

**WASHINGTON ASSOCIATION OF  
SHERIFFS AND POLICE CHIEFS**



**LEMAP**

**Loaned Executive Management Assistance Program**

**Review of the**

***East Wenatchee Police Department***

## INTRODUCTION

The purpose of the Washington Association of Sheriffs and Police Chiefs (WASPC) Loaned Executive Management Assistance Program (LEMAP) is to provide management, consulting and technical assistance to Association members. LEMAP is an opportunity for administrators to receive a professional review of their organization's operations and management systems.

Methodology employed by assessors was primarily through one-on-one interview using the WASPC Accreditation standards as a starting point for discussion. Volunteer assessors, made up of command and supervisory staff from Washington law enforcement, were invited to the LEMAP assessment based on experience and subject matter expertise. Interviews of officers working both day and night shifts as well as most employees working business hours were gracious enough to participate in the interviews which provided the team an authentic backdrop to gather information and draw conclusions about agency policy, protocols and operations.

The goal of this LEMAP review is to provide the East Wenatchee Police Department (EWPD) with a critical look at the organization through the eyes of peer professionals. The resulting report should serve as a guide to identify areas in need of strengthening and highlight positive and innovative programs and practices. It is hopeful the EWPD may use the information provided from this review to motivate the organization, improve internal and external services, and gain additional community support.

### **The LEMAP team consisted of the following members:**

**Jamey Kiblinger** is currently the Chief of Police with the Black Diamond Police Department. She has worked as a patrol officer, detective, field training officer, sergeant, and Commander. She has also served as the chair of the Coalition of Small Police Agencies Executive Board, a hearing panel member for Peace Officer Certification with the CJTC, and as the City's Emergency Management Director. Jamey holds a Bachelor's degree in Criminal Justice and is a graduate of Northwestern University School of Police Staff and Command, Rural Executive Management Institute, NW FBI Command College, and has received her executive certification.

**John Dyer** has been in Law Enforcement since 1984 and is currently the Police Chief in Lake Stevens, Washington. John worked for the Oak Harbor Police Department for 28 years, then joined the Rifle, Colorado Police Department as Chief in 2016. John holds Bachelor and Master's degrees in Management. He is also a graduate of the IACP's Leadership in Police Organizations program and the 244<sup>th</sup> session of the FBI National Academy. John served on the State POST Board in Colorado and currently is a Board Member for Snohomish 911.

**Chris Guerrero** was hired by the Kennewick Police Department in January of 1996. He has worked as a SWAT Team Member, Team Leader and Team Commander. He has served as a Detective and FBI Safe Streets Task Force Supervisor. He is currently the Patrol Division Commander for the Kennewick Police Department. The Patrol Division consists of 6 patrol shifts, the department's K-9 Team, and Traffic Unit. He is also the Tri-City Regional SWAT Team Incident Commander from Kennewick. Chris has attained the

Executive Level Certification through CJTC and is a graduate of session 263 of the FBI National Academy.

**Julie Ubert** is currently the Administrative Manager with the Lake Stevens Police Department. Julie began her career in 2004 and her expertise includes police records management, accreditation, policy and procedure, budget planning, hiring/recruitment and public records disclosure. Julie has served as the Treasurer for the Washington State Law Enforcement Information and Records Association (LEIRA) since 2008, and is an instructor, locally and nationally for both LEIRA and PRI Management Group. Julie holds a Bachelor's Degree in Hospitality Management from Washington State University.

**Kevin Berry** has been with Spokane Police Department Evidence Unit since 2006 as an Evidence Tech. He promoted to Evidence Supervisor in 2015. SPD Evidence Unit runs a regional facility and houses evidence for SPD, Spokane County Sheriff and Spokane Valley Police Department, amongst others. He has been an available subject matter expert for WASPC/LEMAP Accreditation Property/Evidence programs since 2014.

**Michael Painter** is the Director of Professional Services for the Washington Association of Sheriffs and Police Chiefs and has served in that capacity since 2012. Prior to WASPC he served 32 years with the Kent Police Department where he retired as Assistant Chief. Mike has extensive experience in Investigations, Finance and Budget, Training and he served as the Commander of the Basic Law Enforcement Academy from 1996-1998. He holds a MPA from the University of Washington and is a graduate of the FBI National Academy, FBI Law Enforcement Executive Development Seminar and Washington Command College.

