new (2018) building and is impressively constructed. Not only does the design provide attractive workspace but was also built with safety of the staff as a priority, an afterthought at many agencies. The walls have been fabricated with bullet resistant reinforced material as have the windows installed in the public lobby area. One of the public services offered is fingerprinting. Record techs provide digital fingerprinting via Live Scan. The device is installed in a room accessed from the secure records area, but with an additional door out to the lobby. Windows allow staff to remain visible while performing the function, and the door to the records area is closed prior to allowing members of the public to enter the fingerprinting room (if the door were left open the subject being fingerprinted would have access to the interior of the building). Staff members have expressed a desire to have a camera installed in the room as an added security feature when the door is closed. Monitors throughout the offices would be able to view the fingerprinting room if a camera were installed.

Rhonda Pickering is the Records Manager and oversees a staff of three (3) records technicians. Work is distributed in an equitable manner. The section has a single electronic “in box” (email) dedicated to incoming work and as staff members log in, they accept the tasks in priority order. The exception to the work distribution is the Sex Offender registration and public notifications. Sandy Townsend oversees the functions in conjunction with detectives who keep her up to date on leveling and monitoring. Townsend has prior experience with these functions in prior employment at the agency and upon her return to work at DCSO, continued with managing the tasks. She fingerprints and acquires the necessary information to enter offenders into the “Offender Watch” database. She also provides community notifications as required. Future plans for the section include cross training for the other Record techs to include these duties. Pickering advised assessors that DCSO forwards sex offense cases to WASPC for archiving per RCW 40.14.070. WASPC records indicate case submissions by DCSO through 2011; cases should be submitted through 2015.

The web page for the support services section is comprehensive and informative. Of note is the portion pertaining to identity theft. The page provides helpful advice to victims on potential needs to remedy intrusions to credit. It even includes instructions for the victim to request a copy of the ID theft report they are entitled to, which is mandated by a little-known statute and underused by agencies throughout Washington.

RiverCom 911 provides dispatch and RMS services through Spillman Technology. Calls for service are sequenced in chronological numbering order and if case reports are required, the numbering system follows the call for service. Case reports contain the logistical data created in Spillman and the reports written by the deputy. Douglas County has a unique philosophy for managing case reports. The agency embraces the idea that case reports are the responsibility of the assigned officer(s). Although this is uncommon, it is an approach that should be standard. In LEMAP assessments performed throughout the state, assessors typically find a chasm between patrol and records functions. Overwhelmingly, assessors find that officers are unfamiliar with records processes and requirements and consider the tasks a mystery and unrelated to their work.

At Douglas County, deputies not only create folders for each of their cases on an internal server drive, but also take responsibility for adding extraneous related documents into the folder. Records staff accuracy check the folders and complete other duties such as forwarding data to the NIBRS, providing DUI arrest records to DOL and updating arrest and disposition records to the WASIS system. This symbiotic relationship is worthy of recognition for demonstrating that both divisions share a single objective

Pickering ensures that records are retained as per state schedules and completes destruction of records as allowed. She complies with mandated destruction of juvenile records. If the record contains other individual's names than to whom the subject of a destruction or sealing order applies to, Pickering reports that she is able to remove the specified name only leaving the public record intact for the required retention.

Pickering also supervises public records request responses. She and Record Techs all respond to public record requests. The agency web page contains contact information for the appropriate public records contacts and instructions on how to request records. Pickering advised that although the fee schedule pertaining to public records is posted on the county's website, fees are usually waived, as cost of processing them outweighs the fees. Pickering reports that the agency does not meet the threshold for data reporting to the state committee created under RCW 40.14.026, however she maintains a log of all requests and the data related to logistics of responding under the Public Records Act. Pickering has attended training through both LEIRA and WAPRO as well as other public records act training opportunities. All those who process public records requests should continue to seek ongoing annual training opportunities.

Policy 802.3.1(b)(1) requires a copy of any redacted report produced pursuant to a request, "...should be maintained in the case file...". Since requests for records are maintained in their own database (Liberty), this policy should be edited to reflect practice.

Each law enforcement agency must assign a TAC (Terminal Agency Coordinator) for use of ACCESS (A Central Computerized Enforcement Service System). Pickering serves as the TAC for the agency. She has ensured that all ACCESS users retain uninterrupted certification as required by the system. The TAC is also responsible for complying with FBI security standards and audits of the system. The last triennial and business audits were conducted in 2019 and the minor findings were addressed and corrected immediately. Pickering has also ensured that the "Auxiliaries" (citizen volunteers) have been provided the required FBI security awareness training in order to be within the proximity of terminals that contain or receive criminal records. The auxiliaries do not perform any data entry but do have access to the secure records area. Policy 801.3 adequately covers ACCESS requirements for using the system.

The agency utilizes SECTOR (Statewide Electronic Collision & Ticket Online Records) for citations and accident reporting. Paper multi-copy citations are only used as a back-up, if needed. Pickering advised she does perform the required monthly citation audits to ensure paper citations are not diverted.

Body cams are new to the agency. Deputies have only had the devices deployed for 2 months. The equipment and software are Axon products which include a module for redaction. Pickering has not yet had occasion to process a request for body cam footage so is not aware of any potential complications when responding to requests.

Douglas County policy 323 clearly identifies the Sheriff as the ultimate authority over media or press releases. The policy does allow the Sheriff to authorize the Division Commander or supervisor to act in his stead for release of information if he is not available. The Sheriff stated that this policy accurately reflects practice.

WASPC accreditation standard 5.11 relates to responsibility for notifications of impounded vehicles to owners. Lexipol 502.2.3 falls short of specifics. Pickering indicates that officers are consistent in recording when dispatchers make contact with vehicle owners in impound situations. She said that the responsibility is assumed by patrol/dispatch and Record Techs are not responsible for notifications.

Recommendations

- Consider installing a camera to the fingerprinting area.
- Ensure continued annual public records training for all those performing the function.
- Review policies 802.3.1(b) (1) (Requests for Records) and edit or clarify, as necessary.
- Review policy 502.2.3 (Recovered Stolen Responsibilities) and revise to accurately reflect notification practices.
- Submit violent sex offense cases to WASPC through 2015 (DAN 2010-063, version 7.2, page 39).

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. Back-up 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:

Douglas County Sheriff's office is fortunate to have an onsite dedicated IT specialist at their offices. In addition, the specialist is supported by a county-wide Management Information Systems (MIS) unit at the main Waterville site. IT staff works closely with Sheriff's office staff, as electronic data is the primary method of providing, receiving, and storing information. Additionally, use of the ACCESS system requires compliance with privacy requirements from various sources the system encompasses. Most importantly, regular audits are required to prove ongoing compliance with IT staff taking part in the operation and management of the IT infrastructure.

A primary tenet of law enforcement records confidentiality is physical security. Rhonda Pickering is responsible for ensuring access to these records is restricted to those who are authorized and have passed background checks. Existing DCSO policy aligns with required agreements for use of the ACCESS system.

The most recent ACCESS business audit and FBI technical audit of the agency was conducted in 2019. The agency passed the audits and complied with the few minor findings. IT staff must be involved in the technical audit, as FBI standards include a minimum set of security requirements to access FBI CJI (Criminal Justice Information). Auditors send a set of questions directly to the IT point of contact, TAC and the Sheriff. Some of the components of the audit include review of configuration management, media protection, system and communications protection and integrity, identification and authentication and other factors that IT staff must respond to.

Brad Hudson reported the following security measures currently being used for agency devices. Desktop computers are protected by Microsoft Defender with advanced threat protection. Parameter firewalls are WatchGuard software and Email SPAM appliances are managed through Barracuda software.

Mobile computers are Windows firewall enabled. Secure encrypted VPN software is Net motion and Anti-virus software is installed on mobile units as well. Further, IT is working toward multi-factor authentication using DUO and YubiKey tokens and expected to be fully complete by August 2021.

Backups are performed daily with weekly on-premise archives for all county data. Quarterly archive data is stored off-site to an encrypted secure cloud service. All backup is encrypted at rest and in transit to all off site. Backup data is permanently deleted from storage when no longer required or needed. All physical media that is no longer in production is physically destroyed and witnessed or carried out by authorized personnel in accordance with CJIS policy.

All software used in the above systems are updated quarterly to the latest general acceptable release as needed, or patches or fixes. CJIS security protocols are employed throughout the organization for securing and handing of CJI data.

All cellular handheld mobile devices are managed by secure enterprise Mobile Device Management software system.

Recommendations

- None

CHAPTER 7 – UNUSUAL OCCURENCES

- 7.1 Every sworn member of the agency has completed the National Incident Management and Incident Command System(s) introductory training course(s).

***Purpose:** To ensure all sworn personnel has completed both IS700 and ICS100*

- 7.2 The agency has plans for responding to natural and man-made 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:

Community and Organizational response to any disaster requires countless hours of planning, preparation and drill. While there are numerous non-governmental organizations that play critical roles in planning and response, the Community frequently depends on Law Enforcement organizations to provide appropriate Leadership and overall Coordination. That leadership and coordination starts with a collaborative planning process with stakeholders from all aspects of emergency management, non-profit organizations, businesses and the community.

The DCSO has a comprehensive policy § 202 (Emergency Management Plan) including one dedicated Supervisor in charge of Emergency Management. Douglas County, through an Interlocal agreement, also provides emergency management services to the City of East Wenatchee. The current supervisor was recently appointed to the position of Emergency Manager, and is experiencing a high intensity introduction to the field as much undocumented institutional knowledge departed with the previous emergency manager.

DCSO's primary emergency response includes assisting the Fire Department with mitigation of frequent wildfires. Through Unified Command, DCSO primarily helps coordinate logistics with Fire taking primary command. This is typically in place until a Type-3 Incident Management Team (IMT) is required and takes over Command. DCSO provides a mobile command post, and the current Emergency Manager has trained seven deputies and volunteers to run the mobile command post when in use.

While the policy indicates "all personnel" are subject to mandatory activation during an incident, only commissioned personnel are required to complete the following online courses in NIMS: IS-100 (Introduction to Incident Command) and IS-700 (National Incident Management System [NIMS] An Introduction). The current Emergency Manager indicates that all Supervisory Staff are required to take these additional courses: ICS 200 (Basic Incident Command System for Initial Response), ICS 300 (Intermediate ICS for Expanding Incidents), ICS 400 (Advanced ICS Command and General Staff – Complex Incidents) and ICS 800 (National Response Framework). DCSO's Emergency Manager also tracks the training for the East Wenatchee Police Department.

Douglas County's current Comprehensive Emergency Management Plan (CEMP) was submitted to Washington State Department of Emergency Management in 2020 and was approved. DCSO's Emergency Manager is currently working on submitting East Wenatchee's plan to the State, which includes migrating their plan into Douglas County's. The CEMP exists only on a shared server and no printed copies exist for review.

