



W. L. Benedict
Sheriff

Clallam County Sheriff's Office

WASPC Accredited Agency

223 East 4th Street, Suite 12
Port Angeles, WA 98362-3015

Administration: (360)417-2262
Fax: (360)417-2494

<http://www.clallam.net/departments/sheriff>
sheriff@co.clallam.wa.us

Ron Peregrin
Undersheriff

Ron Cameron
Chief Criminal Deputy

Alice Hoffman
Chief Civil Deputy

Ron Sukert
Chief Corrections Deputy

File:

April 8, 2014

A36/Use of Force/Pursuit Analysis 2013 ANNUAL ANALYSIS

2013 Internal Investigation/Complaint Analysis

1. 2013-01 – **Sergeant** – Performance 340.3.5(ab) – **SUSTAINED** – **Verbal counseling.**
(Conduct on/off duty which employee reasonable should know tends to reflect unfavorably upon the department. (Conversation off duty with members of the public))
2. 2013-02 – **Deputy** – Performance 340.3.5(ab) – **SUSTAINED** – **Verbal counseling.**
(Conduct on duty which employee reasonably should know tends to reflect unfavorably upon the department. (Conversation on duty with subject being taken into custody.))
3. 2013-03 – **Corrections Deputy** – (1) Restraint of prisoners during transport 315.2.1 **SUSTAINED**, (2) Unsatisfactory Work Performance (negligent violation) 340.3.5(m), – **SUSTAINED** – **Four weeks suspension without pay.**
4. 2013-04 – **Deputy** – (1) Failure to take reasonable action while on duty 340.3.5(r) **EXONERATED** – (2) Failure to perform duties of assigned position 340.3.5(ac)– **EXONERATED** – (3) Disparaging remarks or conduct that subverts the efficiency of the department 340.3.5(g) – **NOT SUSTAINED** – **Verbal counseling.** (#4 & 5 same incident)
5. 2013-04 – **Deputy** – (1) Failure to take reasonable action while on duty 340.3.5(r) **EXONERATED** – (2) Failure to perform duties of assigned position 340.3.5(ac)– **EXONERATED** (#4 & 5 same incident different Deputy)
6. 2013-05 – **Corrections Deputy** – (1) Disparaging remarks or conduct that subverts the efficiency of the department 340.3.5(g) **NOT SUSTAINED**, (2) Performance 340.3.5(ab) **NOT SUSTAINED** (Conduct on duty which employee reasonable should know tends to reflect unfavorably upon the department. (Conversation on duty with subject in custody.)) – **Verbal counseling.**
7. 2013-07 – **Chief Deputy** – Improper driving 340.3.6(c) **SUSTAINED** – **One day off without pay** (2 backing accidents)
8. 2013-08 – **Evidence Manager** - Performance 340.3.5(ab) **SUSTAINED** – **Verbal counseling** (Evidence mix-up)

9. 2013-09 – **Deputy** - Improper driving 340.3.6(c) **SUSTAINED** – **Letter of Reprimand**
(Vehicle accident)
10. 2013-10 – **Deputy** – (1) Excessive Use of Force 340.3.5(v) – (2) Lying on a police report
340.3.5(i) - **UNFOUNDED**

Individuals investigated by section

2 Corrections Section = 2 Corrections Deputies
8 Operations Section = 6 Operations Deputies, 1 Chief Deputy,
1 Evidence Manager
0 Administration Section
0 Emergency Management Section
0 Code Enforcement Section

10 individuals were subject to internal investigations
16 policy violations were identified for all individuals investigated
7 allegations sustained
3 allegations not sustained
4 allegations exonerated
2 allegations unfounded

Of the 10 individuals investigated there were no individuals involved in more than one incident except for one internal incident involving two minor backing accidents.