## **GENERAL OBSERVATIONS**

Chief Randy Harrison invited the LEMAP team into the East Wenatchee Police Department (EYPD) on April 16 and 17, 2019 to provide an operational review of the agency. EYPD has experienced significant turmoil over the past year resulting from an internal investigation where a Sergeant was eventually provided with a letter of reprimand. Consequently, and because of other long-standing frustrations in the agency, the EYPD officers bargaining unit voiced concerns about operation of the agency that culminated in a vote of no confidence for Chief Harrison and Assistant Chief Coble.

It is important to note that the current dispute between labor and management has created significant fracture within the department, particularly within the bargaining unit. Officers and sergeants are not united with their complaints about management and the fracture across all strata of the department needs to be resolved if the department is to move forward. Leadership on both sides will be fundamental to resolving this conflict. The Chief, Mayor and the Bargaining Unit agreed that a LEMAP assessment could be beneficial and could provide insight into the operation of the agency along with recommendations for improvement. Chief Harrison subsequently initiated a request for this LEMAP.

Chief Harrison has enjoyed a career with EYPD that started in 1982. He was appointed Police Chief in 1995 and has worked with several different Assistant Chiefs over the past

24 years with the most recent being Assistant Chief (A/C) Ray Coble. Harrison and Coble are supported by four sergeants, two detectives, 12 patrol officers and three civilian staff. EWPD has one detective assigned to the regional drug task force and two officers are assigned part-time to the Douglas County regional tactical team. One patrol officer is currently in FTO training and another new hire is awaiting a June 2019 police academy date. One civilian employee manages the property room and other administrative functions and the agency is served by two records specialists.

Considerable work has been completed, primarily by A/C Coble, in the months leading up to the LEMAP team's visit. Both A/C Coble and the Administrative Assistant (AA) Bryant have recently attended WASPC accreditation manager training and are aware of various requirements associated with the accreditation program. Coble has constructed numerous accreditation files and made physical plant changes (lockers purchased, offices consolidated and remodeled, rooms converted for records security) that will likely guide the agency toward accreditation. The changes have not gone unnoticed by EWPD officers and staff but have created various levels of cynicism due to a lack of communication explaining the reasons for the changes. Officers' perceptions are that these changes are a "window dressing" for the LEMAP team's visit and will not be sustained for the long term.

Admittedly, A/C Coble confirmed that many of the recent changes to reporting practices and operational customs are new to EWPD and in response to accreditation standards. Sustaining new customs and practices can be challenging for any organization and the LEMAP team shares similar concerns about these changes being sustainable. It is important to note that the work done by A/C Coble is commendable but the efforts have not been supervised by a WASPC accreditation program mentor. Consequently, there is still considerable work to do but the head start on the process is notable.

EWPD is housed along with other aspects of city government at the East Wenatchee City Hall campus. The police department initially occupied space at City Hall in 1995 when they were a 10 officer agency. They are now an agency with 24 employees and have clearly outgrown the physical footprint that they occupy. Several years ago the City purchased a piece of property and house adjacent to the City Hall complex. This house was named the police department annex. In an effort to make space in the headquarters building the Chief, Assistant Chief and both detectives moved to the annex. The detectives report that communication between them and the chiefs is very good but many employees still housed at city hall feel much differently. The movement of the Chief and Assistant Chief out of headquarters has had a dramatic effect on the agency that will be discussed more in chapter 4.

The City of East Wenatchee is served by a (strong) Mayor (Steve Lacy) and seven elected council members. Mayor Lacy will conclude his final term of office at the end of 2019 after serving as mayor for 21 years plus 7 additional years as a council member. The mayor has been pulled into the dispute between the officer/sergeants and the Chief. Mike Painter met with Mayor Lacy and the City Attorney at the beginning of the LEMAP visit and it was clear Mayor Lacy is frustrated but supportive of improving both relations and operations of EWPD. Chief Harrison reports strong support from both the mayor and city council for the police department. Annual operating budget for EWPD is \$3.3M and Chief Harrison reports that the agency routinely comes in under budget.