Douglas County's recent Hazard Mitigation Plan has been submitted to Washington State Department of Emergency Management and is awaiting approval.

The Local Emergency Planning Committee (LEPC) meets quarterly, which is well attended by a variety of critical stakeholders, according to DCSO's Emergency Manager. An agreement with nearby Chelan County provides CERT (Community Emergency Response Team) volunteers, if needed, and a variety of local table-top exercises and mass casualty incident drills occur throughout the year – the last one occurring two weeks prior to assessor's visit regarding a chemical tank car derailment.

DCSO has a comprehensive policy on requesting, and responding to requests for, mutual aid § 326 (Outside Agency Assistance). Interviews with agency personnel indicate that this happens a handful of times a year and is seamless. Agency personnel report exceptional working relationships with Chelan County Sheriff's Office, East Wenatchee Police and Wenatchee Police.

Recommendations

- Since every DCSO employee is deemed an "emergency worker" and are subject to callout by policy, their job duties can change to support an ICS environment. As a result, introductory NIMS 100 should be required for all civilian positions.
- Ensure updated printed copies of Douglas County's CEMP are available to Command Staff and Supervisors. Printed copies of the plan are important as I.T. infrastructure may not be available/dependable during a disaster.
- Continue to explore staffing needs of organization's emergency management function.

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 shall 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 high-risk 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 post-exposure reporting and follow-up 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.

Employers, including law enforcement agencies, must make a reasonable effort to provide a workplace free of known health and safety hazards. Policy, procedures, equipment and training are all important components of a workplace safety strategy.

Law enforcement officers face potential exposure to blood borne pathogens due to the nature of their work. The Federal Occupational Safety & Health Administration's (OSHA) blood borne pathogens standard requires that employees who can reasonably anticipate contact with human blood or other infectious materials as part of their job duties complete annual blood borne pathogens training. The Washington Administrative Code (WAC) 296-823-12005 also requires the agency provide training at least annually and within one year of the previous training to all employees with occupational exposure. Douglas County SO does not currently provide annual BBP training. Employers are required by workplace safety laws to make a reasonable effort to provide a workplace free of known health and safety hazards. Policy, procedures, equipment and training are all important components of a workplace safety strategy.

OSHA Standard 29 CFR Part 1910.1030 – Blood borne Pathogens requires employers implement an exposure control plan for employees. The plan must include controls to prevent or minimize employee exposure to blood borne pathogens and to reduce the chances of infection when exposure does occur. DCSO Policy 1008 – Communicable Diseases is the policy location that this required information resides with most Lexipol clients. This policy provides general guidance on precautions for dealing with bodily fluids, required personal protective equipment (PPE), immunization and decontamination. Douglas County has removed most of the Communicable Disease section contents and refers the reader to the Douglas County Exposure Control Plan. The County Exposure Control Plan had all the information that would normally be in Lexipol, including forms and checklists of actions to take.

'Standard precautions' is an approach to infection control that treats all human blood and body fluids as if they were known to be infectious. A major component of these precautions is personnel protective equipment. An agency must issue personal protective equipment to its employees that provides a barrier between the employee and the potentially infectious substance. This equipment should include gloves, eye protection and protective shoe covers. Douglas CSO Policy 705 covers personal protective equipment. The LEMAP team inspected a randomly selected patrol SUV. It was equipped with gloves. No shoes covers or eye protection was present.

Another form of protective equipment is the air-purifying respirators (APRs). These respirators use cartridge filters or canisters to remove contaminants such as particles, gases, or vapors from air. They rely on suction (negative pressure) created during inhalation and a tight seal in order to draw air through the filters. When an employer issues respirator masks to employees, it is obligated to follow the requirements of OSHA standard 1910.134 – Respiratory Protections and WAC 296-842 - Respirators. The OSHA and WAC requirements are a heavy burden for most agencies to meet. Once they become aware to the administrative load, some agencies withdraw their APRs from service. In general, agencies issuing APRs must:

1. Develop and implement a written respiratory protection program.
2. Provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace.
3. Obtain a written recommendation regarding the employee's ability to use the respirator from the health care provider conducting the medical evaluation.
4. Fit test the employee with the same make, model, style, and size of respirator that will be used.
5. Conduct additional fit testing at least annually or whenever changes in the employee's physical condition could affect respirator fit. This includes obvious change in body weight.
6. Inspect respirators monthly, documenting:
 - a. the date the inspection was performed,
 - b. the name (or signature) of the person who made the inspection,
 - c. the findings,
 - d. required remedial action,
 - e. and a serial number or other means of identifying the inspected respirator.
7. Provide initial and annual training to deputies issued respirators. The training must meet the requirements of CFR 1910.34 (k).
8. Establish and retain written information regarding medical evaluations, fit testing, inspections and other records related to the respirator program to assist in auditing the program and provide a record for compliance determinations by OSHA.

Douglas County SO initially provided APRs to the nine deputies assigned to SWAT. The sergeant assigned to SWAT recalled receiving training and a fit test. DCSO issued APRs to the rest of the deputies in 2020 in response to COVID-19. They did not conduct medical evaluations, fit tests or the training required by 29 CFR 1910.34. The training they did provided consisted of having deputies shoot and manipulate their firearms at the range while wearing the APRs.

The LEMAP team provides this brief summary of the OSHA/WAC requirements to make DCSO aware of the extensive obligations attached to a properly run a respiratory protection program. If they choose to continue issuing APRs, a thorough reading of 29 CFR 1910.34 and WAC 296-842 is recommended in order to set the groundwork to establish a proper program. Douglas County SO is aware of some of these requirements. They have added a policy section, 705.6 Respiratory Protection, which addresses many of the requirements, which they need to be put into practice. Until such time as DCSO has implemented the OSHA / WAC requirements, the APRs should be shelved. Both OSHA and the Department of Labor and Industries have levied significant fines for violations of respiratory protection laws.

Policy 1012.3 covers the issuance of body armor and requires that the Department issue body armor to all officers on an established replacement schedule. Body armor is replaced every five years or when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised. The administrative assistant maintains a spread sheet of when vests are due to be replaced.

Policy 500.5 - High Visibility Vests requires the agency provide its members with American National Standards Institute (ANSI) Class II high visibility vests to increase their visibility while performing traffic control duties any time increased visibility would improve the safety. The LEMAP team inspected a Douglas County SO car which was equipped with an appropriate ANSI 207 high visibility vest.

In a properly run blood borne pathogen safety program, the agency provides procedures for disposal and decontamination when there is an event or contact involving biohazard material including blood or bodily fluids. In most Lexipol agencies, this information resides in the Communicable Diseases policy. As mentioned earlier in this report, DCSO has removed much of the language of this policy and refers to the Douglas County Exposure Control Plan, which the LEMAP team did not evaluate. Staff who were questioned and provided hypothetical situations provided appropriate responses as to how they would decontaminate people or equipment. Waste was properly bagged and taken to the hospital for disposal. DCSO has SHARPS containers in the evidence processing area. The vehicle the LEMAP team inspected did not have a SHARPS container.

Non-commission staff occasionally interact with people at the agency's front counter who are volatile, unstable or disgruntled. A law enforcement agency has a responsibility to ensure, to the extent possible, that these employees will be protected by appropriate means. The civilian staff at the Douglas County SO is separated from the public by a bullet-resistant glass partition.

Policy 1011.3 - Wearing of Safety Restraints, require all members wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by the department while on- or off-duty, or in any privately owned vehicle while on-duty. The driver must also ensure that all other occupants are properly restrained. The LEMAP team observed several Douglas County deputies driving in the field. All were appropriately wearing their seat belts.

Recommendations

- Ensure all deputies receive annual training on blood borne pathogens. Many agencies accomplish this through on-line video training.
- Ensure all deputies are equipped with and restocked when expended, appropriate PPE, (at minimum) including gloves, eye protection and protective shoe covers.
- Supply patrol vehicles with sharps containers.

- Evaluate the need to issue APRs to all deputies in light of the significant OSHA and WAC administrative requirements. If you decide to continue issuing APRs, establish a program meeting the requirements of 29 CFR 1910.134 and WAC 296-842.

CHAPTER 9 – FISCAL MANAGEMENT

- 9.1 The Chief Executive Officer has the authority to spend funds in the approved budget for day-to-day 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:

For most agencies, fiscal management is an aspect of agency operations that often is viewed more as a nuisance than a benefit in the larger law enforcement landscape. But when viewed objectively, the various responsibilities contained within budget and finance of any police organization is essential to its current and future success. Moreover, budget management is often a metric of performance for the agency CEO when measured by elected officials and residents. Spending practices, timekeeping records and accountability for overtime and expenditures are central tenets to not only agency performance but is the hidden foundation from which public trust is constructed.

Fortunately, the DCSO is led by a Sheriff who is very engaged in the budget process and is an exceptional fiscal steward of public money. Sheriff Morris served as the budget author and manager as Undersheriff with Sheriff Gjesdal and has considerable experience in all matters related to DCSO finances. He holds a firm hand on agency spending and consequently appears to have strong support of the Douglas County Commissioners, who ultimately approve and oversee the budget for the Sheriff's office.

Generally, LEMAP Teams find an ordinance or county policy, approved by the county commissioners, that provides the Sheriff authority to spend funds once the budget is approved. However, DCSO staff could not locate either guiding document and rely on RCW 36.40.100, which governs budget appropriations and activities by Washington county governments, for authority to spend budgeted funds.

Given Sheriff Morris' experience with the DCSO budget, he is provided regular spending updates by DCSO administrative staff and closely monitors all line items on at least a monthly basis. Morris wisely goes further and provides monthly reports to the County Commissioners on the overall status of the agency budget and overtime spending. He also reports that he has regular (weekly) meetings with his Chief Deputies and DCSO spending and the budget is at least a monthly discussion topic at these meetings.

Routine, or regular, expenditures (such as for uniform items, supplies, etc.) are generally routed through the employee's supervisor or through operations Sgt. Tim Scott. Once approved by a sergeant they are routed to either the Chief Deputy, or the DCSO Administrative Assistant (Augustson), depending on the amount of the expenditure. Final approval is generally made by the Undersheriff. Almost all DCSO employees are issued county credit cards and for most deputies the card is intended for emergency purchases

DCSO uses a scheduling software known as **Plan It**. Employee schedules are loaded into the program annually by Augustson, normally following shift bids of eligible deputies near the end of each calendar year. Once the master schedule is loaded into the system the only employees that have permission to modify the master schedule, including leave and overtime, are supervisors and command officers. For example, when a deputy works overtime or takes a spontaneous day off, they submit the request through Plan It and the request is entered as an exception to the Master Schedule and routed to their supervisor.

