



Clallam County Sheriff's Office

ANNUAL ANALYSIS 2011 A36/USE OF FORCE/PURSUIT

2011 Internal Investigation/Complaint Analysis

1. **2011-001** - UNKNOWN DEPUTIES – Rude Conduct – **UNFOUNDED**– No record of Contact.
Reporting party was unable to identify deputies and was unable to describe what he considered to be rude. A search of Pencom records showed no record of any contact by CCSO during the time frames described by complainant.
2. **2011-002** - Jail Medical Staff – I/M denied medications – **UNFOUNDED**
Parents of inmate were complaining that inmate was not able to receive pain medication of his choice. The pain medication inmate wanted was not allowed in the jail.
3. **2011-003** - Detective – Failed to Search House or photograph bedroom – **SUSTAINED**– Verbal Counseling (9 complaints by subject comprising 1 policy violation – 1 Sustained)
4. **2011-004** - Corrections Deputy – Unemployment Benefit fraud – **SUSTAINED** – Employment Terminated – Employee was still in probationary status
5. **2011-005** - 2 Deputies, 1 Sergeant – Complainant disagreed with how assault call handled – **UNFOUNDED**– Associated with persons previously incarcerated in CCCF and were subject of investigation by WADOC.
6. **011-006** - Administrative Specialist – Access RMS for personal reason – Unauthorized release of information – use of confidential department records for personal use – unauthorized use of equipment (computer) **SUSTAINED** – 80 hrs leave w/o pay
7. **2011-007** - Control Technician - Access RMS for personal reason – Unauthorized release of information – use of confidential department records for personal use – unauthorized use of equipment (computer) **SUSTAINED**– 40 hrs leave w/o pay

Individuals investigated by section

3 Corrections = 1 Corrections Deputy, 1 Control Technician, 1 Unidentified Jail Medical Staff

5 Operations = 2 Deputy's 1 Detective, 1 Sergeant, 1 unidentified Deputy

1 Support Services = Administrative Specialist

0 Emergency Management

0 Administration

0 Code Enforcement

7 individuals were subject to internal investigations

2 complaints could not identify any individuals nor be substantiated

Of potentially 9 individuals:

11 policy violations were identified for all individuals investigated

8 allegations sustained

3 allegations unfounded

1 detective had 9 consolidated complaints (performance allegation) from one individual of which 8 were unfounded 1 was sustained

Of the 7 individuals investigated 2 individuals (1 Corrections & 1 Support Services) accounted for 6 of the 11 policy violations comprising 6 sustained allegations resulting in formal discipline. 2 other individuals (1 Corrections & 1 Operations) investigated accounted for 2 sustained policy violations resulting in 1 informal discipline and 1 formal discipline. The remaining 3 policy violations were determined to be unfounded.

Allegations

Rude Conduct – acted in a discourteous manner but not otherwise defined. Unable to determine that CCSO personnel were involved. **Unfounded**

Mistreatment of Inmate – Allegations of failing to provide inmate pain medication. Inmate wanted a specific pain medication that was prohibited from being brought into the jail. Normally prescribed pain medication was provided the inmate through jail medical staff. **Unfounded**

Conduct – A corrections deputy, (part-time) was found to be claiming unemployment in excess of that which he was entitled to. The corrections deputy under reported hours worked at CCCF to Employment Security thereby increasing the amount of his unemployment compensation from the state. **Sustained**

Performance - 9 allegations were made by the parent of a child who was the alleged victim of child molestation. 8 of the complaints were determined to be unfounded, however, the investigating detective failed to search and take photographs inside a bedroom which resulted in a failure in performance that was sustained. **Sustained**

(File Access & Security) Misuse of CCSO database – A Control Tech and Admin Specialist accessed CCSO computers to determine what was taking place with a relative **Sustained**

(Security) Unauthorized Release of Confidential Information – A Control Tech and Admin Specialist – discussed confidential information with each other and an attorney as an event was developing involving a family member. **Sustained**

Conduct – A Control Tech and Admin Specialist – utilized department records for personal issues related to the misuse of CCSO database and Unauthorized Release of Confidential Information. **Sustained**

Performance –A Control Tech and Admin Specialist – utilized department equipment (computers & telephones) for personal issues involving a family member. **Sustained**

There was a common thread connecting allegations of misconduct and individuals involved in that 6 of 11 of the allegations arose from a single incident involving two individuals who are related to each other. The remaining allegations were across the board resulting in no appreciable link or thread.

Recommend reminders be sent to all personnel regarding individual responsibilities regarding use of confidential criminal justice information systems and department equipment. Also recommend complimenting our entire staff for providing a year with virtually no complaints from the public about rude or insensitive conduct or behavior. 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 resounding “Well Done” to all our staff is certainly called for.

Use of Force During 2011

105 Use of Force reports were filed versus 53 in 2010.

78 reports (74.3%) were filed for Corrections versus 38 in 2010.

