



W. L. Benedict
Sheriff

Clallam County Sheriff's Office

WASPC Accredited Agency

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FILE:

ANNUAL ANALYSIS 2021

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 2021

Last year, I commented during the 2020 analysis that a step toward establishing the difference between formal and informal complaints should be taken, and I believe that steps have been taken to that end.

Using our new reporting software, we established "Citizen Complaints" and "A36's" or more formal complaints resulting in an internal investigation. The Citizen Complaints can be described as those incidents reported on a member that are somewhat minor in nature; that which the supervisor will often deal with upon receipt of the complaint. A36's on the other hand are more formal, and are usually handled not by the supervisor, but by the department inspector, who will conduct a detailed investigation into the allegation to determine the disposition. These complaints are obviously more serious in nature or are the result of a consistent pattern of policy violations the same employee has allegedly committed.

A36's reported in 2021 are as follows:

1. A36.21-001 – **Corrections Deputy** – Attendance, Efficiency, Performance and Neglect of Duty. **SUSTAINED – Performance Improvement Plan**

Deputy was found to have a series of sustained work related issues reflecting the above. Punctuality, excessive use of sick leave, and

occasional incidents of actual negligence in the performance of duty all combined to initiate this complaint and investigation

2. A36.21.002 – **Corrections Deputy** – Performance- **SUSTAINED- Training**

While off duty, deputy received an accidental gunshot injury handling their duty firearm at home.

3. A36.21.003 – **Corrections Deputy** – Discourtesy –**SUSTAINED- Separated from service in lieu of discipline.**

Corrections deputy repeatedly used sexually derogatory and vulgar language in dealing with an inmate. Sustained investigations of similar complaints against this employee have occurred in the past.

4. A36.21.04 – **Field Sergeant** – Improper Supervision – **NOT SUSTAINED**

An allegation was made against a supervisor that treatment of an employee was discourteous and possibly created a hostile work environment.

5. A36.21.05 – **Corrections Deputies** – Discourtesy – PREA complaint –**NOT SUSTAINED**

A PREA report was made via the hotline voice mail by inmates that two corrections deputies used sexually explicit and vulgar language in their presence.

6. A36.21.06 – **Field Deputy** – Excessive Force – **UNFOUNDED**

Report that deputy used excessive force on a DUI arrestee. Investigation showed the arrestee was trying to be physical with the deputy by pushing him. The deputy used appropriate tactics to secure the arrestee.

CITIZEN COMPLAINTS

The following is an additional section that our new advanced software has allowed us to capture. These are less formal complaints where the citizen or sometimes a supervisor was not attempting to file something formal but rather, point out issues that may have occurred that could develop into larger problems if gone unchecked.

1. CC-21-01: Improper Tactics. Field Deputy employed improper tactics.
Counseled by supervisor
2. CC-20-02: Traffic complaint. Field Deputy witnessed by citizen speeding and using MDT while driving. Counseled by Supervisor.
3. CC-21-03: Discourtesy: Field Deputy was allegedly discourteous to citizen.
UNFOUNDED.
4. CC-21-04: Discourtesy: Field Deputy was discourteous during traffic stop.
UNFOUNDED
5. CC-21-05: Discourtesy: Field Deputy was discourteous during traffic stop.
UNFOUNDED
6. CC-21-06: Discourtesy: Field Deputy used profanity while dealing with a member of the public. Counseled by supervisor
7. CC-21-07: Neglect of Duty: Field deputy failed to comply with COVID masking requirements in the performance of duties. Counseled and reminded of policy.
8. CC-21-08: Improper Traffic stop and Improper search/seizure: Field Deputy made unwarranted stop on citizen. Deputy resigned from the agency before counseling was administered.
9. CC-21-09: Discourtesy: Corrections Deputy was allegedly discourteous to inmate. UNFOUNDED
10. CC-21-10: Neglect of Duty: Corrections Deputy failed to wear a mask in the performance of his duties. Counseled and reminded of policy.
11. CC-21-11: Discourtesy and Excessive Use of Force: Field Deputy was discourteous and used a bit too much force in an interaction with a citizen.
Documented Counseling

Most cases of citizen complaints resulted in the reporting party being notified of the disposition and leaving the citizen happy. Those that were not contacted were because they did not respond or the complaint was anonymous.