Each employee is expected to verify their monthly schedule before it is submitted through Augustson for final processing for payroll. All overtime (policy 1018) must be approved by a supervisor or commander before submission to finance. Policy 1017 (Payroll Records) is very brief and does not address the need for supervisor or command approval before processed for monthly salary payments. As a matter of practice, all exceptions to the master schedule (overtime and leave) prompt an alert to the employee's supervisor that requires action (normally approval) by the supervisor. Agency policy should address more depth into the DCSO payroll process including supervisor approval of timesheet records before they are submitted for processing.

DCSO does not handle or manage cash funds (e.g. petty cash, imprest funds), therefore periodic audits are not necessary. All cash transactions, where money is received by the Sheriff's office, are accounted for by physical receipt. Records staff manage/handle a change drawer used to make change for cash transactions that are processed through the reception window of the Sheriff's office. The cash drawer contains \$400 and is handled by all of the DCSO record technicians. The contents of the drawer are counted each Friday by two record technicians and is replenished as necessary.

Recommendations:

- Consider pushing periodic budget discussions, particularly related to overtime and pertinent line items, down to the first line level at sergeant meetings. This effort not only develops an understanding and appreciation for agency funding, but it can be used as a succession planning exercise for Chief Deputies.

- Edit section 1017 (Payroll Records) to provide more depth/detail to the DCSO payroll process and includes supervisor or command approval of monthly agency payroll records before they are submitted for payment to the county treasurer.
- If agency processes allow, assign individual cash drawers to each record technician. Individual cash drawers secure the cash handling system and protect employees from scurrilous allegations of fraud that could emerge when multiple individuals are using or have access to the same drawer.

CHAPTER 10 – RECRUITMENT & SELECTION

- 10.1 The agency has written standards and hiring criteria for sworn and non-sworn employees and, if applicable, reserve, part-time, 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 important element of police leadership includes preparing the organization for future service, and that requires a dynamic recruitment and comprehensive selection process. Today's leaders in law enforcement face the unique challenge of hiring individuals who can fill a variety of complex roles – roles that continue to change with the demands of society. Recruitment of individuals that believe in or align with these changes has always been challenging and now, more than ever, law enforcement must attract and retain high quality individuals who are truly dedicated to serving others.

While the ultimate process of selection is unique with every organization, several standards exist that can assist the organization. Standards based on best practices, or by regulatory authority (i.e. Civil Service or State law) will be discussed here, and in review, DCSO is currently meeting most of these standards. There is no doubt that this is a critical element that contributes to the pride Sheriff Morris has in the overall culture of DCSO.

Sheriff Morris reports that the entire Command Staff participates in interviewing the top five candidates of a civil service selection list for hire. If an individual appears to be an exceptional candidate, a conditional offer for hire is done prior to beginning any background process. Sheriff Morris believes this helps to ensure a candidate is serious about the position and ultimately saves wasted funds.

DCSO has a comprehensive Recruitment and Selection policy (§ 1000) that indicates recruitment is done through identifying job-related standards, and “will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards” (§ 1000.2). In reviewing both a commissioned (Deputy Sheriff) and civilian (Administrative Assistant) job descriptions, DCSO lists the necessary essential duties, minimum knowledge requirements, necessary skills and minimum qualifications of each position.

By policy, each candidate for hire (civilian and commissioned) undergo a complete background check (§ 1000.5). Personnel indicated that this process is done “in person” when the candidate lives in Washington State, and they highly advocate for the same for out-of-state candidates. A recent hire, from Utah, was an exception as DCSO had previous experience with the candidate prior to the candidate's move to Utah.

The DCSO Investigations Unit currently facilitates all background checks. The Supervisor, and one Detective, have received training through CJTC and a private vendor (Richard Whitehead and Associates LLC). One Detective is currently on a waiting list to attend the training and is not taking the lead on any backgrounds until the training has been received. Per policy, proof of the background check is submitted to the Washington State Criminal Justice Commission at the time of hire (§ 1000.7.1).

Per DCSO Policy, § 1000.4, all sworn candidates given a conditional offer of hire will undergo a medical examination. While not specifically stated in policy, this medical evaluation includes drug screening. The agency uses Confluence Health Center for medical and drug screening, which utilizes a variety of practitioners who are licensed physicians. If the agency is considering accreditation, a sample listing of physicians used, along with their credentials will be required as part of the standard's proof of compliance.

According to DCSO Policy, § 1000.4, all candidates given a conditional offer of hire will undergo a psychological examination by Washington State licensed psychiatrist or psychologist (WAC 139.07.030). The agency's primary psychologist is Doctor Louis Sowers, who is currently licensed in Washington State (expires 12/28/2021 - #PY00001865). Interviewed personnel reported that Dr. Sowers solicits feedback after an officer completes one year of service in an effort to validate his assessments. The agency also uses Dr. Thomas Rowe as secondary. Dr. Rowe is licensed in Washington State (expires 09/05/2021 - #PY00001128).

The agency requires that a polygraph examination be administered by a qualified technician, per WAC 139.07.040. The agency utilizes Alan Key, from Central Washington Polygraphy and Investigations. According to Mr. Key's business website, he is a current member of the American Polygraph Association, which qualifies his status. As a back-up, the agency also uses Detective John Wallace and Deputy Jeff Witworth from Grant County Sheriff's Office, as well as Assistant Chief David Rehaume, from the Othello Police Department. If DCSO uses any polygrapher they will want to confirm that they meet the requirements of WAC 139-07-040.

DCSO's employee files are electronically stored with access provided for review. Each employee's electronic file contains various folders to include evaluations, commendations and academy correspondences (to name a few). Also included is a folder that contains their background information to include application packet and extensive questionnaires done by background investigators. Medical, psychological and polygraph reports are not included, in this folder and only exist in hard-copy form at Douglas County's Human Resources Offices. The LEMAP assessor was advised that this information is secured by lock and key but an office visit to HR was not accomplished to confirm.

Administrative Assistant Tiffany Augustson indicated that an employee, and any person with a rank above that particular employee, can view all of the employee's files in the read-only format. This means that persons not involved in the selection process would have access to those records. While this is a violation of the accreditation standard, Ms. Augustson said it would be easily remedied by creating permissions to only the appropriate people.

Recommendations

- Secure funding to ensure all candidates get an in-person background check. This enables the investigator to personally interview others and obtain better intelligence through examining actual personnel files, disciplinary records and in-person interviews. Confirm that all background investigators are fluent with the requirements of WAC 139-07-020.
- By policy, background investigators are prohibited from demanding access to certain social media sites belonging to potential hires (§ 1000.5.2). Please monitor the progress of recently passed legislation, HB 1088 and SB 5150, that requires additional review to include protected social media accounts. Additionally, hiring law enforcement agencies are required to seek disciplinary actions and potential impeachment materials from previous LE employers when considering a lateral hire. As always, watch for upcoming Lexipol® policy updates and always collaborate with your own Legal and Human Resources Department on the required changes.
- If the agency is considering accreditation, a sample listing of physicians used, along with their credentials will be required as part of the standard's proof of compliance. Also, include "drug screening" in policy language § 1000.4.
- Confirm that polygrapher from other agencies meet the qualifications outlined in WAC 139.07.040.
- Ensure that all "applicant files" are secured and available only to those who are authorized to participate in the selection process.

CHAPTER 11 – TRAINING

- 11.1 The agency requires all full-time, 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;
- Performance of attendees;
- Credentials of the presenter or instructor

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 full-time 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 in-service training on the agency's use of force and deadly force policies.
- 11.9 In-service training for non-lethal weapons shall occur at least once every two years.

Observations:

The foundation for the proper exercise of law enforcement authority is training. Meeting the ever-increasing training requirements that are added with each new law can be difficult, especially for agencies the size of Douglas County SO or smaller. DCSO does a good job with the resources it has. It partners with its nearby neighbors in Chelan County, Wenatchee and East Wenatchee to share resources and avoid duplication of effort.

Douglas County SO relies on the Lexipol DTBs to cover much of the other training required by the Lexipol policy manual. Each month, Lexipol provides approximately thirty customizable, scenario-based 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. Over the course of a year, nearly all the training topics required by the policy manual are covered. Some of the DCSO employees complained that the scenarios seem silly and the tests are too simple. There is merit to these observations. However, in the LEMAP team's experience, agencies that use the DTBs find their staff have a better understanding of their policy manual than those who do not.

The Administrative Assistant does an excellent job of overseeing the DTB program. She routinely checks to see if deputies are behind and, if they are, sends a reminder to their supervisor. The LEMAP team requested a "DTBs not taken" report, which is a standard management tool provided by Lexipol. The staff was almost 100% up to date; a rare feat in many agencies.

Policy 203 requires a training needs assessment and training plan to guide the agency's efforts. The Chief Criminal Deputy meets with his sergeants and trainers in January to plan out the training for the coming year. They prioritize firearms, EVOC, defensive tactics, CIT, TASER and Patrol Tactics.

All sworn members of DCSO successfully complete the Basic Law Enforcement Academy or Equivalency Academy prior to assuming law enforcement duties. The Douglas County Sheriff's Office has a formal field training officer program for all newly sworn deputies that begins once they graduate from the academy. The program, which is managed by the Operations Sergeant, is covered by Policy 413 and follows the San Jose field training model. DCSO currently has five FTOs. The assigned Field Training Officers are graduates of the CJTC FTO course. Student officer progress is appropriately documented on Daily Observation Reports. The program appears to be in alignment with the standards and curriculum of the FTO academy.

A high functioning training program must have thorough, accurate documentation and maintain records in a manner which allow them to be easily retrieved. Many law enforcement training programs have two sets of files: employee and courses.

1. Employee files should contain the record of courses for each deputy, including date, title of course, instructor, hours of training and any grades. DCSO should be able to demonstrate, to a fair amount of detail, exactly what was taught at any school or class listed in an employee's training file. This is particularly important if the reason for the examination of records is pending litigation. If the course was an internal course, it may be cross-referenced to the course file in order to produce a syllabus. If the course was external, say from a vendor, the syllabus, a flyer listing course content, or some other form of documentation describing what was taught should be included in the file.
2. Course files should contain lesson plans, class rosters, instructor credentials and the results of any testing. Course files are generally for those sessions put on in-house.

Records maintained in this manner allows the agency to reproduce exactly what was instructed at any given training. DCSO's maintenance of training records can be improved. The individual employee training records are maintained by the Administrative Assistant. Each employee has a file by year. Courses and certificates are dropped in the file. The organization of the files made it difficult to answer basic queries which the LEMAP team normally requests upon arrival at an agency. For instance:

- Who has not completed CIT for the year?
- Can we provide a list of all blood borne pathogen attendees and curriculum for the last three years?

