



**W. L. Benedict**  
**Sheriff**

# **Clallam County Sheriff's Office**

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Chief Criminal Deputy

Alice Hoffman  
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Ron Sukert  
Chief Corrections Deputy

File:

March 11, 2015

A36/Use of Force/Pursuit Analysis 2014

## **ANNUAL ANALYSIS**

### **2014 Internal Investigation/Complaint Analysis**

1. 2014-01 – **Deputy** – Deputy Responsibilities 316.2.1 – **SUSTAINED** – **Letter of Reprimand**. (A vehicle accident while responding to assist another officer. Code response was appropriate however deputy did not engage their forward emergency lights)
2. 2014-02 – **Corrections Deputy** – Performance 340.3.5(P), 340.3.5(AB), 340.3.5(AF), County Policy 230.16(21) – **SUSTAINED** – **Letter of Reprimand**. (Conduct off duty which employee reasonably should know tends to reflect unfavorably upon the department. (Conversation off duty with another person suggesting joint participation in activities that would likely be viewed as inappropriate.)
3. 2014-03 – **Sergeant** – 340.3.5(ab) Performance, 340.3.7 Security, 340.3.2 Conduct, Providing transportation to intoxicated subject from a party while they were in possession of alcoholic drink) – **SUSTAINED** – **Verbal Counseling**
4. 2014-04 – **Evidence Manager** – 800.6.5 - Release of Property-**SUSTAINED** – **Verbal Counseling**. Property was released to the wrong person with a similar name. This A36 actually occurred in 2013 and while mentioned in the 2013 analysis was not completed in time for the results to be placed into the 2013 analysis.

### **Individuals investigated by section**

- 1 Corrections Section = 1 Corrections Deputy
- 3 Operations Section = 1 Deputy, 1 Sergeant, 1 Evidence Manager
- 0 Administration Section
- 0 Emergency Management Section
- 0 Code Enforcement Section

4 individuals were subject to internal investigations  
9 policy violations were identified for all individuals investigated  
9 allegations sustained  
0 allegations not sustained  
0 allegations exonerated  
0 allegations unfounded

Of the 4 individuals investigated there were no individuals involved in more than one incident.

4 individuals Investigated resulted in:  
2 individuals received verbal counseling  
2 individual received a letter of reprimand

### ALLEGATIONS

**Deputy Responsibilities** – Deputy responding as backup in a domestic dispute where weapons were reported and subjects had been drinking alcohol – A Deputy responding to a DV involving weapons and alcohol was driving approximately 15 mph in excess of the speed limit on a one way street. As the deputy was overtaking a vehicle that was travelling in the right lane of a one way street the other vehicle turned left in front of the deputy resulting in a vehicle accident. The deputy was using rear lights only (a code 2 response) which is not authorized in policy. The allegation was **SUSTAINED**.

**Unbecoming Conduct- Performance** - Conduct off duty which an employee reasonably should know tends to reflect unfavorably upon the department – A Corrections Deputy while off duty engaged in conversation with a local business person suggesting joint involvement in an event that would likely be viewed by others as inappropriate and would reflect unfavorably upon the department. This Deputy was also determined to be spending an inordinate amount of time during their work shift on the internet for nonbusiness purposes. The allegations were **SUSTAINED**.

**Performance – On Duty Conduct** - A Sergeant provided an intoxicated friend a ride home while the friend was in possession of an alcoholic drink. The Sergeant failed to notify Pencom that he was providing a courtesy ride to a civilian. While providing an intoxicated individual a ride home is within policy, allowing the individual to possess alcohol in a county vehicle is prohibited. All courtesy transports must also be logged in with Pencom. The allegations were **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 return of the property. Allegation **SUSTAINED**.

There was no common theme connecting allegations of misconduct and the individuals involved. There were actually only 3 A36 investigations in 2014 as the 4<sup>th</sup> incident, was logged and mentioned in the 2013 report however was not completed in time for the outcome to be placed into the 2013 report. Only three A36 investigations represent a **70% reduction** of A36 investigations from 2013 to 2014.

In all cases no intended violations of policy were found. Some of the incidents demonstrated a lack of knowledge regarding policy, while another incident involved a failure to employ proper procedures while attempting to provide prompt service to the public. One incident involved doing the right thing, however doing it the wrong way. Of particular note is the lack of complaints against deputies (all sections) for real or perceived abrasive comment or treatment of the public. This is most notable in the Corrections Section where inmate complaints are very readily generated and this year there were zero complaints against staff that generated an A36 investigation for real or perceived treatment.

