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File:

ANNUAL ANALYSIS 2018

To: Sheriff Bill Benedict

Please find below our annual analysis for our agency. This addresses key statistical information and summaries that can serve as early warning signals to issues within our department.

Internal Investigations/Complaints during 2018

In 2018, twelve events were reported and recorded as an A36 or internal investigations. This is a significant increase to the past several years.

1. 2018-01 – **Corrections Sergeant** – Discriminatory Harassment Chapter 328, Possible sexual harassment of employee. **NOT SUSTAINED** – Affected employee and supervisor were interviewed and then a discussion with them together. The reporting employee was satisfied that with better communication between them and the supervisor, the matter could be resolved.

Sergeant gave appearance that he was treating a female employee differently.

2. 2018-02 – **Corrections Deputy** – Excess use of Force on Inmate in violation of Chapter 300.2 (2, a,d,g,l,n,o) and 300.5 (1) – **SUSTAINED** – **Written Reprimand, Remedial training**

While booking a prisoner, employee used actions that were not showing of care in preventing harm to the prisoner while searching them.

(note: this complaint was initiated by the supervisor, not the inmate. No letter to the complaining party was necessary)

3. 2018-03 – **Field Deputy** – 314.3.1 Vehicle Pursuit Policy –**NOT SUSTAINED** – **Verbal Counseling and Work Performance Documentation.**

Originally, the complaint was continuing a pursuit to the detriment of the public and those involved in the pursuit. While the instant issue was not sustained, the supervisor discussed the importance of providing a detailed and clear report in such events and reviewed the pursuit policy in detail with the employee.

4. 2018-04 – **Corrections Sergeant** – 340.5.8 Unreasonable Force; – **SUSTAINED** – **Resignation before Pre-disciplinary meetings or administration of discipline.**

Reacting to the actions of a loud incarcerated inmate in a cell, Employee pushed the person with enough force; it caused injury to the inmate. Employee was charged with a crime, but ultimately deferred prosecution after separation from employment with this agency.

5. 2018-05 – **Field Deputy** — **Multiple Violations**

1. 300.5 Reporting Use of Force;- **SUSTAINED**
2. 330.5.1 Supervisor Notification of injury to detainee in the use of force – **EXONERATED**
3. 306.3.1 Restraint of Detainee –**EXONERATED**
4. 306.8 Failure to Document Restraint of Detainee –**SUSTAINED**

Discipline amounted to remedial training and a work performance documentation.

A reported inappropriate detention and use of force was essentially justified, but the employee failed to properly report the incident

6. 2018-06 – **Field Deputy** – **Multiple Violations**

1. 340.5.1(a) Conduct Policy – **SUSTAINED**
2. 340.5.8(c) – **SUSTAINED**
3. 459.3(d) Civil Disputes Policy – **NOT SUSTAINED**
4. 816.7 Dangerous Animals Policy – **SUSTAINED**
5. 340.5.8(h) Conduct Policy – **SUSTAINED** – Potentially violated RCW (Cruelty to Animals 2nd degree) when he sprayed the dogs on private property under these circumstances. **Discipline applied was 160 hours without pay, but 80 suspended with understanding any like violations**

in the future will include further discipline and application of the remaining 80 hours without pay.

Employee assisted an acquaintance who was part of a business in the act of repossessing a vehicle. Going to a private residence, the employee was met with a locked gate and though the intent was to contact the owner, it was for a non-criminal purpose. In the yard were a number of dogs, some aggressive. Employee armed himself with OC Spray and sprayed the animals with the intent on entering the property to assist in the repossession of the vehicle.

7. 2018-07 – **Operations Sergeant – 312.5.2 Storage of Firearm at Home – SUSTAINED- Discipline; one day without pay, letter of reprimand**

Employee left residence for short vacation. The residence was left in the care and control of a teenager and the house was not securable. Employee failed to secure their duty issued weapons within the residence against policy. The weapon, along with another person's duty weapon was discovered missing and reported stolen on the employees return home.