The Administrative Assistant explained she would have to search the files for each employee and manually compile requested reports. The agency's RMS has a training module which could produce the information requested in a more efficient manner, but it is not being used. Other agencies use a more advance Excel spreadsheet design that is capable of producing all manner of reports.

The training policy requires the agency maintain detailed records of all in-service training. This includes an overview of the course content and/or an instructor lesson plan and a roster of all attendees. In examining the lesson plans and class rosters for the range qualifications, this requirement is being met for in-house training. Instructors currently maintain their own lesson plans for the training they provided. Range instructors maintain shooting qualification records. The defensive tactics instructor maintains a separate file for the training he gives. This is inefficient and can lead to differences in the thoroughness and appearance of training records. This also creates silos of training documents within the Sheriff's Office.

A solution is to identify a training coordinator who identifies needs, plans, approves (with command staff support) and schedules all training. The coordinator would also track

required training to ensure 100% compliance for all deputies. The most important benefit to DCSO is maintaining detailed records, including a syllabus or curriculum for all training given, in one centralized location. As trainers change assignments or leave the agency, the Sheriff's Office can have confidence it has a complete copy of lesson plans for all training given and important documentation didn't end up in the trash when a trainer is promoted, retires or moves to another position.

The LEMAP team reviewed the training plans for several in-house courses. This included a 2018 EVOC power point, a 2020 range course of fire, a DT lesson on compliant cuffing and a TASER syllabus. All were adequate, with some more detailed than others. The agency should consider developing a standard lesson plan format for each training it gives in-house to ensure consistency between courses and trainers.

Proposed lessons plans should include a command level review and approval before presented to the deputies. The Sheriff or designee should be aware of what is being taught by their instructors and indicate as such by signing off on the proposed training. The LEMAP team is aware of instances at other agencies where individual trainers diverged from standard content which later proved to be problematic.

The Sheriff's Office provided a 2020 Declaration of Compliance which the agency sent to CJTC, attesting it has met the annual 24-hour in-service training requirement, including 2-hours of CIT.

Policies 306 (Firearms) and 303 (Control Devices) require personnel to demonstrate proficiency and safe handling prior to carrying the weapon. Staff who were interviewed by the LEMAP team confirmed this is the practice and Douglas County SO. A well-functioning agency requires its deputies demonstrate satisfactory skill and proficiency with all of the agencies supplied or authorized weapons before the employee is approved to carry and/or use such weapons in the field. The agency should not rely on the fact that training was conducted at the police academy or a previous employing agency, to meet this best practice requirement. Douglas County does a good job with firearms and Taser, sending new officers to the range prior to going to the academy, or in the case of lateral officers, prior to FTO. This is not the case, as mentioned elsewhere in this report, with OC spray.

The Revised Code of Washington (RCW) 43.101.350 – Core Training Requirements, requires that all law enforcement personnel promoted to a supervisory or management position complete certain core training requirements within six months of promotion and obtain career level certification within one year of completing the core training requirements. A check with the Criminal Justice Training Commission revealed that DCSO is on top of this requirement. According to CJTC records, the following managers and supervisors have attained the following career level certifications.

- a) Sheriff Kevin Morris -- First Level Supervision Cert. 8/30/2010, Middle Management Cert. on 3/31/2018, and Executive Certification on 3/31/2018.
- b) Undersheriff Tyler Caille -- First Level Supervisor Cert. 8/31/16, Middle Management Cert. 1/31/20

- c) Chief Criminal Deputy Steve Groseclose -- Completed First Level class 3/13/08 but did not obtain certification, Middle Management Certification 1/31/20
- d) Sgt. Tim Scott -- First Level Supervisor Certification 8/31/16
- e) Sgt. Mike Baker -- First Level Supervisor Certification 10/31/20
- f) Sgt. Jason Demyer -- First Level Supervisor Certification 7/31/20
- g) Sgt. Scott Stokoe -- First Level Supervisor Certification 3/31/15
- h) Sgt. Brandon Long -- First Level Supervisor Certification 2/29/20

Policy 203.4(c) requires that all sworn members successfully complete an annual in-service training program on the DCSO use of force and deadly force policies. The Chief Criminal Deputy explained this requirement is accomplished using Lexipol Daily Training Bulletins. DTBs meet this requirement, however, in today's environment of hyper-scrutiny of law enforcement practices, training on the Office's use of force and deadly force policies deserves a more thorough treatment than provided by DTBs. DCSO should demonstrate that deputies receive annual and comprehensive training on these important topics.

Policy 203.4(d) - Training Plan requires that "All sworn members will successfully complete in-service training on less-than-lethal weapons every two years." This mirrors WASPC accreditation standards, which the DCSO intends to achieve.

As mentioned in chapter three of this report, DCSO deputies do not carry much in the way of less lethal tools, other than the Taser. DCSO meets the bi-annual training requirement for Taser.

Batons are not carried, and OC pepper spray carry is optional, with many deputies leaving the OC canister in their vehicles. DCSO relies on the training the Criminal Justice Training Academy provides during the basic Law Enforcement Academy to cover OC training and does not provide any form of ongoing training. This lapse does not meet the WASPC accreditation standard. If OC is an option, and is deployed by some deputies, it (and any other non-lethal tool) must be trained on every two years.

Recommendations

- Provide comprehensive annual in-service training on the agencies' use of force and deadly force policies. Use DTB's to supplement, not provide as the sole source, of this important training.
- Provide annual in-service training on case law and legislative updates.
- Provide bi-annual in-service training in the use of any non-lethal tool, including OC spray.
- Maintaining detailed records for completed training in one centralized location. Include a syllabus or lesson plan which is sufficiently detailed to allow another trainer to recreate the training, years later, to a reasonable degree of accuracy, by reviewing the lesson plan.

- Develop a standard format for each training lesson plan DCSO gives in-house to ensure consistency between trainers. This should include command pre-approval of all course content that is supported by a detailed lesson plan.

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 a valuable and essential component of any professional, contemporary law enforcement agency. The evaluation process provides a means by which employees can hear about their strengths and to be reminded of any performance deficits with strategies to make improvements where needed. It also can provide a means to reinforce the supervisor and subordinate relationship, promote career development, and offer a vehicle for goal setting. For any evaluation system to be effective, the process must be fair and consistent. Employees must expect that their performance will be evaluated on an annual basis and that the evaluation process will fair, objective and accurately memorializes employee performance.

The DCSO evaluation instrument has been in use for several years and employees report that they do receive evaluations as scheduled. The current rating instrument was adopted from the Okanogan County Sheriff's office over 10 years ago and has been modified to meet the needs of the DCSO. The instrument is a standard evaluation tool that is similar to those in use by many other law enforcement agencies. The instrument contains 16 general rating areas for each employee, four (4) additional rating areas for supervisors and comment areas for the employee and supervisor(s). Performance is judged as Acceptable, Exceptional or Unacceptable. Any rating outside of acceptable must be followed by a narrative explaining the circumstances of the special rating. None of the DCSO supervisors reported that they have received training in performance evaluation preparation, documentation or delivery other than very brief mention (at times) during first level supervision core instruction. This is not uncommon in law enforcement.

This type of rating instrument often leads to most employees being rated as performing in the acceptable range, underscoring a central rating tendency. The LEMAP team interviewed several line level employees who confirmed that they remembered being evaluated earlier in 2021 but they really could not remember much about the evaluation's content. They confirmed that almost all of their evaluation ratings were in the Acceptable area and that it was extremely difficult to ever be rated as Exceptional in any rating area.

This lack of recognition devalues the evaluation and most employees viewed the process as useless because the evaluation does not mean much to the agency.

Annual evaluations of permanent employees are generated right after the first of each calendar year. The Sheriff convenes an evaluation meeting of all commissioned and civilian supervisors. Anyone who officially supervised an employee during the previous year is provided an opportunity to give input on the employee's performance for inclusion in the evaluation created by the employee's primary supervisor for the year. The evaluation is constructed by the employee's primary supervisor and all supervisors providing input sign the evaluation before it is presented to the employee.

The evaluation is not vetted by a Chief Deputy before it is presented to the employee. A semi-final review by a Chief Deputy can ensure that performance is not mischaracterized, or significant performance events inadvertently omitted, and that information aligns with the Sheriff's expectations. Once signed by the employee and supervisors that final evaluation is routed to the Sheriff via the Chief Deputies and Undersheriff.

The type of evaluation meeting that brings all supervisors to the same level, before the evaluation is constructed, is highly innovative and new to all members of this LEMAP team. We applaud the Sheriff for creating a platform to gather as much performance information as possible on each employee which not only benefits the employee but inspires teamwork and accountability among supervisors.

The probationary period is often minimized but is one of the most important aspects of the hiring process. This period, particularly when direct supervision of the employee is eased, is an effective lens to gauge aptitude and ability to do the job. Although supervision may be eased toward the mid to end of the probationary period, it is an opportunity to rigorously assess the probationers suitability for permanent retention that is frequently overlooked, taken for granted, or completely missed by law enforcement leaders.

Probationary deputies are evaluated daily when under FTO supervision and once assigned to solo status are evaluated once every four months. Operations Sgt. Tim Scott is responsible for monitoring probationary evaluations and uses his Outlook calendar to send out reminders to each patrol sergeant to ensure that the probationer is evaluated on time. Both Scott and other sergeants confirm that DCSO does a good job of completing probationary evaluations on time. The customary DCSO evaluation instrument is used for the probationary deputy evaluation.

Most agencies using the San Jose FTO program model generate monthly observation reports (MOR) on probationary commissioned employees. Monthly reports are challenging for most supervisors to generate unless the agency has a reminder program in place that is closely monitored by a third party (normally the FTO or training sergeant).

Probationary evaluations are completed every four months for civilians. Records supervisor Rhonda Pickering is responsible for generating evaluations on civilian staff and she tracks probationers on her desk calendar to confirm evaluations are completed on time. Fortunately, DCSO only employs four line level civilian employees with one of them

reporting to the Sheriff and agency command staff. Ideally, reminders for civilian probationary evaluations would be tracked and requested by a third party to ensure they are completed on time.

Recommendations:

- Consider a narrative based, rather than judgment based, evaluation instrument that requires the rater to provide written anecdotes that explain employee performance. Consider polling other law enforcement organizations for their instruments rather than re-inventing a new instrument.
- Reduce the number of rating dimensions on the annual evaluation instrument and consider dimensions that specifically relate to an employee's job function rather than general categories intended to liberally cover all DCSO employees (i.e. patrol deputy, patrol sergeant, detective, administrative assistant, etc.).
- Provide training to all DCSO supervisors on the documentation, construction and delivery of performance evaluations.
- Continue quarterly reports on all probationary employees but move away from the annual evaluation instrument and focus on a memorandum style of document that covers noteworthy job related events that assists the reader with making the decision to retain or release the employee prior to the end of probation.
- Assign one individual to consistently notify all supervisors of the need to generate probationary evaluations. This may negate probationary employee evaluations being missed.