**Recommend regular follow up with Supervisors by the Chief Deputies to reassert management's interest in proper application of all policies and procedure. Staff would benefit from reminders regarding policies affecting off duty conduct and reasserting that many procedures are in place as safeguards against making mistakes in often confused or time sensitive events. Supervisor's should emphasize that cutting corners will erode or nullify those safeguards. Also recommend complementing our entire staff for providing a year with very few complaints and no complaints from the public about conduct or behavior perceived to be offensive or abrasive. 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.**

**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 those situations defined in state law only.**

**Code 3 response policies have been re-examined and clarification of emergency operations policy has been promulgated to eliminate ambiguity or misconceptions. The changes in pursuit/emergency operations policy has been passed down to line personnel.**

### Use of Force During 2014

**90** Use of Force incidents were reported in 2014 versus **71** in 2013 (26% increase)  
**55** incidents (61%) were filed for Corrections versus **24** (33%) in 2013. (102% increase)

**40 incidents** (44%) were filed by Operation's personnel versus **47** (66 %) in 2013. (14% decrease)

The Use of Force incidents are broken down in the following categories:  
NR= Not Reported by type of force (these categories are new this year)

#### Corrections:

Restraint Chair	11 versus	6	in 2013
Level One (Takedown)	18 versus	4	in 2013
Counter Joint (Level 1)	20 versus	NR	in 2013
Overpower/Outmuscle	4 versus	NR	in 2013
Hair hold	12 versus	NR	in 2013
Display of Force/Taser	3 versus	7	in 2013
OC	0 versus	0	in 2013
Taser Deployment	9 versus	3	in 2013
LVNR	4 versus	4	in 2013
Level 2	9 versus	0	in 2013
Knee strikes	(7)		
Hand strikes	(1)		
Elbow strikes	(1)		
Display of Firearm	0 versus	0	in 2013
<b>TOTAL Incidents</b>	<b>55</b>		
<b>TOTAL Reports</b>	<b>77</b>		

#### Operations:

Display of Force Option (Taser)	3 versus	8	in 2013
Display of Force Option (Firearm)	5 versus	13	in 2013
Level 1 Takedown	13 versus	18	in 2013
Counter joint	19 versus	NR	in 2013
Overpower/Outmuscle	6 versus	NR	in 2013
Hair hold	2 versus	NR	in 2013
OC	0 versus	1	in 2013
Taser Deployment	4 versus	6	in 2013
LVNR	2 versus	0	in 2013
Level 2	2 versus	3	in 2013
Kicks	(2)		
<b>TOTAL Incidents</b>	<b>40</b>		
<b>TOTAL Reports</b>	<b>54</b>		

In comparing 2014 with 2013 a slight decrease in use of force (UOF) incidents for Operations from 47 to 40 is indicated. In 2013 Operations Deputies received training on

use of force reporting which generated a large increase in use of force reports that year. The reports now seem to have leveled off as the reporting procedure has become more standardized.

The 2013 analysis indicated deputies who were smaller in stature submitted more use of force reports than their larger peers. That trend was not noted in the 2014 analysis. No significant trends in UOF were noted in 2014 as the reported incidents were spread randomly between shifts and individual deputies.

The Corrections Section showed a significant increase in the UOF reports in 2014 versus 2013. The increase in UOF reports from 24 in 2013 to 55 in 2014 may be as a result of the same trend experienced in Operations after reporting procedures were trained on and standardized. In 2014 Corrections Deputies received the same training that Operations Deputies had received in 2013 resulting in a spike in UOF reports. Since the majority of UOF reports are for Level 1 applications of force (49 of 55) it seems most likely the large increase is a result of more standardized reporting.

The 2013 analysis indicated some of the Corrections Deputies who were larger in stature and more skilled in DT had more use of force reports than their peers who were smaller in stature. Further investigation revealed that there are many times when Corrections Staff can predict a need for UOF such as performing a cell entry to deal with an unruly inmate. During those predictable events the larger and more skilled Deputies are most often utilized which increases their UOF report numbers.

In 2014 this trend continued however with different Deputies than in 2013. The common thread in these two different groups of larger stature Deputies was that they worked the swing shift which has the highest probability for UOF incidents.

### **Pursuits during 2014**

During 2014 there were 5 pursuits reported by members of CCSO versus 6 in 2013.

- On 03/05/14 at 0808 hrs a Deputy attempted to stop a suspicious vehicle on Meyer Andrew Ln in Sequim. Unknown to the Deputy the vehicle was being operated by a person who was a prolific burglar/car prowler and also had warrants for their arrest. After the Deputy activated emergency lights the driver fled refusing to stop. The pursuit lasted 20 minutes and went 19.4 miles at speeds up to 80 mph. Traffic volume was light, roadway was damp from rain the night before, and visibility was daylight with overcast sky. Five units were involved with this pursuit from CCSO, Washington State Patrol, Sequim PD and Jefferson County SO. Spike strips were successfully deployed by SPD and WSP spiking all four tires at MPM 277 on Hwy 101. The driver was arrested for Hit & Run Property, Felony Elude, DWLS/R2 and 4 arrest warrants. There were no injuries and this pursuit was conducted within policy.