8. 2018-08 – **Corrections Deputy – 312.5.2 Storage of Firearm at Home – SUSTAINED- Discipline; letter of reprimand**

Employee left residence for short vacation. The residence was left in the care and control of a teenager and the house was not securable. Employee failed to secure their duty issued weapons within the residence against policy. The weapon, along with another person's duty weapon was discovered missing and reported stolen on the employees return home.

9. 2018-09 – **Operations Deputy** – 340.5.8 Discourteous Treatment of Public Member – **NOT SUSTAINED**

Employee was alleged to have treated a traffic violator inappropriately during a stop and shined a flashlight into the driver's eyes. Passengers would not confirm the allegation.

10. 2018-10 – **Food Services Employee** – General Facility Safety Violations – **SUSTAINED – Discipline; Letter of Reprimand, remedial safety discussion with supervisor.**

Employee failed to take care to secure sharps box in the kitchen facilities within the jail, making possible weapons readily accessible to inmates.

11. 2018-11 – **Operations Deputy – Multiple Violations:**

1. 340.5.3 (a)(c) **Relationships:** unwelcome solicitation of a person while on duty; inappropriate relationship with victim of a crime –**SUSTAINED**
2. 340.5.1 (a)(f)(g) **Ethics:** using one's status as a CCSO member that could be perceived and an attempt to gain influence for non-department business; misappropriation of public property or services; failure to abide by standards of ethical conduct – **SUSTAINED**
3. 342.4.4 **Use of County Property for Personal Reasons** – **SUSTAINED**
4. 340.5.8 **Conduct** – disgraceful conduct that adversely affects the employee's status with the department – **SUSTAINED- Discipline; 160 hours without pay, remedial academy and policy training**

Employee engaged in communication with the victim of a domestic violence situation he investigated and used the department cell phone to maintain inappropriate contact with the victim in an effort to establish a sexual relationship.

12. 2018-12 – Operations Deputy – Multiple Violations:

- 1. 344.1.1 Report Preparation- NOT SUSTAINED**
- 2. 340.5.6 Fail to Maintain Certification – SUSTAINED**
- 3. 340.5.4 Fail to attend Scheduled training – SUSTAINED**

Employee made a DUI arrest and prepared report with understanding they were a certified BAC Datamaster operator. However, employee discovered their certification had expired. During the investigation, supervisors learned employee had been scheduled for BAC recertification, but that employee failed to attend.

Total Allegations and Dispositions

As there were several instances with multiple violations, the dispositions are as follows:

- 5 Not Sustained
- 17 Sustained
- 2 Exonerated

This makes a total of 24 allegations in 12 separate investigations

Individuals investigated by section

- 5 Corrections Section
- 7 Operations Section

I noted in last year's analysis, that the review showed a significant uptick in the number of A36 investigations. This pattern continued to increase in 2018 and is disturbing.

While there are some of the events in 2018 that are one time situations where I am confident that the employee's involved have learned from their error, I am concerned that the violations against policy continue to increase, arguably becoming more serious. In the last two years, we have actually had employees that were prosecuted for their actions after their resignations.

I am recommending that as a command staff, we meet to discuss this disturbing issue, to see if there can be some message, either through training or group discussions with the employees to reverse this trend and reinforce the values of our policies and the Law Enforcement Code of Ethics.

Use of Force during 2018

There were a total of a one-hundred and two (102) use of force reports for the year; fifty-nine (59) for Patrol, and forty-two (42) for Corrections. I have broken down the incidents by Department Division. The incidents have been categorized by level of force used and the techniques that were utilized were recorded. Many of the incidents had multiple techniques utilized; therefore there are significantly more techniques utilized than the number of incidents. .