10 individuals Investigated resulting in:
5 individuals received verbal counseling
1 individual was exonerated
1 individual was unfounded
1 individual received a letter of reprimand
1 individual received 1 day suspension without pay
1 individual received 4 weeks suspension without pay

ALLEGATIONS

Unbecoming Conduct - Conduct off duty which an employee reasonably should know tends to reflect unfavorably upon the department – An off duty Sergeant seeking to resolve a confrontational issue between his son and another student from school was perceived by the other's students to be promoting the students to fight each other, when instead he was promoting them to work it out between themselves and not fight. The sustained allegation is due to the perception of the other's rather than any improper intent by the Sergeant. Both allegations were **SUSTAINED**.

Unbecoming Conduct - Conduct off duty which an employee reasonably should know tends to reflect unfavorably upon the department – A Deputy taking a juvenile into custody asked questions that sounded inappropriate even though they were questions that would have been asked by juvenile officers when the subject was taken to juvenile detention. Based upon the perception of other's rather than any intent by the Deputy the allegation was **SUSTAINED**.

Restraint of prisoners during transport & Unsatisfactory Work Performance - A Corrections Deputy failed to ensure all prisoner's being transported were properly secured with seat belts in the transport van demonstrating negligence in work

performance. The negligence resulted in injury to a prisoner. Both allegations were **SUSTAINED**.

Failure to take reasonable action on duty – Failure to perform duties – Disparaging conduct – Two Deputies were asked to intervene in a disturbance occurring at a convenience store. The Deputies declined the request to take action calling the local municipal jurisdiction instead. One of the Deputies made comments regarding the local jurisdiction that could have been construed as being disparaging. Allegation of disparaging comments for one Deputy was **NOT SUSTAINED**, and the remaining 4 allegations were **EXONERATED**.

Disparaging remarks that subvert efficiency of the department – Performance conduct reflecting unfavorably upon the department - A Corrections Deputy had interaction with an inmate where the inmate thought the Deputy was swearing at him and ignoring any attention to a request made by the inmate that was on its face a reasonable request. Both allegations were **NOT SUSTAINED** and the Deputy was made aware of the complaint for educational benefit in future inmate interactions.

Improper driving – A Chief Deputy was involved in 2 minor backing accidents over a two month period. Allegation was **SUSTAINED**.

Performance – An Evidence Manager released property to an individual that should have gone to a different individual. The investigation showed two individuals with the same first name were involved in the same incident. Once the case was completed property was given to the wrong individual. The rightful owner was unable to obtain the property. Allegation **SUSTAINED**.

Improper Driving – A Deputy while driving to a call hit a deer causing extensive damage to his vehicle. It was determined the Deputy failed to exercise due care and caution in his response to the call in that the Deputy was driving faster than was necessary and hit a deer. Allegation **SUSTAINED**.

Excessive Use of Force – a Deputy arrested a subject for trespass at Safeway. During the arrest the subject was verbally aggressive and postured aggressively was very agitated. 2 months after the arrest the subject complained he was injured in his groin during the search. The subject did not complain of injury during booking or during the medical questioning at time of booking and he did not complain during the entire time of his incarceration. Allegation **UNFOUNDED**

Lying On A Police Report - The same subject arrested at Safeway for trespassing complained 2 months after his arrest that the Deputy lied in his police report due to the Deputy mentioning a statement made by the complainant in the police report that the complainant did not include in their written statement. Allegation **UNFOUNDED**

There was no common theme connecting allegations of misconduct and individuals involved, however there appeared to be a lack of awareness by both Operations and Corrections personnel regarding what they might say, and how they might say it. Complaints against staff are often due to how staff say things more than what they actually say. In most cases there was no ill will or malice intended on the part of staff, however, perception is reality and many times the perception is that comments are caustic or insensitive.

Recommend regular follow up with Corrections and Operations Supervisors by the Chief Deputies to reassert Command Staff's interest in public service and respectful

treatment by all staff. Also recommend complimenting our entire staff for providing a year with very few complaints from the public about conduct or behavior perceived to be offensive. We have received numerous compliments, thank you notes and letters complimenting staff on the care and concern they have exhibited when dealing with our citizens. A sincere "Well done" to all our staff is in order.