Individuals investigated by section

With the formal A36 investigations combined with the less formal citizen complaints, there are a total of 17 total “complaints” received in 2021, exactly the

same it was in 2020. Our new IAPRO software has been very effective in capturing complaints and recording the disposition.

Of the total number of complaints, members investigated by section look like this:

7 Corrections Section

11 Operations Section

(the 18th was the PREA complaint alleged against two corrections deputies)

Recommendation: Some of these complaints are commonplace simply due to the business we are in. Our employees often meet people who are not acting on their best behavior. This results in the citizen, and sometimes the deputy or employee to lose their composure and things like discourtesy arises. This doesn't excuse such behavior from our folks, but it does explain it. I see nowhere in the review where one person is more intolerant than anyone else, nor do I see any pattern of troubling behavior that we should address.

Use of Force during 2020

Statistics for Use of Force analysis in this report has been altered slightly due to the application of new software to capture these events. As such, definitions have changed so the grouping of use of force events becomes necessary.

In summary, there were a total of seventy-three (75) use of force reports for the year; forty-four (48) for Patrol, and twenty-nine (27) for Corrections. Events have been broken down the incidents by Department Sections. Many of the incidents had multiple techniques utilized; therefore, there are more techniques utilized than the number of incidents.

Across the board, use of force incidents were about the same in 2021 as in 2020. COVID continued throughout 2021 restricting physical arrests due to required separation of inmates in certain cases to control the spread of the disease. As mentioned last year, there are many times that suspects will react with less resistance if they know they won't be staying in jail. The other reason is likely the social climate. Law Enforcement is under a watchful eye by the public at this time, and all applications of force are scrutinized. This may cause the deputies to take extra care when making the decision to apply force.

As mentioned, at the corrections level, the COVID reasoning is necessarily applied. The number of inmates that were incarcerated was about 2/3 of normal during 2021 so the uses of force represent that decrease.

Policy requires careful review of all uses of force, no matter which section is reporting this. Utilizing the new software, extreme detail is captured for reviewers to see and determine if the use of force is justified. Use of force is first reviewed by first level supervisors who pass it on to the Chief of their section. The Chief makes the final sign off to approve if the amount of force applied is justified. Only then, is the Use of Force report filed and cleared.

In review of all incidents, the numbers do not indicate any anomalies in our use of force practices. All situations were closely inspected and justified.

Total Incidents Patrol/Corrections Totals: 75

Race of Citizens involved in UOF Incidents: 2021

White:	54
Native:	7
Hispanic:	1
Black:	2
Unknown	4

These are department totals, meaning the corrections and field bureaus are combined. However, working through the numbers, and comparing them to our areas demographics, the incidents seem to match up with population percentages.

	<u>2021</u>	<u>2020</u>	<u>2019</u>
<u>Patrol:</u> Total Incidents	48	40	59

Techniques Utilized:	<u>2021</u>	<u>2020</u>	<u>2019</u>
Display of Taser	4	5	7
Display Firearm	10	3	7
Taser Deployment	4	5	6
"Hands on*"	28	35	52
VNR	0	0	0
Pressure Point	0	3	1
Baton Strikes (SL20)	2	3	0

Patrol U of F incidents by race:

White:	21
Native:	6
Hispanic:	1
Black:	1

There have been no applications of Lethal Force in the last four reporting cycles.