CHAPTER 13 – CODE OF CONDUCT

- 13.1 The agency has a code of conduct that provides clear expectations for all employees and includes guidelines for 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 biased-based 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.*

- 13.6 The agency has an alcohol and drug use policy, or language contained in local collective bargaining agreement(s) that addresses drug and alcohol use, and includes language that covers testing of employees suspected of drug and/or alcohol where the employee’s fitness for duty is questioned.

Observations:

Agency code of conduct policies establish expected standards of permissible conduct and outlines sanctions and ramifications for failure to adhere to expected standards. Code of conduct policies and procedures are only as good as they are enforced. In order to ensure uniform compliance with code of conduct, agency leadership at all levels should emulate behaviors commensurate with those required by policy. Further, leadership should hold accountable those behaviors not compliant with minimum expected standards of performance, especially with respect to code of conduct.

Being a Lexipol client, the Douglas County Sheriff’s Office operates under a comprehensive code of conduct policy. The code of conduct policy is applicable to all staff – commissioned and civilian – employed by the Sheriff’s Office. These policies include clear references to speech, expression, and social networking (Policy 1027).

DCSO also subscribes to the Daily Training Bulletins (DTBs) produced by Lexipol. This service provides daily training opportunities to deputies that normally relate to agency

policy and require employees to answer questions at the end of each training bulletin, which confirms understanding of bulletin content. In review of the DTBs provided by Douglas County Sheriff's Office staff, there were at least four (4) DTBs reviewed by all staff in the past year addressing policy statements regarding code of conduct. DCSO staff confirmed 100% compliance with responses to DTBs.

During a personal interview with Sergeant Mike Baker, assigned to the Patrol Division, Sergeant Baker confirmed all on-duty time is strictly governed with respect to an employee's expression of speech or opinion, including social networking.

Standardized Lexipol policy language also exists with respect to anti-discrimination requirements. Douglas County Sheriff's Office policy 314 sufficiently addresses requirements for ensuring employees are protected from any form of harassment or discrimination based on any protected class or status. The policy document also includes procedural steps and requirements for supervisors regarding any complaints made or potential violations of this policy.

As per policy 314, agency employees are only required to review this policy when they are "new." Policy 314.7 states, "All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment. All members shall receive periodic training on the requirements of this policy."

Through the use of Daily Training Bulletins, Douglas County Sheriff's Office complies with the policy statement above wherein members "...shall receive periodic training..." In June 2021, a DTB was circulated to all staff addressing discrimination. The DTB included testing of all members and verification of 100% completion was provided to the LEMAP team.

Sergeant Mike Baker reported an additional training opportunity occurred when an attorney versed in harassment prohibitions provided training for Douglas County Sheriff's Office staff.

Douglas County Sheriff's Office Policy 401 – Biased Based Policing is a comprehensive document wherein specific behaviors will not be tolerated by staff. The policy language includes behaviors required by line staff as well as actions required by supervisory staff in the event there is a complaint alleging bias. The policy includes a permissive statement wherein members should intervene in an instance of potential demonstrated bias. The policy reference for training on Biased Based Policing is, "...as directed by the Training Manager." There is an additional link reference to RCW 43.101.410, of which Douglas County Sheriff's Office appears to be in compliance with.

Proof of training observed for the subject of Biased Based Policing is Daily Training Bulletins (DTBs). Three (3) different DTBs were circulated amongst Douglas County Sheriff's Office staff in February 2021. Each of the three DTBs were completed by all staff and included written testing.

Policy section 401.4.2 requires Douglas County Sheriff's Office deputies to "...report any demographic information required by the Department." There is no additional information in this section or subsequent sections of the policy document clarifying whom this information shall be reported to, or what manner in which the information is captured by Douglas County Sheriff's Office staff.

WASPC Accreditation Standard 4.3 requires, "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

Interviews with Douglas County Sheriff's Office staff affirmed the office implemented procedures to capture, analyze, and report annually on the biased based profiling incidents required in this Accreditation Standard.

Douglas County Sheriff's Office policy document contains a section specifically dedicated to both policy statements and procedural requirements in the event of a domestic violence incident involving a law enforcement employee. Policy 1024 DOMESTIC VIOLENCE INVOLVING LAW ENFORCEMENT EMPLOYEES delineates roles and responsibilities, including notifications and reporting, for line level commissioned staff, supervisors, and command staff in the event of a law enforcement involved domestic violence incident. The policy addresses both incidents wherein a Douglas County Sheriff's Office employee is involved, and incidents where outside agency members are involved.

Douglas County Sheriff's Office Policy 604 addresses information related to potential impeachment disclosures, commonly known as Brady information. The policy adequately addresses requirements of the Sheriff's Office for disclosures of any information discovered during an investigation. According to Sheriff Morris, any time there is a new internal affairs investigation, he will regularly report the information to the Douglas County Prosecutor to ensure compliance with disclosures of potential impeachment information. Policy 604.4 TRAINING states employees should receive periodic training on the requirements of this policy. In the Daily Training Bulletins (DTBs) provided by Douglas County Sheriff's Office staff, there was no record of any DTB pertaining to Brady requirements or disclosure.

Both Douglas County Sheriff's Office Policy 1006 DRUG AND ALCOHOL FREE WORKPLACE, and the Collective Bargaining Agreement of Douglas County Sheriff's Office commissioned members address conditions in which employees are not permitted to work if affected by either alcohol and / or medications or narcotics. The policy document has procedures to be followed by supervisory staff in the event of an employee either self-reporting an inability to work, or independent observations made of an employee's inability to work as a result of being under the influence of any substance.

Because of the nature of the patrol shift structure within the Douglas County Sheriff's Office, along with the sheer volume of square miles of jurisdiction, Douglas County deputies do not report to a common location for a shift briefing at the commencement of their respective patrol shifts. Thus, supervisors are reliant on self-reporting, or citizen complaints to determine whether or not a deputy may be fit for duty with respect to being affected by alcohol and/or drug use.

Recommendations:

- Ensure continued distribution of Daily Training Bulletins (DTBs) regarding code of conduct policy.
- Recommend clarification for policy language in policy 314.7 – Discriminatory Harassment training. Also, clarify who is responsible for receiving certification by the new member on receipt and acknowledgement of the policy. Consider memorializing in some form of written acknowledgement by the new employee.
- Recommend policy clarification in 401.4.2 REPORTING TRAFFIC STOPS.
- Recommend policy clarification in 401.6 STATE REPORTING to ensure language from this section aligns with other sections of Policy 401.
- Consider clarification on policy language from Policy 401.7 TRAINING.
- Implement training to comply with Policy 604.4 TRAINING regarding potential impeachment disclosure requirements.

CHAPTER 14 – INTERNAL AFFAIRS

- 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:

A law enforcement agency has a duty to ensure its employees act lawfully, ethically and in accordance with the agency's policies. An effective internal affairs process plays an important role in meeting that standard of duty by ensuring that all allegations of misconduct made against an employee of the Sheriff's Office are properly handled. This requires fair, thorough, accurate, and impartial investigations managed by a well-thought-out system. The result of such a process is that sustained misconduct is dealt with appropriately while deputies are protected from false accusations.

A law enforcement agency should require that all complaints are accepted and documented, not just in policy but in practice. The Douglas County SO has adopted the standard Lexipol policy 1010 Personnel Complaints. Section 1010.2 requires the DCSO accept and address all complaints of misconduct. The policy is reinforced by language on the compliant form, readily available in the public lobby, which instructs supervisors:

“This form is to be completed for ALL against employees and to be turned into [the] administrative assistant ... upon completion. These include complaints made outside or within the department. All complaints against an employee, whether verbal or written, will require a sheriff complaint form to be filled out by the supervisor immediately upon receipt of that complaint.”

Douglas County has taken the guess work out of the determination into which complaints supervisors investigate and which complaints are investigated by the internal affairs detective sergeant. All complaints are evaluated by the Chief Criminal Deputy, who makes the decision on investigations. Minor complaints are routed back to the supervisors for appropriate handling while more serious cases are sent to the Detective Sergeant for internal investigation. This system likely works better than most and avoids the vexing problem of inconsistency amongst supervisors.

A professional internal investigation should impartially examine all pertinent information from all sources. The final report should reasonably attempt to resolve all questions of fact, leaving no obvious stone unturned that might cause someone to argue that the investigation was inadequate. An exhaustive, professional report allows the Sheriff to carefully weigh all the information and make an informed, defensible decision as to what action to take while meeting the elements of just cause.

The Detective Sergeant is the person generally assigned by the Chief Criminal Deputy to conduct internal investigations. He described a process of notifications and investigative procedures that was fairly standard and similar to the methods most competent internal affairs functions employ. At the time of the LEMAP visit, a completed internal investigation was not available for review. The Detective Sergeant has not attended an internal affairs course. Despite being adequately knowledgeable on Douglas County's

internal affairs process, a formal IA course would serve the sergeant well and lend credibility to the investigation should the findings, or resultant discipline, be challenged by an employee.

Policy 1013.8 - Administrative Leave - provides procedures for relieving an employee from duty during an internal investigation:

“When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave.”

This section also allows for the collection of the officer’s identification, and any other department equipment, including assigned weapons. Employees can be temporarily reassigned to normal business-hours and be required to remain available for contact during those hours, and to report to work if ordered to do so.

DCSO policy 1010.10.3 – Notice of Final Disposition to the complainant requires that the Sheriff or the authorized designee notifies the complainant of the disposition of the complaint. In practice, Douglas County does not exercise a formalized system of notifying complainants of the disposition of their complaints once an investigation is complete. Today’s best practice is to notify all complaints about the disposition of their complaints, in writing, regardless of whether they asked or not.

Washington State law requires government agencies keep records they obtain or produce for a period specified under published retention schedules. The current Washington State Law Enforcement Records Retention Schedule (LERRS) - Version 7.2 (January 2017), Section 8.3 (page 54-57) - Internal Review, governs the retention of complaint and internal investigations. DCSO appropriately maintains these records in accordance with the schedule *with the exception* of unfounded or un-sustained minor complaints.

The agency was under the impression this subset of their internal files could be deleted immediately. Section 8.3 of the LERRS requires that complaint files, internal investigation files, and documents related to corrective action be retained for six years. This is regardless of whether or not an allegation was founded or unfounded or whether discipline was imposed or not.

Recommendations

- Provide Internal Investigations training to employees assigned to conduct and review (with recommendation to the Sheriff) internal investigations.
- Maintain records for all internal review processes for the period specified in the Law Enforcement Records Retention Schedule (six years at the time of this writing).