The April 1, 2010 population census for East Wenatchee is 13,190 and is estimated at 13,983 for July 1, 2017. The overwhelming majority of East Wenatchee is white Caucasian at 69.3% followed by Hispanic or Latino at 30.7%. Assistant Chief Coble provided a report that revealed EWPD responded to 7,929 dispatched calls in 2018; an average of 22 calls per day. The LEMAP team is unsure of the accuracy of these numbers given the inherent challenges of all CAD system data and the practices and protocols for recording actual calls for service by EWPD officers.

Police records, training, and property/evidence management are three critical areas of police operations. As the LEMAP team reviewed each of these areas they discovered common themes. First, it is important to note that with both records and property/evidence the employees feel comfortable in their jobs and have employed the same practices and procedures that have been handed down over generations of EWPD employees. As a result, the LEMAP team discovered considerable inefficiencies and underutilization of technologies which is hindering the department and creating considerable work. Chapters 5 and 17 will elaborate on the opportunities for updating current practice and better usage of available technology for both records and property/evidence.

Training is a significant vulnerability for EWPD because the agency does not have an actual or authentic training program. The agency does budget for firearms training, and subscribes to Lexipol's daily training bulletins (DTB), but other than fee-based training classes, employees rarely participate in consistent, contemporary and relevant in-service training. This is highly problematic in contemporary law enforcement. Also, the LEMAP team learned that the Chief and the A/C are not involved in the development or oversight of curriculum for those (few) classes that are delivered to employees. Moreover, EWPD does not have an authentic training records program other than basic class data maintained by A/C Coble on an Excel spreadsheet. Spillman records management system (RMS) provides opportunities for enhanced usage that could supplement records, property/evidence and training records to both improve delivery of these vital services and increase overall efficiency of the employees. See chapter 11 for an overview of EWPD training.

EWPD operates under the Lexipol Knowledge Management System (KMS) as its policy instrument and system. Assistant Chief Coble advises that approximately 22% of the standard Washington Lexipol policy template was removed or customized while the agency was adopting Lexipol. The policy was launched in the spring of 2017 and was fully implemented by personnel in the summer of 2018. Chief Coble provided an acknowledgement roster of agency Lexipol users (employees) which revealed that almost all (2/3) of the agency has accepted the Lexipol policies as published. Several employees (1/3) still have more than 5 policies to acknowledge. Unfortunately, most of the employees interviewed disclosed that they were compelled to acknowledge the policies that are not aligned with current practices. They also report that the policy language is not relevant to EWPD. In many cases employees are not aware of their responsibilities because the agency has not dedicated time to training or review of critical policies. As a result, if officers or supervisors have certain responsibilities as designated under the policy they are most likely not aware of them.

The LEMAP team recognizes and appreciates all of the EWPD staff that were available for interviews. All employees were forthcoming, honest and obviously invested in improving

the department. The LEMAP team members gleaned that the source of much of the difficulties at EWPD revolve around a lack of communication. Sentiments expressed that essentially the agency is without supervision and accountability is not consistent or objective among all employees. This report will not focus on the current conflict between the officers and management but will be referenced, where appropriate, to support a conclusion or recommendation. The LEMAP team is hopeful that this report can be used to heal the wounds of the past and propel the agency into the future by advancing practices and suggestions that may not have been previously thought of or acted on. There is no question that EWPD has the “bones” of a very good police department. Moving out of the current state will involve changes to long standing customs and practices and compromises by both management and labor. The foundation for change in any organization is built on trust. The LEMAP team is hopeful that each side will set aside the past and move forward to initiate the trust-building process and help make EWPD the best possible agency it can be.

# SECTION I

# ADMINISTRATIVE

# STANDARDS

# SECTION I—ADMINISTRATIVE STANDARDS

## CHAPTER 1 – GOALS & OBJECTIVES

- 1.1 The agency has written vision and/or mission statements that define the agency's role.
- 1.2\* The agency has a strategic plan or written goals and objectives that are reviewed and updated at least annually and are available to all personnel.

### **Observations:**

Mission statements define the purpose of the organization and instill a sense of belonging and identity to employees. The mission statement is the foundation of an agency where goals and objectives are subsequently created to help ensure future success.

The East Wenatchee police department has a mission statement incorporated into the Lexipol policy manual outlining three values. Value statements are declarations about the agency's core beliefs and can also serve as a reference point for community members outside the department. The Chief and Assistant Chief advised the mission statement was adopted sometime in 2017. A/C Coble reported he found the mission statement and installed it in the department without any employee input. The police department does not have a vision statement.