Two investigations were the result of improper driving. Recommend Section Chief's continue to remind personnel that driving resulting in damage or serious complaint will result in disciplinary action. First line supervisors need to remind personnel throughout the year that obeying traffic laws is an expectation in our department and speed or failure to follow traffic rules are reserved for situations defined in state law only.

Pursuit policy has been re-examined and suggestions for clarifying emergency operations policy have been implemented in order to eliminate ambiguity. The changes in pursuit/emergency operations policy will be passed down to line personnel.

Use of Force During 2013

71 Use of Force reports were filed versus 65 in 2012.

24 reports (33%) were filed for Corrections versus 33 (70%) in 2012.

47 reports (66) were filed by Operation's personnel versus 14 (30 %) in 2012.

The Use of Force incidents are broken down in the following categories:

Corrections:

Restraint Chair (Level 1 required)	6 versus 9 in 2012
Restraint Chair (Taser Deployed)	0 versus 0 in 2012
Level One (Escort/Pain Compliance)	4 versus 11 in 2012
Display of Force/Taser	7 versus 9 in 2012
OC	0 versus 7 in 2012
Taser (Without Restraint Chair)	3 versus 5 in 2012
LVNR	4 versus 6 in 2012
Level 2	0 versus 2 in 2012
TOTAL	24

Operations:

Display of Force Option (Taser)	8 versus 0 in 2012
Display of Force Option (Firearm)	13 versus 3 in 2012
Level 1 (Escort/Pain Compliance)	16 versus 12 in 2012
OC	1 versus 0 in 2012
Taser	6 versus 1 in 2011
Level 2	3 versus 0 in 2012
TOTAL	47

On the surface, this shows a substantial increase for use of force incidents involving Operations as compared to 2012. When looking at the situation closer, reporting differences likely make up a large portion of the increase. During Defensive Tactics classes this year, deputies received training on use of force reporting. The training included going over current Clallam County Policy which states that any use of force must be reported and the fact that displaying a firearm or a Taser constitutes a use of force.

After going through the reports, it was found ten incidents were reported by patrol where deputies had to overcome isometric muscle resistance (tensing up) from the suspect, by simply overpowering or out muscling them. In most of these cases it appeared a minimal amount of force was applied, and would likely not have been reported in the past. Additionally, display of firearm and display of Taser incidents increased from three in 2012 to nineteen in 2013. I believe the main reason for this increase is related to more consistent reporting of these incidents, not necessarily an actual increase in incidents.

In 2013 three reports from Corrections listed force used as level 2 that actually appeared to be level 1 uses of force. (13-53, 13-60, and 13-69). Each of those reports lacked details in the descriptions of the force that was applied to conclusively say they were level 1 uses of force. 13-53 states an inmate was "placed" on the floor, 13-60 states an inmate was "taken" to the floor, and 13-69 states an inmate was "placed" on the floor face down. There is no other description of how the inmates went from being upright to on the floor. Most takedown maneuvers utilize level one technique, so it would seem they should have been reported as level one.

The 2012 Use of Force Review suggested Deputies receive training in how and when to write Use of Force Reports. As noted earlier, patrol deputies did receive training in these areas and it seemed to be beneficial. The Corrections Deputies should receive the same training, as it would be beneficial to them as well and would standardize reporting.

Pursuits during 2013

During 2013 there were 6 pursuits reported by members of CCSO versus 4 in 2012.