- On 06/19/2014 at 0003 hrs a Deputy responding to a suspicious vehicle encountered the vehicle which had been determined to be stolen. When the Deputy turned on the vehicle on Taylor Cutoff Rd the vehicle accelerated to approximately 100 mph. Traffic on the roadway was minimal and the weather was clear. This pursuit lasted 3-5 minutes. The Deputy called for spike strips however the vehicle crossed Hwy 101 northbound from Taylor Cutoff Rd instead of turning onto Hwy 101 where spike strips could be deployed. The Deputy utilized both lights and siren and lost sight of the vehicle when the Deputy slowed to safely cross Hwy 101. The vehicle was found abandoned on Idlewood Ln by SPD and the Deputy. A request for K9 was made however no K9 units were available. There were no injuries and this pursuit was conducted within policy.
- On 08/02/14 at 2241 hrs a Deputy attempted to contact a vehicle at the trailhead on Wild Current Way that was parked after dark in violation of county code. As the Deputy stepped from his vehicle the parked vehicle quickly accelerated past the Deputy. The Deputy made eye contact with the driver and yelled for the driver to stop with no affect. The running vehicle continued west on Old Olympic Hwy reaching speeds of 90 mph then turned onto Gasman Rd reaching speeds of 70 mph. The vehicle stopped on Gasman Rd and two females fled from the vehicle. The vehicle sped off again and the Deputy lost sight of it at the intersection of Juan De Fuca Way and Gasman Rd. The Deputy was unable to locate the vehicle or driver. It was later determined the driver of the vehicle was a known felon. When the Deputy stopped behind the fleeing vehicle as the two females fled the Deputy exiting his vehicle did not properly place his vehicle in park. The Deputy had to jump back into the patrol vehicle to place it into park when the patrol vehicle began to roll. As the Deputy jumped back into his vehicle the suspect vehicle fled the second time. The Deputy received verbal counseling from their supervisor regarding officer safety and situational awareness. No damage resulted and no deviations from policy were noted.
- On 09/05/14 at 2310 hrs a Deputy paced a vehicle on Hwy 112 at 70 mph. The Deputy activated their emergency lights to affect a traffic stop causing the vehicle to gain speed so the Deputy activated their siren. The Deputy estimates the vehicle reached speed in excess of 100 mph before it turned onto Elwha River Rd where the Deputy lost sight of the vehicle. The roadway was dry, weather was clear and the pursuit lasted 2 minutes for a distance of approximately 2 miles. The Deputy properly advised Pencom that they were in pursuit and the Deputy was attempting to determine speed when they lost sight of the vehicle. The Deputy properly disengaged and conducted an unsuccessful area search for the vehicle. The Deputy violated policy by engaging in a pursuit with a civilian rider onboard. The Deputy misunderstood that the civilian rider, an EMT and Radio Programmer for CCSO, was considered a civilian for ride-a-long purposes. The Deputy was counseled by their supervisor rather than disciplined due to the pursuit essentially being over before it really started and had not developed into a full-fledged pursuit and the confusion regarding the status of the ride-a-long.
- On 10/14/14 at 0150 hrs a Deputy attempted to stop a vehicle that was registered to a suspended driver at New Bridge Ln & S Maple St. The Deputy activated their emergency lights and when the driver did not respond the Deputy sounded

their horn. The vehicle eventually slowed and a passenger left the vehicle. The vehicle continued fleeing reaching speeds of 80 mph and lasted 22 minutes. The roadway was wet and it was raining lightly. Only two vehicles one CCSO and one PAPD engaged in the pursuit while units from CCSO, SPD and LEKT assisted. During the pursuit drug paraphernalia thrown from the vehicle was recovered by supporting units. The duty CCSO Sergeant authorized deployment of spike strips which were successfully deployed by CCSO and SPD. The vehicle continued on after being spiked and a PIT maneuver was performed by PAPD with CCSO approval. The PIT maneuver was unsuccessful as the vehicle did not spin out, however, the attempt caused the driver to pull over and surrender. The driver, well known to law enforcement was arrested for DWLS3, Felony Elude, Possession of Controlled Substance, and DOC warrants. Reasonable caution was exercised during this pursuit resulting in no injury or any damage to patrol vehicles. This pursuit was conducted in textbook fashion and was a perfect example of multiple agency coordination and adherence to policy, procedure and best practices.

**All pursuits were subject to supervisory and administrative review and all were conducted within department pursuit policy with the exception of a civilian ride-a-long being present on one. While one deputy was responsible for 3 of the 5 pursuits it was determined the pursuits were a result of the shift being worked and that the Deputy has the highest number of public contacts, traffic stops and CFS's in the department. In two of the pursuits the Deputy lost sight of the vehicle being pursued largely due to exercising due care and caution during the pursuits.**

Analysis of all internal investigations, use of force incidents and pursuits found 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 other than what was determined by examination of pursuits.

No indications were found indicating any profiling or racially motivated actions were engaged in by any department member during the 2014 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 reaffirming Command Staff's intent that all persons contacted be treated with courtesy, dignity and respect.**

**Recommend instructions to first line supervision to ensure pursuit policy and code response policy are discussed and reaffirmed throughout the year as reminders of Command Staff expectations.**

**Recommend continued monitoring use of force reports in Corrections to determine whether reports subside as standardization of reports has had a year to become established practice.**

Respectfully Submitted:

  
Ronald J. Peregrin, Undersheriff

Sheriff's Signature W.D. Benedict Date: 4-16-2015

Concur with findings

Do not concur with findings