Employees reported they were not familiar with the mission statement or its content. Several employees referred to it as "window dressing that was recently posted on the wall".

A strategic plan is a single guiding document that identifies the organization's priorities and represents the vision for the future. A well laid out plan will address community concerns through insightful examination into emerging issues as well as establishing the responsibility to employees to develop their abilities and skills to meet the challenges of 21st century policing. When an agency includes employees in the development of this plan, it can result in personal ownership and investment. Without clearly defined goals and objectives in the strategic plan, officers perform on their own accord with no direction.

A/C Coble stated that the strategic plan was rolled out last month to the Sergeants in a 'brass meeting,' and was the first plan the agency had adopted in his tenure. He told the LEMAP assessor that no other staff were involved in its creation or adoption and that the sergeants were responsible for passing the plan information on to the officers. Officers reported that they were not aware of any strategic plan, department goals, and/or objectives. One sergeant stated that when A/C Coble passed out the strategic plan they were told to 'work as normal and we will review it in a year.' Staff stated that Chief Harrison rarely speaks at brass meetings and they had not heard any direct information from him in years.

Chief Harrison expressed that he would like to have department-wide staff meetings. Several officers reported they have not sat in a meeting with the Chief or A/C Coble since being hired. These meetings would provide an opportunity for the officers to hear directly from the Chief on the priorities and the direction of the department. It would also be an opportunity for staff to ask questions and be included in the decision-making processes.

Additionally, several sections of the policy manual 200, 203, and 1002 rely on and refer to either the department’s mission, or its goals and objectives. If employees aren’t aware of the department’s mission, goals and objectives, these policies become ineffective.

There are numerous references throughout the manual that refer to the ‘Operations Division Commander.’ A/C Coble reported this position referred to either him or a sergeant. Staff interviewed were unsure of who this was, but assumed it was the Assistant Chief.

### **Recommendations:**

- Develop a new mission statement and agency values with input from the entire department. Consider including community members and other key city stakeholders. When employees are part of the planning process, they become involved and invested in the direction of the department.
- Revisit development and implementation of the strategic plan. Provide opportunities for input from employees and city administration on key issues and goals. Build the document around the identified needs of the organization and community, keeping in mind the fiscal impact on the adopted budget. Include personnel, training, equipment and capital projects in the strategic plan. This process should be led by one member who will supervise the process to ensure that timelines and assignments are completed, and distribution of tasks are assigned out to the appropriate staff.
- Transparency and communication are critical during these processes. Ensure that employees hear directly from the Chief. Schedule regular re-occurring department-wide staff meetings to discuss ongoing goals and objectives that are set forth for the coming year.
- Scour the EWPD manual for irrelevant titles or terms, such as ‘Operations Division Commander’, and apply proper references to the appropriate staff member’s title/position.

## **CHAPTER 2 – ROLE & AUTHORITY**

- 2.1 The agency requires all law enforcement personnel to take and abide by an Oath of Office to support, obey and defend the Constitution of the United States and the Washington Constitution and the laws of Washington and the governmental subdivisions.
- 2.2 Statutory authorization for the agency to perform law enforcement services is identified by the laws of the state of Washington and/or local ordinance.

***Purpose:*** *The legal authority of the law enforcement agency is established in state statute and in most cases local legislation. The legal authority of the agency law enforcement officers may be found in this same legislation.*