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 non-emergency 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 has written guidelines for the use of authorized vehicle emergency equipment.
- 15.4 The agency has policies governing the pursuit of motor vehicles that conforms to Washington State law.
Purpose: In compliance with RCW 43.101.225 and RCW 43.101.226 and establish clear direction on the initiation and conduct of police pursuits that includes on-going training requirements and a review/analysis processes (WASPC model policy).
- 15.5 The agency has procedures for investigating vehicle collisions on public and private property and uses the current Washington State Patrol authorized accident reporting, or e-reporting (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.
- 15.6 The agency has procedures to take timely action to address hazardous road conditions.
- 15.7 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.
- 15.8 The agency has procedures for utilizing Public Alert Systems.
Purpose: The policy should include Amber Alert, Endangered Missing Person Advisory and Blue Alert.
- 15.9 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.*

- 15.10 The agency has a policy that addresses referral of subjects to a mental health agency after receiving a report of threatened or attempted suicide

***Purpose:** To comply with RCW 71.05.457.*

- 15.11 The agency has policy(s) covering eyewitness identification including the presentation of photo arrays and physical lineups.

- 15.12 Agency has policy and provides training on the service of protection orders, Extreme Risk Protection Orders (ERPOs), and orders to surrender weapons. Policy directs personnel to attempt service within 24 hours of receipt of order whenever practicable but not more than 10 days after the agency has received the order (RCW 7.94.060).

Observations:

Uniformed patrol is the largest division of the Douglas County Sheriff's Office. These "first responders" that make up patrol are on the front line of service delivery, from the emergent, critical response to the routine call for service. With such close community contact, on a 24/7 basis, it is not surprising that patrol defines the community's overall perception of the police organization. Police legitimacy and overall community trust is based upon this perception. While the organization cannot predict every situation with which their officers will encounter, or create policies/procedures for every unique event, the organization can provide overall guidance which is founded upon the law, the needs/desires of the community and industry best-practices. Of utmost importance is the need for up-to-date organizational policy to properly reflect current organizational practices, comprehensive training to ensure policy understanding by all personnel and effective supervision to reinforce policy and training.

DCSO personnel provide essential law enforcement services 24/7 through uniformed patrol and investigatory follow-up. This is outlined in Policy § 400 (Patrol Function), which clearly states: "Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Douglas County, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week." To achieve this, the organization has eighteen uniformed deputies, three corporals and three sergeants which encompass Patrol Operations under the overall supervision of the Chief Criminal Deputy. Uniformed patrol deputies routinely patrol three districts (two South and one North) 24/7 except for the North District, which provide services only on a call-out basis during the early morning hours of most days. By policy §101.1 (Law Enforcement Certification) the agency requires CJTC certification prior to assuming law enforcement duties which is supported by RCW 43.101.

The agency provides 24/7 radio communications and contracts with RiverCom 911 for radio dispatching services. Recent federally mandated narrow-banding resulted in the need for an additional repeater tower as communications in the southern county is significantly

reduced. Personnel indicated that a new site is being built and should be operational by the end of summer 2021.

The agency has detailed procedures for response to emergency and non-emergency calls and the authorized use of emergency equipment. Procedures are outline in organizational policy § 308 (Deputy Response to Calls). These policy outlines a code-type response system for non-emergent and emergent calls for service and comply with the legal conditions outlined in RCW 46.61.035 "Authorized Emergency Vehicles." Interviewed personnel indicate that today's radio communications rely less on "codes" and more on clear and concise plain language. This will help remedy different meanings of "code-3" depending on jurisdictions.

The agency has a comprehensive boilerplate Lexipol® pursuit policy, § 307 (Vehicle Pursuits) that must be updated to properly reflect upcoming legislative changes (HB 1054) which prescribe when a law enforcement officer may pursue. The agency also does not engage in a yearly "overview analysis" of the total number of pursuits, to determine trends, policy and officer/community safety concerns. Quarterly pursuit reviews are done with Command Staff and members of the EVOC instructor cadre.

EVOC training is in collaboration with Chelan County Sheriff's Office, and training includes pursuit policy review, review of training videos and practical driving skills course. Police Intervention Technique (PIT) is authorized, by policy, for those who have been trained. DCSO establishes a practical skills course for PIT during annual EVOC training. Spike Strips are authorized and available for use for those who have been properly trained, but this equipment is housed in DCSO's offices and must be retrieved by supervisory staff for deployment.

DCSO utilizes Statewide Electronic Collision and Ticket Online Records (SECTOR) and policy § 501 (Traffic Collision Reporting) provides procedures for the investigation of private property, public highway and serious injury/fatality collisions. Agency policy requires officers to address hazardous roadway conditions but does not provide procedures (i.e., who to call) (§500.6 Traffic Function and Responsibility).

The agency has a comprehensive Domestic Violence Investigation policy (§310). Officer interviews and an audit of four DV reports demonstrated that the agency is consistent in following policy guidance or best practices. This includes obtaining taped statements (now done via body-worn-camera), written statements, photographic evidence using assigned digital cameras (not smartphones) and completion of a supplementary DV incident form. The supplementary form contains lethality questions which assist prosecutors and judicial staff with victim safety. Advocacy is facilitated through SAGE (Safety, Advocacy, Growth and Experience) and officers provide contact information to victim(s) at the time of the initial investigation.

Investigations personnel meet monthly with a multi-disciplinary team (child advocates, prosecutors, health care professionals, other law enforcement agencies, etc.) to discuss domestic violence cases, felony case reviews and fatal DV incidents, if needed. The goals of this meeting include finding ways to enhance services to domestic violence victims and

in holding abusers accountable. The agency also has extensive domestic violence information displayed on their organizational website to include links to resources, warning signs and ways people can help those who may be in danger.

Public Alerts, including Amber, Endangered Missing Person and Blue, are procedurally outlined in DCSO policy § 317 (Public Alerts). This policy is a great example of the need to ensure that boilerplate Lexipol® policy content is current and employees can use it for guidance in these low-frequency high-stress events. The sudden disappearance of a loved-one can be a highly emotional event in which time is critical in order to get essential identifying information successfully broadcasted to the public. Employee interviews indicated more organizational training can be done to ensure understanding of this process. Also, the policy (§ 317.4.4) indicates that WASPC reviews an alert which is no longer the practice.

The agency's emergency manager has undergone the necessary credentialing for the agency to execute public alerts through IPAWS (Integrated Public Alert and Warning System). This has frequently been activated due to wildfires, enabling the organization to push out geographically based alerts not only to those who sign up, but also for all mobile phones that may be present in a specific targeted area.

DCSO has a policy that is compliant with Washington State laws (RCW 71) concerning the detention of persons with mental health issues § 408 (Emergent Detentions). This includes those who may have criminal charges (§ 408.8) or mental health commitment orders (§ 408.3). Deputy's abilities to recognize a person suffering from mental health crises and developing a skillset to deescalate such incidents with minimal force, is in the national spotlight when it comes to police practices. The use of qualified civilian responders to assist law enforcement agencies has been in practice in Douglas County. A Catholic charities' street response group, and a new crisis center in Wenatchee staffed by medical professionals, is frequently used to drop off individuals in crisis. Interviewed agency personnel voiced much success and satisfaction with the collaboration between civilian responders and crisis center staff. Careful consideration in collaboration with the agency legal advisor, must be given to recent legislative changes concerning Use of Force, and how that may impact response to those in mental health crisis (HB 1310). DCSO also has a policy complete with procedures for handling those in crisis, outlined in § 425 (Crisis Intervention Incidents) with specific instructions on providing follow-up referrals for those who have threatened suicide (§ 425.9.2).

Facilitating eyewitness identification, including the presentation of photo arrays and physical lineups, is covered in detail through policy § 603 (Eyewitness Identification). Interviewed personnel indicated a full understanding of the procedures to include issues of individual identification, careful instructions when providing photo montages, and documentation.

DCSO has a policy on the service of protection orders, Extreme Risk Protection Orders (ERPOs), and orders to surrender weapons § 339 (Extreme Risk Protection Orders). The policy directs personnel to attempt service not more than 10 days after the agency has received the order per RCW 7.94.060, but does not indicate "within 24 hours of receipt if

practicable,” which is best practices and part of the WASPC accreditation standard. Additionally, DCSO has comprehensive procedures, outside of policy, regarding the surrender of firearms due to court orders or DV response investigations. Missing from policy are procedures to use when DCSO commissioned personnel may have cause to petition the court for an ERPO. Agency personnel indicated that this was a decision that was made in collaboration with the prosecutor’s office. Personnel indicated they have very few ERPOs that come to the department.

Training in ERPOs was created in collaboration with the agency legal advisors and judicial staff and is facilitated by the agency’s Chief Civil Deputy for new hires during the orientation process. Training was presented by both Chief Deputies to the entire department, through training and tutorials when the ERPOs became part of state law.

Recommendations

- Continue reviewing staffing analysis to ensure equitable workloads and area coverage to provide essential law enforcement services to Douglas County residents.
- Facilitate a yearly analysis of the totality of pursuits, looking for trends that may indicate changes in training, equipment, policy or supervision.
- Consider deploying tire deflation devices in the field. Also, given recent officer fatalities in Washington during spike strip deployment, training on proper use and deployment of spike strips should occur annually.
- Through collaboration with agency legal advisor(s), update vehicle pursuit policy for compliance with HB 1054.
- Consider updating policy § 316 (Deputy Response to Calls), specifically § 308.3 if code systems are no longer in use.
- Update policy §500 (Traffic Function and Responsibility), to provide further guidance to personnel on who to call for assistance in mitigating roadway hazards (both during on and off business hours).
- To enhance the tremendous working relationship the agency has with domestic violence support groups (SAGE), consider creating a process of connecting the DV victim with an advocate, via a telephone at the scene of an incident in an effort to help increase the success of the advocacy. Deputies may be encouraged to use their department-issued smartphones for this purpose.
- Provide additional training to all personnel on activating public alerts.
- Careful consideration, in collaboration with the agency legal advisor, must be given to recent legislative changes concerning Use of Force and how that may impact DCSO responses to those in crisis (HB 1310). Consider crafting clear procedures,

supported by in-service training, to guide deputies in the significant changes to this area of operations.

- Consider developing (or borrowing) resource or referral material to hand out to individuals that have threatened or attempted suicide.
- Update policy to require an attempt to serve ERPO's within 24 hours of issuance by the courts.
- Consider merging information on "Surrender of Firearm Procedures" hand-out to policy.

CHAPTER 16 – INVESTIGATIVE FUNCTION

- 16.1 The agency utilizes a case management system for screening and assigning incident reports for follow-up 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 insure 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:

Complex criminal investigations may be assigned to specifically trained investigators within law enforcement agencies who possess the resources necessary to have designated detective units. Professional relationships with victims, and the families of victims, are essential to ensure public trust. The role of investigators is equally important as that of patrol deputies to conserve a healthy and respectful relationship between the public and the Sheriff's office because often investigators have long term relationships with crime victims. The complexity and sophistication of investigations often require greater resources than a patrol deputy has access to, which places added importance on trained and responsive criminal investigators.