	<u>2021</u>	<u>2020</u>	<u>2019</u>
<u>Corrections:</u> Total Incidents	27	29	28

Techniques Utilized:	<u>2021</u>	<u>2020</u>	<u>2019</u>
Display of Taser	0	1	2
Taser Deployment	8	3	2
Hands on*/restraints	46	45	49
VNR	0	0	3
Pressure Point	1	1	5
Restraint Chair/Wrap	15	18	6

Corrections U of F incidents by race**:

White:	33
Native:	1
Hispanic:	0
Black:	1
Unknown:	8

*Hands on is inclusive of take downs, handcuffing, and pain compliance.

I carefully reviewed all applications of use of force during 2021. I went a bit further and had Chief Corrections Deputy Wenzl review applications in the jail to see if there were anomalies that arose. There is nothing throughout the review that would indicate that the applications of force in each case were appropriate and justified for both operations and the corrections sections.

Pursuits during 2021

In 2021 the Clallam County Sheriff's Office initiated 8 vehicle pursuits. This is actually two more than occurred in 2020, and mostly before the new restrictive pursuit RCW was

put into law in July of 2021. The pursuit reports are contained in administrative file A41 Vehicle Pursuit Reports for 2021 and are issued numbers sequential to the event.

The pursuits are summarized as follows:

A41.21.01:

- Deputies involved: 1.
- Number of units: 1 deputy
- Vehicle: Car.
- Reason for pursuit: agency assist (PAPD)
- Distance: 2.1 to 5 miles.
- Max speed: 60
- Termination dispo: Vehicle Stopped for deputy.
- P.I.T.: No.
- Injuries: Unk. PAPD terminated.
- Notes: Deputy Justified after review by supervisors and command staff.

A41.20.02:

- Deputies involved: 3
- Number of units: 3
- Vehicle: Car.
- Reason for pursuit: wanted subject.
- Distance: over 10 miles.
- Termination dispo: Suspect eluded.
- P.I.T.: No.
- Injuries: None
- Notes: Justified after review by supervisors and command staff.

A41.20.03:

- Deputies involved: 1
- Number of units: 1
- Vehicle: Car.
- Reason for pursuit: traffic violation.
- Distance: less than 1 mile
- Termination dispo: Suspect crashed.
- P.I.T.: no.
- Injuries: None.
- Notes: Justified and within policy after review by supervisors and command staff.

A41.20.04:

- Deputies involved: 3.
- Number of units: 3 plus SPD
- Vehicle: Car.
- Reason for pursuit: stolen
- Distance: in excess of 10 miles.
- Termination dispo: suspect stopped in casino parking lot and was captured
- Injuries: None.
- Notes: Justified after review by supervisors and command staff.

A41.20.05:

- Deputies involved: 3.
- Number of units: 3 no more than 2 at any one time.
- Vehicle: Car.
- Reason for pursuit: traffic violation / possible burglary in progress
- Distance: 5.1 to 10 miles.
- Termination dispo: pursuit terminated
- Injuries: None.
- Notes: Justified after review by supervisors and command staff.

A41.20.06:

- Deputies involved: 1.
- Number of units: 1
- Vehicle: Car.
- Reason for pursuit: traffic violation DUI
- Distance: 1 to 2 miles.
- Termination dispo: suspect crashed. Damage isolated to suspect vehicle
- Injuries: None.
- Notes: Justified after review by supervisors and command staff.

A41.20.07:

- Deputies involved: 1.
- Number of units: 1
- Vehicle: Car.
- Reason for pursuit: PC Robbery possible Kidnapping
- Distance: beyond 10 miles.
- Termination dispo: pursuit terminated due to weather and speed. Suspect later turned himself in.

- Injuries: None.
- Notes: Justified after review by supervisors and command staff.

A41.20.08:

- Deputies involved: 1.
- Number of units: 1
- Vehicle: Car.
- Reason for pursuit: traffic violation DUI
- Distance: 2 miles.
- Termination dispo: pursuit terminated
- Injuries: None.
- Notes: Justified after review by supervisors and command staff.