- 2.3 The agency has policies specifying legal requirements and procedures for any physical arrest completed with or without an authorized warrant.
- Purpose:** *To ensure arrests are made in compliance with all statutory and constitutional requirements.*
- 2.4 The agency has policies assuring compliance with all applicable constitutional requirements for in-custody situations including:
- Interviews and interrogations
  - Access to Counsel; and
  - Search and seizure
- Purpose:** *Interviews and interrogations, questioning, or any other term used to describe in-custody verbal examinations are conducted in compliance with constitutional requirements. These constitutional requirements, federal and state, are vital to the role and function of law enforcement in a free society. By complying with these requirements, law enforcement officers and agencies ensure fair, legal, and equitable treatment of all people.*
- 2.5 The agency has search and seizure policies that adhere to state and federal law.
- Purpose:** *To provide clear and basic guidelines for evaluating search and seizure issues and conducting searches within existing legal parameters that ensure the constitutional right of persons to be free from unreasonable government intrusion. Proof of compliance may include copies of incident reports that detail stop and frisk incidents; search by consent, search of a vehicle and searches that are part of a crime scene or are part of an inventory process.*
- 2.6 The agency has policies for conducting strip and/or body cavity searches that include:
- Authority for conducting such searches with and without a search warrant;
  - Privacy provisions with search by same gender; and
  - Any required reporting procedures when such searches are conducted.
- Purpose:** *Strip searches and body cavity searches by law enforcement personnel, even when legally permissible, are controversial. They should be done out of public view, with appropriate regard for the dignity of the suspect, and shall be considered legally necessary and reasonable. When possible all such searches should be witnessed. Body cavity searches should be conducted in a hygienic setting and by qualified medical personnel.*
- 2.7 The agency has policies and procedures concerning the arrest or detention of foreign nationals.
- Purpose:** *To ensure compliance with Article 36 the Vienna Convention on Consular Relations that provides certain rights to foreign nationals when arrested.*

## **Observations:**

At the most basic level, the primary function of any law enforcement agency is to protect the rights of all citizens it serves. The agency is obligated to ensure its employees have the legal and procedural knowledge necessary to ensure the citizens' individual rights are protected. To do this effectively, law enforcement agencies must have policies in place that are lawful and relevant. The agency must provide guidance so that law enforcement employees can lead the community in the effort to protect citizens' rights.

The EWPD has a policy requiring officers take an Oath of Office (Policy 102.3). All officers told the assessor they had received an oath of office and the assessor reviewed several personnel files that contained the employee's oath.

The City of East Wenatchee is statutorily authorized to perform law enforcement services under Washington state law. Washington State delegates its Tenth Amendment powers to various classifications of cities through applicable titles of the Revised Code of Washington (RCW). The City of East Wenatchee is classified as a "code" city operating under RCW 35A. Section 35A.11.020 - grants such cities the authority to govern:

*The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees...*

The statutory authority is further stated under municipal code 2.11.010 and 2.11.030, as well as through policy 100.2 and 100.3.

The EWPD operates under the Lexipol policy instrument which contains comprehensive policies that ensure compliance with all applicable constitutional requirements:

- Policy 100.4 covers compliance with established rights.
- Policies 410.3, 410.4, 410.5, 310.9 and 607.1 covers legal requirements and procedures for any physical arrest with and without warrants. The assessor viewed two case reports one documenting an arrest made without a warrant and one arrest with a warrant.
- Policies 311.1, 311.2, 311.3, 100.4, 312.13, 418.1, and 600.4 covers applicable requirements for interviews and interrogations, access to counsel, and search and seizure. The assessor reviewed two case reports which showed compliance with search requirements.
- Policies in section 901 cover strip and body cavity searches, to include privacy provisions with same gender searches. Assistant Chief Coble told the assessor that there was no record of EWPD officers conducting strip searches. The LEMAP team encourages A/C Coble to inquire with the drug task force detective to validate this conclusion. One of the Patrol Sergeants told the assessor he had obtained a warrant to conduct a body cavity search in a hospital setting. An X-ray was performed which negated the need for the search.
- Policies in section 411 cover the arrest of Foreign Nationals. Assistant Chief Coble reported no instances of arrests under this category

While the EWPD has policies covering all constitutional requirements, all the employees interviewed by the assessor said that they had not received any updated training to ensure compliance. Reports from officers include:

- Most officers were not aware of agency policies on strip searches and arrest of foreign nationals.
- All interviewed officers stated they generally have not had any meaningful updated training on arrest, search, and seizure since they were recruits in the police academy. Several reported a one-hour legal issues training session by the prosecutor in 2018, but could not recall any other training.
- There was inconsistent review of the Law Enforcement Digest (LED) among officers and sergeants. The LED is published each month by the Washington Attorney General's office and provides officers with summaries on significant case and statutory law updates.
- The only discussions in reference to constitutional policing were between officers, often relying on the newest officers who had received updated training in the Academy.

Several officers and sergeants told the assessor that the Policy Manual was put together by the Assistant Chief with very little input from staff. Employees report being compelled to acknowledge receipt of the policy manual with no introduction, explanation or training.

### **Recommendations:**

Compliance with constitutional policing is an area of high importance and liability. The agency must have meaningful and verifiable training, far beyond acknowledgment of a policy manual.