Douglas County Sheriff's Office employs a detective unit staffed by one (1) detective sergeant and three (3) detectives. The detective sergeant provides supervisory oversight to all three detectives. However, one of the three is assigned to a multi-agency regional narcotics enforcement unit. The remaining two detectives are responsible for major crimes referred to the detective unit primarily from patrol initiated investigations.

Douglas County Sheriff's Office utilize the Spillman Records Management System (RMS). During an interview with Detective Sergeant Jason DeMeyer, the Spillman system was described to contain a "workflow" module wherein case assignments can be tracked by Sergeant DeMeyer. Sergeant DeMeyer also explained the intricate whiteboard case tracking system developed over time through the Sheriff's Office. Various colored whiteboard markers are used to depict case statuses and assignments. Although simple in nature, the system appears to work for the detective unit within the DCSO.

Sergeant DeMeyer also explained every Wednesday the detective sergeant is required to meet with the Chief Criminal Deputy of the Sheriff's Office to review case statuses, including new cases referred for detective assignment. The case management system appears to work for the Douglas County Sheriff's Office but is highly dependent on communication between the sergeant and detectives to make the system most functional.

Sergeant Mike Baker, Patrol Division Sergeant, explained a similarly styled process for monitoring cases assigned to patrol deputies. Patrol investigations may not reach the level

of assignment to the detective unit, but still require additional investigation and follow up before completion and require monitoring by each patrol sergeant.

For the calendar year 2020, there were 7156 total incidents reported to, and investigated by, Douglas County Sheriff's Office deputies. With a total commissioned staff of 32 deputies, including command staff, each commissioned deputy would average 19 new incidents per month in a 12 month period. Since the total commissioned number includes command staff, and may include deputies on restricted duty for any reason, the total number of new incidents per deputy per month is most likely higher than 19 cases per month.

Standardized Lexipol policy language exists within the Douglas County Sheriff's Office policy manual addressing investigation of elder abuse complaints. Policy 313 ADULT ABUSE specifically addresses policy statements and considerations along with procedural steps to follow in certain types of investigations involving adults, including mandatory reporting to the State of Washington where required.

Douglas County Sheriff's Office detectives have received required training for investigations of child abuse crimes. Policy 315 CHILD ABUSE includes, as with the Adult Abuse policy, policy statements and procedural steps required for investigations. Detective Sergeant Jason DeMeyer affirmed compliance with policy requirements in both child abuse and adult abuse investigations. Additionally, Sergeant DeMeyer affirmed the use of a regional child advocacy center for coordination of child abuse cases involving allegations of physical and / or sexual abuse. Douglas County Sheriff's Office is a member of the regional counties protocol for investigations of sexual assaults of children.

Policy 319 HATE CRIMES specifically addresses the investigation and reporting of crimes committed based on various protected classes of individuals. Although policy language exists, there is no way to determine if there were any hate crime investigations by reviewing the Spillman report for Total Incidents for 2020.

Douglas County Sheriff's Office detectives report having used confidential informants in the past. According to Sergeant DeMeyer, there are no active informants being used by Douglas County Sheriff's deputies or detectives. Policy 602 INFORMANTS includes procedural steps for handling of informants by Douglas County investigators. Handling informants is one of the most high risk activities handled by any law enforcement agency. The current policy language contained in Policy 602 needs to be reviewed and updated as it does not contain complete and contemporary language with respect to informant handling to align with industry best practices.

Sergeant DeMeyer is the individual responsible for handling of all seizure and forfeiture processing within the Douglas County Sheriff's Office. Policy 601 ASSET FORFEITURE addresses policy and procedural requirements for cases involving seizure and potential subsequent forfeiture of property. The policy document only contains the processes involved in seizure and subsequent notifications. The policy does not contain the processes involved if a seizure is contested and it does not separate civil hearings and District Court hearings that are required when a seizure of a firearm occurs. The policy does not address

specific language regarding state share proceeds that must be paid to the State of Washington when DCSO is the recipient of assets from criminal forfeiture cases.

Douglas County Sheriff's Office Policies 607 and 608 both have robust reference to deconfliction of criminal case operations before the execution of any operational plans. Deconfliction ensures the safety of all involved. Detective Sergeant Jason DeMeyer is the designated investigations operation commander within the Sheriff's Office. Sergeant DeMeyer provided copies of recently executed operational plans wherein deconfliction was documented as part of the operational plan.

Recommendations:

- Consider development and deployment of a formalized electronic case management system, whether offered by Spillman or another vendor, for the purpose of enhancing the case management capabilities for DCSO.
- Provide documented training related to elder abuse, child abuse, hate crimes, and identity theft investigations conducted by commissioned staff.
- Review and update Policy 602 INFORMANTS to comply with DCSO protocols and industry best practices.
- Review and update Policy 601 ASSET FORFEITURE. Ensure all aspects of seizure and forfeiture cases are included in policy and procedure document.
- Provide updated / refresher training for affected personnel on high risk procedures covered under policies 607.12 (warrant service) and 608.11 (operations planning and deconfliction).

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 comingled 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.
- Purpose:** A meaningful records and tracking 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.*
- 17.13 Every piece of property and evidence is related to a report describing the circumstances of the seizure or custody by the agency.
- 17.14 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.

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

17.16 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 to standards established by the Washington State Department of Ecology.

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

17.18 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 to standards established by the Washington State Department of Ecology.

17.19* 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.

17.20 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.

17.21 The agency has procedures to clear eligible property/evidence from the property room. The property room manager will provide an annual written report to the Chief Executive on the number of items cleared during the prior year.

17.22 The agency has policy complying with RCWs 7.94 and 9.41 regarding the acceptance, storage, and release of firearms surrendered to the Department.

Purpose: Surrendered firearms are only returned if they are not required to be held, are not prohibited from being released, and are only released to persons who are eligible to possess them. If a firearm cannot be released, the agency provides written notice to the requestor specifying the reason(s) the

firearm cannot be released within five business days of receiving the request. Surrendered firearms that are unclaimed are disposed of in accordance with agency procedures.

- 17.23 The agency has policy complying with RCWs 7.94 and 9.41 for notification of family or household members when firearms held pursuant to a court order are released.

Purpose: *All surrendered firearms must be held in police custody at least twenty-four hours before they are released. Family or household members may use an incident or case number to request notification when a firearm is to be returned. The agency provides notice, when requested, within one business day of verifying the firearm(s) and respondent in question have met the requirements for release and then the firearm(s) are held in the agency's custody for at least seventy-two hours after notification has been provided.*

Observations:

Agency liability can result from mishandling a citizen's property and evidence items. To provide strict accountability, policy should cover all aspects of chain of custody and evidence preservation. It is also imperative that the person(s) overseeing evidence management are well-versed in best practices for packaging and record keeping of both property and evidence.

The current Chief Civil Deputy, Kelly Soltwisch has managed the evidence function for the Sheriff's Office for over 20 years. She initially began assisting the patrol officer who was designated as the evidence manager at that time. Once Kelly became involved with managing evidence, she recognized the questionable practice of having patrol officers having responsibility for chain of custody and management of their own evidence. The duties were permanently shifted to the Support Services division.

Currently, only Soltwisch and Records Manager Rhonda Pickering share the evidence duties. However, the conversation surrounding assigning some or all of the work to line level staff members is ongoing among the DCSO administration. Soltwisch advised the assessor that a "crime scene team" was established pre-COVID-19 to assist with field collection on large-scale incidents, however the use of such an operation has been suspended with restrictions of group gatherings. She is unsure whether the agency will continue operating this team.

Later this year, Soltwisch will be retiring after 39 years of service. Brycen Greenwood will be fulfilling the position of Chief Civil Deputy upon Soltwisch's retirement. He comes to the agency from the Douglas County Superior Court, where he served as the Chief Deputy. Greenwood brings experience with civil court processes that will add an additional layer of resources to the support services division. Greenwood was being trained during the assessor's visit and was able to assist in the tour of the evidence facility and assist in accessing information.

Soltwisch has attended IAPE (International Association of Property and Evidence) training in the past and Greenwood will attend training for evidence room management as it is available in the future. Soltwisch was not familiar with the statewide property and evidence information sharing group, EPIN, (Evidence and Property Information Network), a valuable resource. This network is available to any agency and often hosts training opportunities, both self-generated and external. The group also provides an outlet to query and share ideas and information related to topics such as: legislation that may affect evidence management or handling, evidence processes, storage and preservation, and any other issues that affect property and evidence. The assessor provided staff contact information to have Greenwood added to the group email list. DCSO has policy covering collection and identification of evidence and property consistent with the WSP lab guidelines in Lexipol section 800. Both Soltwisch and Greenwood acknowledged familiarity with this resource and refer to it if necessary.

Soltwisch was instrumental in the design of the 3-year-old evidence storage facility, contributing her knowledge of the necessary components for maintenance and preservation of property and evidence. The outcome is a secure and comprehensive structure that will serve the Sheriff's Office well into the future. The facility is spacious and offers a variety of optimal storage options. At the time of the LEMAP assessment Soltwisch had completed a full inventory of the evidence facility and estimated the facility contained 25,000 stored items. This was a rough estimate, as obtaining an exact number would involve extracting data from several types of searches using multiple records systems as well as some hand-counting of records from much older cases. Soltwisch and Greenwood intend to conduct a more thorough search and determine the precise number of items in the evidence facility.

Assessors expressed concern that perhaps the large number of items was due to a lack of timely disposal. Soltwisch reported the Douglas County Superior Court Prosecutor, Gordon Edgar is insistent he should retain sole authority for disposition of criminal cases. Although Soltwisch indicated Edgar is responsive to her requests for criminal case dispositions, relying on a single individual for disposition authority is an inefficient and uncommon method and may be partially responsible for the large amount property items being retained. Ultimately, storage of evidence held for prosecution of cases is the responsibility of Sheriff Morris, but he must work in partnership with local prosecutors when managing and destroying evidence.

Lexipol policy 800.6.4 does contain language that assigns disposal authority to either the Evidence Manager or the Prosecutor but does not further define specific circumstances. Because of Greenwood's prior position at the Superior court, he has experience with and access to JABS (Judicial Access Browser System), the statewide court database. Many agencies use the database as a tool for obtaining disposition information from their criminal cases in order to dispose evidence being held in a timely manner. Using this source, Greenwood may be able to streamline the system to obtain dispositions for criminal cases and subsequent disposal of property. Access to this database is convenient, but the actual work of managing the DCSO property room and its contents should not be the responsibility of a Chief Deputy.