	<u>2018</u>	<u>2017</u>	<u>2016</u>
<u>Patrol:</u> Total Incidents	59	37	26

Level 1- 63

Techniques Utilized:	2018	2017	2016
Display of Taser	6	1	6
Taser Deployment	8	1	4
Counter Joint	16	20	11
Level 1 Takedown	8	13	12
Overpower / Outmuscle	25	13	9
Hair Hold	0	0	0
LVNR	0	0	0
Pressure Point	0	0	0

Level 2 – 3	2018	2017	2016
Techniques Utilized:	1		
Hand Strikes (x2)	0	1	0
Stop Kick	1	1	0
Baton Strikes (SL20)	0	1	0

Lethal Force – 9

Techniques Utilized:	2018	2017	2016
Display Firearm	9	7	6
Deploy Firearm	0	0	2

	<u>2018</u>	<u>2017</u>	<u>2016</u>
<u>Corrections: Total Incidents</u>	42	41	32

Level 1 – 45

Techniques Utilized:	2018	2017	2016
Display of Taser	2	9	6
Taser Deployment	2	6	4
Counter Joint	12	17	12
Level 1 Takedown	6	4	13
Overpower / Outmuscle	11	16	8
Hair Hold	2	6	3
LVNR	3	1	2
Pressure Point	0	1	0
Restraint Chair/Wrap	7		

Level 2 – 2	2018	2017	2016
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Techniques Utilized:

Knee Strikes	0	0	1
Hand Strikes	1	0	0
Elbow Strikes	1	1	1

In comparing 2018's use of force review to last years, there is an overall increase in use of force reports from the Patrol Division, from 37 to 59. Call load and numbers of arrests are higher in 2018 but not by a lot. The main difference that stood out was there was over 200 more warrant arrests in 2018 than 2017. Reviews from the last three years show the lowest year was 2016 with 26 use of force incidents reported and the highest being 2018, but there is not even statistical data to show the change in number of incidents between years.

After reviewing 2018 reports, there is definitely a change in how reports are written. Some updated training had been given throughout the year instructing Deputies when to write reports in areas where they normally would not. For example, if a suspect doesn't resist arrest but is instructed to lie on the ground and the Deputy uses body weight to control the suspect while cuffing, I instructed Deputies to write a use of force report. Also, if the suspect tenses up and the Deputy uses a counter joint technique to force the suspect's wrists into restraints, that would also be a use of force report required. Having this change in mind and looking at the statistics above this could account for the increase in how many used overpowering and outmuscling the suspect which was 25 in 2018 and 13 the year prior.

For corrections, there was an increase in the number of use of force reports by one showing 42 reports in 2018. Corrections have stuck with their standardized style of when to complete use of force reports. There were changes in the kind of force used in 2018 than 2017. In 2018, Correction Deputies used restraint tools like the restraint chair and body wrap. There were more deployments and displays of Taser in 2017 than last year.

Like the year prior there were a lot of new hires last year of younger deputies with less experience. These deputies have either zero or a small number of uses of force reports. This statistic supports Sgt. Finley's explanation from last year's review. Sergeants are usually the first person to stack up on the cell doors when they make entry so they can formulate the plan of entry and direct the deputies. This also supports the statistic of Sergeant's having a higher number of reports because they become the "primary" Deputy so they would be completing the report.

Pursuits during 2018

In 2018 the Clallam County Sheriff's Office initiated 7 vehicle pursuits. The pursuit reports are contained in administrative file A41 Vehicle Pursuit Reports. The reports in 2018 are titled A41-18-01 through A41-18-7

The pursuits are summarized as follows:

18-01:

- Deputies involved: 2 (1 in training).
- Number of units: 1
- Vehicle: Car.
- Reason for pursuit: Speed, expired registration.
- Duration: 5 min.
- Distance: 1.7 miles.
- Max speed: 84
- Termination dispo: Suspect wrecked.
- P.I.T.: No.
- Injuries: Suspect transported to hospital.
- Final charges: DOC warrant.
- Notes: A36 investigation on pursuit. Deputy received written counseling regarding pursuit termination.

18-02:

- Deputies involved: 2 (1 in training).

- Number of units: 1
- Vehicle: Motorcycle.
- Reason for pursuit: Speed.
- Duration: 1.5 min.
- Distance: 2.
- Max speed: 84.
- Termination dispo: Motorcycle fell over. Suspect fled on foot.
- P.I.T.: No.
- Injuries: None.
- Final charges: DWLS 3/Elude
- Notes: Deputy counseled on pursuing motorcycle for de minimis charges.