27 reports (25.7 %) were filed by Operation’s personnel versus 15 in 2010.

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

Corrections:

Restraint Chair (No force required)	8 versus 11 in 2010
Restraint Chair (Display of Force, Taser)	16 versus 7 in 2010
Restraint Chair (Level 1 required)	5 versus 4 in 2010
Restraint Chair (Taser Deployed)	4
Display Use of Force Option (Taser)	10
Level One (Escort/Pain Compliance)	16
OC	7
Taser (Without Restraint Chair)	4
LVNR	4
Level 2	4 (Only 1 reported was actually level 2)

Operations:

Display of Force Option (Taser)	1
Display of Force Option (Firearm)	9
Level 1 (Escort/Pain Compliance)	12
OC	1
Taser	3
Level 2	1 (actually level 1)

Many of the Use of Force reports, especially in corrections, involved multiple deputy's. The use of force incidents appear to be driven by shift worked rather than by any particular individual. Swing shift in the jail has the greatest number of bookings and considerable interaction with inmates which accounts for a greater number of use of force incidents.

Reports were generally well written, however, it was noticed that many reports used nondescript verbs to describe force employed, such as "assisted, placed, and escorted" rather than more descriptive terms in actual force utilized to gain compliance. It would be better described to say "I put the offender on the ground by means of an arm bar" rather than "I placed the offender on the ground". Reports should contain the specific techniques used to gain control of an offender or inmate. **Recommend instructions be given to first line supervision to ensure descriptive verbs are utilized in Use of Force reports submitted by their personnel.**

Jail policy requires a Use of Force report anytime the restraint chair is used, whether or not there has been any other use of force on the inmate. This accounts for nearly 21% of our total Use of Force reports. Jail policy conflicts with Lexipol Policy that indicates a use of force report is not required unless the restraint chair is capable of causing injury. Documentation of restraint chair use should be maintained, the question becomes whether the Use of Force report form is the best vehicle for documenting that use. **Recommend a Use of Force report only when actual force is needed to engage the restraint chair and an incident report used when no force is necessary.**

We currently require a Use of Force report for Display of Force Option. Lexipol does not require a report for Display of Force. Display of Force Options accounts for nearly 23% of overall Use of Force reports.

Review of Level 1 Use of Force reports indicates some of the force utilized did not rise to the level of a Use of Force report as they were not capable of causing injury. One patrol team was responsible for 12 of the 15 Use of Force reports generated. This indicates

over-reporting by one team and under-reporting by others. **Recommend training in this area in order to gain consistency in reporting. Defensive tactics training should include a portion of a class dedicated to when Use of Force reports are required.**

During 2011 there were 5 pursuits by members of CCSO.

- A west end motor vehicle pursuit reached speeds up to 105 mph and lasted 5 minutes. Pursuit was terminated and then was reinitiated by another agency, suspect apprehended with stop sticks. Initial charge, speed/reckless driving. Occurred at 1530 hrs.
- East end motor vehicle pursuit reached speed of 110 mph and lasted 40 minutes. Pursuit ended when suspect ran out of gas. Pursuit was turned over to Jefferson County at county line by order of supervisor. Initial charge speed, DUI & reckless driving. Suspect arrested for DUI. Occurred at 0301 hrs.
- East end motor vehicle pursuit reached speed of 80+ mph and lasted 3 minutes. Suspect stopped and fled on foot. Initial charge was reckless driving 80/40 zone. Case referred for DWLS and eluding. Occurred at 2021 hrs.
- East end ORV pursuit reached speed of 65 mph and lasted one minute. Suspect crashed and fled on foot. Suspect not identified, quad was stolen. Initial violation was speed and driving ORV on highway. Occurred at 0227 hrs.
- East end ORV pursuit reached speed of 40 mph and lasted 2 minutes. Suspect crashed down a ravine and fled on foot. Initial violation driving ORV on highway. Suspect arrested for possession of stolen property/firearms and stolen ORV. Occurred at 2236 hrs.

All pursuits were subject to supervisory and administrative review and all were within department pursuit policy.

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 2011 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 intent that all persons be treated with courtesy, dignity and respect. Commend personnel for the manner in which they have interacted with the public which is evidenced by very few complaints, no sustained complaints and numerous compliments received throughout the year.

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

Recommend a Use of Force report only when actual force is needed to engage the restraint chair in the jail and an observation report used when no force is utilized.

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

Recommend that when Taser is used in situations where there are 4-5 deputy's versus one suspect that careful attention is paid to detailed description of aggressive actions by suspect in the use of force report.

Respectfully Submitted:



Ronald J. Peregrin, Undersheriff

Sheriff's Signature WJ Benedict Date: 6-12-2012

Concur with findings

Do not concur with findings

Encl: A37 Accident Analysis
A35 Use of Force Analysis
Accreditation File