Of the eight pursuits, all are initiated by different deputies. This indicates there is no pattern of a single deputy utilizing high speeds more than others. I also noted that the rate of terminating pursuits either by the supervisor or the deputy themselves was well utilized to keep the community safe. There is nothing specific I can draw from this particular subject analysis that would raise red flags or be cause to review deputies actions.

Of course, the new pursuit law in Washington State inhibits the option to pursue in many cases which caused a focused update of pursuit policy. That will be apparent likely in the 2022 analysis.

Biased Based Policing 2021

In careful review of the complaints against personnel in 2021, I found none that were bias-based.

I researched arrests made in 2021 by race. Through computer based recall, we found a total of 659 cases cleared by arrest by deputies in 2021. This is a continued trend of less arrests being made each year since 2018. For 2021, the race of the defendants arrested breaks down as follows:

White, non Hispanic	543	or	82 %
Asian	3	or	2.2%
Black	15	or	2.3%
Hispanic	12	or	1.8%

Native American	62 or 9.4%
Hawaiian / Pac. Islander	1 or 0.2%
Unknown	23 or 3.5%

A similar check of Traffic Events during 2021 produced slightly different percentages. From a total of 410 events reported:

White, non Hispanic	337 or 82%
Asian	4 or 1%
Black	8 or 2%
Hispanic	5 or about 1.2%
Native American	22 or 5%
Hawaiian/Pac. Islander	5 or about 1.2%
Unknown	29 or about 7%

Remainder is classified as unknown

Traffic events were up just slightly in 2021 compared to 2020. A traffic event can be a citation, notice of infraction or a warning.

In comparison I checked with the US Census Bureau records to compare activity with our ethnic population. The 2019 population estimates are the latest available and break down as follows:

White, non Hispanic	81.2%
Asian	2.1%
Black	1.3%
Hispanic	7.4%
Native American	5.8%
Hawaiian/Pac. Islander	0.2%

Note: some individuals reported mixed or multiple race which slightly skews the total

Source: <https://www.census.gov/quickfacts/fact/table/clallamcountywashington/PST045216>

I juxtaposed the percentages of the ethnicity of those arrested with the reported population of Clallam County by the US Census Bureau. Population estimates are as of July, 2020.

Percentages are very close to the same as previous years, and well within what we can consider tolerances of evenly placed enforcement in most cases. Native Americans remain slightly out of balance and this seems to be an annual trend. Clallam County is home to four federally recognized tribes, and a while a fifth tribe is situated in western Jefferson County, the City of Forks, located in Clallam

County, is where they would go for shopping, or even visiting and doing any business. The tribe's tribal center is not on the reservation, but in Forks which makes the process of doing business between the tribe and the community much easier than on the reservations itself. Having five different Indian Nations in our jurisdiction may not answer why our interaction with Native Americans are higher compared with other ethnicities, but it does show that the Native American population is distributed throughout Clallam County.

While race is only one factor in biased police monitoring, besides the Native American anomaly, 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. But I do believe this gives a reasonable snapshot of our field deputy's performance in the field. These numbers, along with no reports of biased policing complaints would indicate that such activity is not occurring.

Evidence Report 2021

CCD Alice Hoffman and her Evidence folks held a firearms auction in 2021 and auctioned off 236 firearms.

An exhaust system was installed in our secondary evidence room within the courthouse building to help exhaust unwanted fumes and stabilize air flow and temperature. This satisfies a concern brought forward in a recent accreditation audit.

A triple homicide trial was held during 2021 and continual retrieval and chain of custody transactions of the 1,000 plus items kept our Evidence Managers busy. The organization of this case evidence was a constant process as items were checked out, returned, and new items added.

One of our part-time Property and Evidence Managers resigned in August and we were able to replace the position with a full-time manager bringing staffing up to 1.5 Evidence Manager positions. Our new full-time employee was hired in December and training was completed quickly as this employee had extensive experience in crime scene evidence processing and property room management.