18-03:

- Deputies involved: 6
- Number of units: 5
- Vehicle: Car.
- Reason for pursuit: Suicidal subject.
- Duration: 3 mins.
- Distance: 6
- Max speed: 90 mph.
- Termination dispo: First pursuit terminated for weather. Second ended in subject surrendering.
- P.I.T.: None.
- Injuries: None.
- Final charges: ITA. Interfere with health care facility, Obstruct.
- Notes: Pursuit started as an ITA for suicidal subject.

18-04:

- Deputies involved: 1.
- Number of units: 3 (2 PAPD).
- Vehicle: Car.
- Reason for pursuit: Assault 4 DV, MM3 DV
- Duration: 4 mins.
- Distance: 4 miles.
- Max speed: 90 + mph.
- Termination dispo: Terminated by PAPD supervisor. Suspect located by Border Patrol.
- P.I.T.: None. 2 attempts by city police.

- Injuries: None.
- Final charges: Assault 4 DV, MM3 DV, Elude.
- Notes: PAPD vehicle rammed by suspect.

18-05:

- Deputies involved: 1.
- Number of units: 3.
- Vehicle: Car.
- Reason for pursuit: Warrant.
- Duration: 3 min.
- Distance: 5 miles.
- Max speed: 90 mph.
- Termination dispo: Arrest.
- P.I.T.: No.
- Injuries: None.
- Final charges: Warrant arrest.
- Notes: Pursuit terminated by Deputy, suspect vehicle found minutes later by Deputy.

18-06:

- Deputies involved: 4
- Number of units: 4
- Vehicle: Car.
- Reason for pursuit: DOC warrant.
- Duration: 4 min.
- Distance: 1.5 miles.
- Max speed: 40 mph.
- Termination dispo: Arrest of subject.
- P.I.T.: None.
- Injuries: None.
- Final charges: Warrant arrest, Elude.
- Notes: Assist DOC with warrant arrest.

18-07:

- Deputies involved: 1
- Number of units: 1
- Vehicle: Quad ORV.

- Reason for pursuit: Infraction-Bicycle traveling slowly on hwy.
- Duration: 2 min.
- Distance: 1 mile.
- Max speed: 45
- Termination dispo: Terminated by supervisor.
- P.I.T.: No.
- Injuries: None.
- Final charges: None.
- Notes: Quad traveling on the highway. Pursuit terminated, quad fled.

During 2018 there were 7 pursuits reported by the CCSO, four more than occurred in 2017. All pursuits in 2018 were subject to supervisory and administrative review. One of the pursuits was followed by an internal investigation which found that no violation of policy occurred; however, the Deputy received a written counselling on pursuit termination.

Recommendation:

- **Require shift sergeants discuss procedures surrounding vehicle pursuits and remind deputies of steps and policies that should be followed, particularly on the constant evaluation of the pursuit and prudent decision to terminate.**

Biased Based Policing 2018

No reports or complaints from citizens were received by this agency in 2018 that would indicate there were any incidents of biased based police activity. In a spot check of incidents throughout the year, no indications of any profiling or racially motivated actions were engaged in by any department member as well.

I researched arrests made in 2018 by race. Through computer based recall, we found a total of 924 cases cleared by arrest by deputies in 2018. This is only 7 more arrests than 2017. The race of the defendants in those cases breaks down as follows:

White, non Hispanic	794 or 86 %
Asian	1 or less than 1%
Black	32 or 3.5%
Hispanic	23 or 2.5%
Native American	74 or 8%

A similar check of Traffic Events during 2018 produced slightly different statistics. From a total of 681 events reported:

White, non Hispanic	615 or 90%
Asian	8 or about 1%
Black	9 or a little over 1%
Hispanic	22 or about 3%
Native American	27 or about 4%

Remainder is classified as unknown

A traffic event can be a citation, notice of infraction or a person involved in a traffic collision.

In comparison I checked with state demographic records to compare activity with our ethnic population. 2018 population estimates are the latest available and break down as follows:

White, non Hispanic	87.3%
Asian	1.8%
Black	1.2%
Hispanic	6.3%
Native American	5.6%

Note: some individuals reported mixed or multiple race which slightly skews the total
Source: <https://www.census.gov/quickfacts/fact/table/clallamcountywashington/PST045216>

This is the fourth year that such statistics are reported as part of the annual report to the Sheriff. This year the statistics are, similar to last year's numbers.