- On 02/08/13 at 2225 hrs a Deputy attempted to stop a vehicle on Spring Rd being operated by a person whom the Deputy knew had not transferred title on the vehicle. After the Deputy activated emergency lights the driver fled refusing to stop. During the pursuit methamphetamine was thrown from the vehicle and recovered. The pursuit lasted less than 5 minutes and went 1-1 1/2 miles at speeds up to 60 mph. No other traffic was encountered, the evening was clear and roadway was dry blacktop. The driver was taken into custody and no one was injured.
- On 04/01/13 at 1824 hrs a Deputy observed a subject wanted by PAPD for Possession of Stolen Property on Washington St., in Sequim. A check with Pencom informed the Deputy that the driver was also suspended. The weather was clear and traffic was moderate. After the Deputy activated emergency lights the driver fled. The pursuit lasted 1 minute 14 seconds reaching a maximum estimated speed of 40-45 mph. The driver lost control of his vehicle and collided with a fuel island and steel post. The driver was arrested for PSP, Felony eluding, DWLS and no one was injured.
- On 07/30/13 at 0544 hrs a Deputy encountered a subject who had left the scene of a vehicle accident where his crashed vehicle was left after driving into a fence. A Sequim officer attempted to talk to the subject who fled in another vehicle. The Sequim officer initiated pursuit with emergency lights. The Deputy met the fleeing vehicle head on with emergency lights and had to take evasive action to prevent being rammed by the running vehicle. The roadway was bare and dry and traffic volume was moderate. The pursuit lasted 4 minutes and reached speeds of 65 mph. The fleeing subject left highway 101 crossed a field and went through a fence eventually driving up to the original accident scene where he was stopped by a Deputy at the scene. The driver was arrested for DWLS3, Felony Elude, Mal Mish 2 and Mal Mish 3. The driver was treated and released from OMC for injuries sustained in his initial accident.
- On 06/16/13 at 2319 hrs a Deputy attempted to stop a vehicle being driven by a suspended driver who had failed to stop for a stop sign. The roadway was bare and dry, traffic was minimal, streets were dark and illuminated by street lights. The Deputy

activated his emergency lights and the vehicle immediately fled reaching speeds of 80-90 mpg during a 3 minute pursuit lasting 4 miles. The driver fled on foot and was arrested for Felony Eluding, DWLS1, Reckless Driving and 2 outstanding warrants. No one was injured.

- On 12/16/13 at 2222 hrs a Deputy used emergency lights in an attempt to stop a pickup truck for expired license tags. The driver of the pickup fled on Leighland Ave for a distance of 1 mile reaching a maximum speed of 60 mph. The driver of the vehicle fled on foot and was captured by the Deputy. The roadway was dry, traffic was light and the roadway was illuminated by street lights. The driver was arrested for Felony elude and DWLS2. No one was injured.
- On 12/17/13 at 0229 hrs a Deputy used emergency lights in an attempt to stop a vehicle for failure to signal a turn. The vehicle accelerated to 60 mph in a 25 mph zone on Pioneer Rd. The Deputy activated his siren when the vehicle sped through a stop sign. The vehicle stopped and the driver was arrested for DWLS3 and Felony elude.

All pursuits were subject to supervisory and administrative review and all were within department pursuit policy. While one deputy was responsible for 3 of the 6 pursuits it was determined the pursuits were more a result of shift and area being worked combined with proactive policing rather than any other factor.

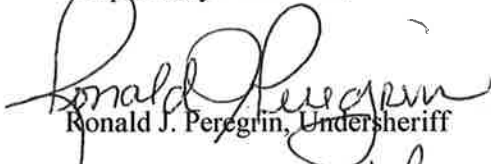
Analysis of all internal investigations, use of force incidents and pursuits find no common thread indicating any single individual is responsible for an inordinate or unusual number of reports in any category or any reoccurring issue that needs to be dealt with more directly.

No indications were found indicating any profiling or racially motivated actions were engaged in by any department member during the 2013 review period. There are also no indications of an inordinate number of reports across the three reporting issues, (Use of Force, A36 & Pursuit) that would indicate any particular individual is experiencing an inordinate number of incidents.

Recommend instructions be reaffirmed to first line supervision to ensure descriptive verbs are utilized in Use of Force reports submitted by their personnel.

Recommend continued training in Use of Force reporting in order to maintain consistency in reporting. Defensive tactics training should include a portion of a class dedicated to when Use of Force reports are required.

Respectfully Submitted:


Ronald J. Peregrin, Undersheriff

Sheriff's Signature W. Benedict

Date: 4-14-2014

Concur with findings

Do not concur with findings