Inside the evidence facility, items are stored neatly and securely, and all locations are clearly marked. There are 2 refrigerators and freezers, however, storage of sexual assault kits is nearing capacity. Soltwisch has applied for a grant through a WASPC program to purchase additional refrigeration units and has been advised by WASPC that the application was approved. She is waiting for communication on next steps to purchase the additional storage.

Items are tagged and intake and chain of custody records are handwritten on the original property form and input into electronic records, so can be tracked and their status checked through the agency's RMS. Items signed out to the lab are either mailed or sometimes hand delivered, depending on the circumstance. Policy dictates weighing drugs at each chain of custody exchange. Lexipol policy matches the practice for chain of custody exchanges, including a section directing officers to turn in property prior to end of shift.

Soltwisch reported that the prior Sheriff determined that the purchase of a barcode component of the Spillman system was cost prohibitive. With the large number of items being retained, a barcode system would streamline management processes and decrease the likelihood of errors.

A secondary internal room provides an additional level of security for drugs, currency and firearms within the evidence facility. This room has its own electronic key access and independent ventilation. Soltwisch reported that she is familiar with statutes pertaining to firearms taken in pursuant to extreme risk protection orders and notification requirements to family or household members when firearms are returned. The firearm storage is optimal and consists of hanging breathable bags designed especially for both long and short arms. Soltwisch advised she intends to order additional similar storage in anticipation of receiving more firearms pursuant to court orders.

Annually, Soltwisch has all scales that are used for weighing drugs checked for accuracy by an independent commercial technician. All devices most recently received certificates in March 2021. Although the cost of this service is nominal, the agency could receive free device checks for accuracy through the Department of Agriculture's Weights and Measures division. The LEMAP assessor provided the contact information to Soltwisch and Greenwood.

Soltwisch recently completed a disposal of evidence, including drugs, recently at the Spokane Waste to Energy facility. She indicated that most of the property authorized for disposal is destroyed there. She donates bicycles to a local non-profit organization. She has not utilized the statutory option for auctioning property for a lengthy period. She had previously used the company "PropertyRoom.Com" for auction services. However, since the company began charging administrative fees for pick up and transportation (plus their normal percentage from sales), the cost of labor in preparation and reconciliation most usually outweighs the benefit.

Soltwisch advised the assessor the agency has not transacted any seizures/forfeitures. However, the Administrative Assistant to the Sheriff reported that she does comply with the obscure statute requiring quarterly reports to the State Treasurer on seizures/forfeitures

even if the amount is zero. Many law enforcement agencies are not aware of this requirement.

The 7800 square foot facility includes a separate area to house vehicles needed as evidence or for temporary holding. One detail that was not included in the facility design is the installation of electronic locks at the gated entry points to access the vehicle storage area. Soltwisch indicated this is something that they would like to have, since it currently is accessed via a combination lock and an electronic lock could record individual use adding a layer of accountability.

The temporary lockers and evidence processing area is vast. There are 3 drying cabinets individually vented to outdoors prohibiting noxious fumes and to aid drying wet items of evidence. The entire building is equipped with multiple alarms, has cameras at various points and is monitored 24/7 for fire and burglary. The building is new construction, solidly built and there is no evidence of pest contamination.

Electronic keys record the entry of each user. Anyone requiring entry who is a non-key holder is accompanied by an authorized staff member and required to sign in their name, date and time of entry and purpose for their visit.

Sheriff Morris has identified that the current Lexipol policy manual needs fine tuning and welcomed the LEMAP team to assist in identifying conflicts between written policy and agency practice.

Lexipol Policy 800.6.5 contains language that is likely too restrictive to meet practice. The section reads "...the Evidence Technician shall make a reasonable attempt to identify and contact the lawful owner and provide written notice via US Mail within 15 days after the property is authorized to be released." Depending on workloads and until additional staff is dedicated to managing the evidence room, 15 days may be an unreasonable threshold to meet.

Additionally, Policy 800.7 dictates that "The Evidence Technician should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective". This policy does not indicate from what source a disposition should be requested and infers supervisors or detectives have some responsibility for providing dispositions. It also includes the words "all property" which would include items taken in as "found" or "safekeeping" property. The first part of policy 800.7 seems sufficient to cover disposition of property.

Policy 800.8 requires a "monthly inspection" of the evidence room and practices, unannounced inspections of the evidence room, and an annual audit. WASPC accreditation standard 17.9 requires an unannounced audit of evidence and property at least annually to be performed by personnel not directly in the evidence unit's chain of command. Soltwisch advised the LEMAP assessor that although she does conduct an annual inventory, unannounced inspections of the evidence room do not take place, nor does an audit by anyone other than her. The accreditation standard does allow the scope of the audit to be

at the discretion of the CEO, which means that the number of items audited is at the discretion of the Sheriff.

Another accreditation standard (17.21) requires an annual report of number of items cleared from the property room to the Chief Executive. Although Soltwisch provides results from her annual audit, it does not specifically include number of items cleared.

Recommendations

- Determine the actual number of items being stored in the evidence facility. With this information, review the appropriateness of the County Prosecutor having sole disposal authority over DCSO property and evidence.
- As a priority, and other than the Chief Civil Deputy, assign an evidence custodian to manage the DCSO property room.
- Coinciding with Chief Soltwisch's retirement, conduct an inventory of sensitive items (at minimum) from the property room. The inventory protects both Chief Soltwisch and her successor from scurrilous claims.
- Consider implementation of a barcode program. Gather data from other agencies on available products and the costs and efficiencies increased from use of barcoding.
- Install electronic key readers at the gates accessing the vehicle storage area.
- Review policy 800.6.5 and 800.7 (return of property held by DCSO) and edit as reasonable to meet practices.
- Review policy 800.8 for necessity or clarification of a "monthly inspection". If it is not plausible then modify or remove from the policy manual.
- Implement an annual audit of sensitive items (currency, firearms, drugs and jewelry) to be conducted by personnel outside of the direct chain of command of the evidence unit.
- Implement an annual report of number of items disposed to be provided to the Sheriff.

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 must be thoroughly searched for contraband, weapons, or implements for escape. The search of the vehicle must also be done before and after each prisoner transport.*

18.5 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.*

18.6 The agency has procedures for using temporary holding facilities that requires:

- Prisoner checks every 30 minutes;
- Separation by gender and status (i.e. adults/juveniles).

***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.*

18.7 The agency has policies and procedures for compliance with federal and state laws governing the secure detention of juveniles:

- No status offenders (e.g., runaways) are securely detained
- Juveniles charged with criminal offenses are separated by sight and sound from adult prisoners
- Juveniles are detained for no longer than 6 hours.

Observations:

Law enforcement is responsible for protection of rights of the citizens we serve. These protections include mechanisms to hold offenders accountable for criminal actions, and the protection of rights afforded to citizens accused of committing criminal acts. However, the protection of citizens, including those accused of crimes, includes physical protections of individual while in the control of police custody. Law enforcement agencies must have policies addressing specific requirements to be afforded those in police custody along with specific procedures for the method in which detained individuals will be treated. The policies governing treatment of detained citizens is only as good as it is enforced by police leadership in accountability for the officers and their adherence to these policies.

Douglas County Sheriff's Office policy includes Chapter 900 CUSTODY. Four (4) sections within this policy address Temporary Custody of Adults (900); Custodial Searches (901); Biological Samples (902); and Prison Rape Elimination (903). Temporary Custody of Juveniles is addressed in Policy 312. Further, policy statements regarding the application of handcuffs and restraints is delineated in Policy 302.

With all of the policy references included in the Douglas County Sheriff's Office policy manual, there was no specific policy or procedural information located pertaining to the detention and transport of disabled individuals. Policy 332 COMMUNICATIONS WITH PERSONS WITH DISABILITIES addresses arrests of disabled persons (332.15) but there is no specific procedural reference to the transport of disabled persons.

Policy 302.9 address training for Douglas County Sheriff's Office deputies, indicating deputies should receive periodic training on:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Proof of training compliant with the policy requirements above was in the form of Daily Training Bulletins (DTBs). DTBs were observed relating to handcuffing, custody of juveniles, and custodial searches.

During an interview with Patrol Sergeant Mike Baker, Sergeant Baker explained it is customary and expected for Douglas County Sheriff's Office deputies to utilize handcuffs when arresting and transporting individuals. He discussed how it is also customary for handcuffs to be "gauged and double locked" before transport. "Gauged" referred to ensuring proper circulation existed after application of the restraints. Sergeant Baker included reference to options available to deputies when conducting transports of mentally ill individuals. His reference addressed determining whether or not the transport was voluntary and whether or not the subject was violent. Options available to deputies included the use of soft restraints. However, this assessor was unable to locate any policy reference to the permitted use of soft restraints.

Douglas County Sheriff's Office requires searches of persons and of police vehicles, and contains procedural references regarding how and when these searches should take place. Daily Training Bulletins (DTBs) administered include topics on searches of persons. Sergeant Baker explained how the search of a person is customarily documented in incident reports, along with the documentation of the application of restraints. When asked about documentation of the searching of police vehicles, as required by policy, he indicated it is not usually documented. Policy 703.3.1 requires, "...When transporting any suspect, prisoner, or arrestee, the transporting member shall search all areas of the vehicle that are

accessible by the person before and after that person is transported...” Sergeant Baker stated these searches were customary, but the documentation of the search required by policy was not normally documented.

During the agency tour, Sheriff Morris pointed out the presence of two (2) temporary holding units. Sheriff Morris indicated one of the units was being utilized for storage and was not being used for temporary detentions. The other unit had the required accommodations of Standard 18.5. Also present on the outside of the temporary holding unit was a blank Juvenile Custody Log, and an adult custody log with documentation of physical checks on adults every 30 minutes or less while in temporary custody of the Sheriff’s Office. The Juvenile Custody Log indicated the form was required for use with all juveniles, regardless of the reason for which they were in the temporary custody of the Sheriff’s Office.

In an interview with Undersheriff Tyler Caille he indicated the only time a Juvenile Custody Log is completed is when an arrest is made of a juvenile. He stated there were no recent instances of juvenile arrests and thus was not able to provide a demonstrative example of a completed form.

Douglas County Sheriff’s Office Policy 312 specifically addresses both policy statements, and procedural requirements for handling of all juveniles.

Recommendations:

- Install updated policy language covering procedures pertaining to detention and transport of both physically and mentally disabled persons.
- Consider installing an agency practice of memorializing police vehicle searches before and after prisoner transports in respective case reports to ensure compliance with policy and prosecution requirements.
- Ensure completion of Juvenile Custody Logs commensurate with requirements of policy language in 312.6 (c).
- Recommend refresher training on temporary detention of juveniles.
- Recommend timely adoption and implementation of any Lexipol policy updates regarding the handling of any juvenile as recently passed as part of the 2021 Washington State legislative reforms.