Upon the hiring of our new Evidence Manager, we utilized our Special Assistant to Sheriff's Office Command Staff employee to perform a full inventory of all items of evidence and found property items held in our evidence storage. On January 10th of this year the inventory was satisfactorily completed and all To-Do items identified and/or resolved. Immediately following, the new Evidence Manager was given unescorted access to the evidence facilities.

The FileOnQ barcoding software to audit, inventory, record input, movement, and release of items is found to be challenging at one of our storage facilities and new solutions/upgrades that may be available in 2022 will be explored.

As of 12/31/21, there was a total of 8222 items held in custody in Sheriff's Office evidence. Of those, 1508 items were received in 2021.

In 2021, the number of items disposed of from the Property and Evidence Department is broken down as:

<u>Disposition</u>	<u>Number of items</u>
Returned to Owner	347
Destroyed	1791
Donated	85
Deposited to Treasurer	11
Released to other agency	<u>244</u>

Total 2536

There are currently 835 drug/narcotics items pending destruction that are boxed, retagged, and packaged for destruction. There was no opportunity to destroy these items during 2021 due to the COVID-19 pandemic. Unfortunately, the facility in Port Angeles that we had hoped would meet our needs did not, therefore in the first half of 2022 we will again coordinate a multi-agency event to take the items to the Spokane facility.

Goals for our Evidence and Property section in 2022 are: With the benefit of the increased staffing level within the property room it is hoped that we can enjoy a more pro-active approach to property room management rather than reactive due to lack of minimum staffing. Our primary goal will be to utilize coordination between the 1.5 employees to have routine, scheduled events for gun auctions, drug disposal, general evidence disposal of items identified for release to continue to purge on an aggressive and routine basis. We also need to complete the barcoding of the pre-barcode era items from old homicide and missing persons cases. Review and enhancement as needed of all administrative procedures within the property and evidence managers area of responsibility will be a goal now that we have staff time available.

Analysis Summary 2021

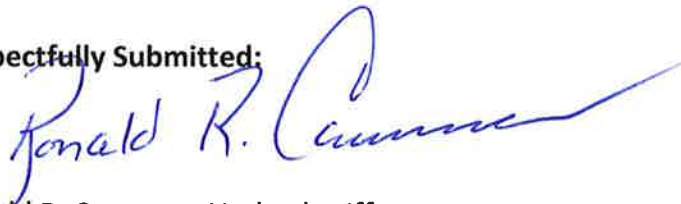
The year 2021 continued the theme of law enforcement (and corrections) accountability from every corner of our social sphere. On the surface, this demand seems appropriate and well-intended. But, in reality, the calls for this accountability seemed to grow in 2021 to a point where police are finding it harder and harder to do law enforcement work. Laws are making it more difficult and dangerous to conduct field operations and the lack

of demand for consequence among violators make it difficult to deal with them in a corrections setting when they are incarcerated as they believe penalties and jail are unfair.

However, our staff has reacted to these challenges with an extremely professional attitude. In every category, the statistics I reviewed give evidence that our staff are working hard to be patient and exhibit extremely honorable behavior no matter the circumstance.

I do believe that much of our staff's positive and productive attitude is the environment and expectations you have developed, Sheriff. Your demand for professionalism is evidenced every time you swear a new deputy in by reminding them that the law enforcement code of ethics is the cornerstone of our belief. By following those words, the deputies can be confident in their actions and our agencies reputation will remain high. Future Sheriff's and their Command Staff's may have different approaches to things, but as long as they follow your expectations of those six or so paragraphs of the Code of Ethics, this agency will remain on sound footing. Thank you for establishing a bar that we must achieve and maintain.

Respectfully Submitted:



Ronald R. Cameron, Undersheriff

Concur:

Sheriff's Signature W. Benedict Date: 10-14-2022