There were a few more arrests in 2018 over 2017, but not a significant rise. Again, I juxtaposed the percentages of the ethnicity of those arrested with the reported population of Clallam County by the US Census Bureau. As was reported in 2017 information, American Indian folks are the only ones that seem a little higher than what their population represents. However, 2018 arrests of American Indians fell about 2% when compared to 2017.

The traffic events in 2018 are almost 200 less than 2017 but the percentages of the ethnicity of those contacted remained consistent with previous years and do not fall far outside the breakdown of our population.

While race is only one factor in biased police monitoring, there is little that is pointing in a direction that would make it seem deputies are profiling any group, race, religion, etc. in their enforcement duties.

The computer recall method used in this analysis is not scientific. Capturing of the specific information from street level to reporting level can vary for a number of reasons. This could be what has contributed to the reported rise in Native American arrests report.

Evidence Report

In 2018, Chief Administrative Deputy Alice Hoffman continued to work to improve processes in our evidence systems. A new, advanced alarm system has been installed in our vaults where it directly contacts dispatch to notify PENCOM of trouble.

Alice continued to work on the reconciliation of issues discovered in the 100% audit that occurred when she became the commander responsible for the evidence section in 2017. No sooner as she saw the end in sight of that audit, our Evidence Technician, Sherrie Dills, announced her retirement in October of 2018. We were fortunate to put retiring Field Operations Sergeant Randy Pieper to work part time to take Sherrie's place, but it required yet another 100% audit which uncovered a host of more anomalies which are currently being reconciled.

Alice continues to search for just the right bar coding program for our evidence room. Alice is being careful in finding a software package that can assimilate current records so a seamless transition to a new program can be made. This not only includes ease for our evidence folks, but for our field deputy's procedures as well.

As of 12-31-18, there were a total of 10,880 items on hand. This is a decrease of 2373 items or almost 18% less than was reported last year at this time. Alice has been diligent in reminding the evidence folks to be on top of the proper disposal of property throughout the year.

Alice has also been able to build a query in our evidence tracking system that actually gives a total number of items purged. The number of items disposed of in 2018 totaled **5,705**. Of that:

4,847 were destroyed or donated to charity
858 were returned to owner or deposited to the treasurer

Alice was able to determine this by running two separate Data Analysis Reports in LERMS. One is a query against the Chain of Custody record and another query against the Disposition Code. Alice used the two reports because of the different ways the evidence managers are entering the disposition information into the Property Module. Alice hopes to build a consistent procedure so the count can be consistently accurate.

Alice and staff are continuing to conduct a major clean up and purge of items that have been unclaimed for some time.

Summary

Review of all topics addressed in this document, shows no real common thread indicating a single person may be problematic. I find no real issues in the Use of Force, Pursuit or Biased Policing reports for 2018. However, we have found some problems in the internal investigations numbers we are experiencing.

The addition of retired operations sergeant Randy Pieper to the property room will bring decades of department evidentiary experience and greatly assist CCD Hoffman in day to day management of the section. Continued efforts to upgrade our process to an electronic inventory process (Barcoding) have been problematic, but I recommend we continue to try to make this happen as it will aid in efficient purging of items on a continual basis.

We must reaffirm with Command Staff to communicate with their personnel, that all persons contacted be treated with courtesy, dignity and respect. Inappropriate contact with those we are charged to protect is, under any circumstance, unacceptable and the message must be clear that there will be no tolerance on such behavior. Further, by law, practice and training, deputies shall not practice profiling of persons based on sex, ethnicity or other universal factor.

Further, as noted in the Internal Investigations Section of this Analysis, I would like to reassert my recommendation that we explore options in addressing the staff with intent of reducing the increasing reports of policy violations.

Respectfully Submitted:

Ronald R. Cameron, Undersheriff

Sheriff's Signature

W. B. Benedict

Date:

5 June 2019