- It is critical that the department initiate a consistent training plan that covers all aspects of arrest, search and seizure. This training can be delivered in several simple, but effective formats including:
  - Regular training by the prosecutor
  - Documented role call training using the Law Enforcement Digest
  - Use of Police One, or other online training which is in line with WSCJTC standards
  - Scenario-based training developed by local prosecutors and delivered by agency sergeants.
- Provide updated training for interaction and arrests of foreign nationals. This training can be delivered online and is available on the U.S. State Department's website.

## **CHAPTER 3 – USE OF FORCE**

- 3.1 The agency has policies directing personnel to only utilize the amount of force which is necessary to affect lawful objectives, to include any amount of force up to and including deadly force.

***Purpose:** To establish policies and procedures for the necessary, reasonable, and legal use of force that ensures those decisions to use force are made in a*

*professional, impartial, and safe manner, and that there is an understanding and appreciation for the limitations on the authority to use force.*

3.2 The agency has a policy governing the use of warning shots.

**Purpose:** *If the law enforcement agency permits the use of firearm “warning shots” by agency personnel, the agency shall have a written directive governing their use. Otherwise, the agency shall have a written directive prohibiting the discharge of “warning shots” by agency personnel.*

3.3 The agency has a policy governing the use of non-lethal weapons.

**Purpose:** *To establish consistent procedures for the authorization and training by a certified instructor in the use of non-lethal weapons and control devices.*

3.4 The agency has a policy requiring appropriate medical aid after the use of force, when an injury is known, suspected, or is alleged.

**Purpose:** *This standard should reduce the severity of injury resulting from law enforcement action by requiring medical aid and attention for an injured individual. Appropriate medical attention may be as basic as keeping the person under observation to immediately having the person treated by medical professionals.*

3.5 The agency has a policy requiring personnel to submit a use of force report to the agency Chief Executive Officer or designee when they:

- Discharge a firearm (other than routine training or recreational purposes);
- Take any action that is capable of injuring a person.

**Purpose:** *To ensure that any force used that is capable of causing injury is recorded and that a formal review process is established to review use of force incidents for compliance with existing policy and law. The collection of use of force incidents should be analyzed to determine if there are training issues, equipment issues, or policy issues that should be addressed.*

3.6 The agency has an officer involved shooting/deadly force response policy that includes steps for first responders and includes a comprehensive investigation **and** review of the event.

**Purpose:** *To ensure the agency has in place a formal response, review and investigative process for officer involved shootings that result in injury or loss of life, that protect interests, rights, and mental health of involved officers.*

3.7 The agency has a policy that requires only authorized weapons and ammunition shall be carried and/or used on-duty.

### **Observations:**

Police use of force is a high-liability issue for all law enforcement agencies. With today’s technology and videos of police uses of force “going viral” on a regular basis, it is in the best interest of law enforcement organizations to be operating within the confines of best practices. Today, more than ever, it is imperative police agencies implement and maintain

effective, contemporary and applicable use of force policies and practices. The use of force policies, practices and training should be regularly reviewed, monitored and analyzed within the organization.

The actions of law enforcement officers involved in use of force incidents should be closely monitored and evaluated at various levels within the organization. Agency expectations, direction and use of force policy should be clear to department members and reinforced through in-service training. Officers should be armed with current tools, tactics and knowledge to effectively and safely perform the duties of a law enforcement officer.

EWPD has implemented the Lexipol policy system which (unless the agency edits or customizes the standard language) contains language that covers many key areas governing use of force. Section 300 of the EWPD's policy manual covers "Use of Force." It contains sections that address many areas of use of force incidents and appears consistent with federal and state laws.

EWPD's "Use of Force" policy outlines, in great detail, factors used to determine the reasonableness of force, duty to intercede and legal authority to use force to effect an arrest. Policy section 306.7.3 governs "warning shots." EWPD's policy does not strictly prohibit the use of warning shots but does say they are "generally discouraged." The policy goes on to say warning shots "may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe." The majority of personnel interviewed by the LEMAP team indicate a belief that "warning shots" are not allowed.

EWPD's policy section 306.6 covers "firearms training and qualifications." The assessor spoke with several EWPD personnel who stated they receive weapons (handgun and patrol rifle) training at least two times per year. The deadly force policy is often covered during this training. The assessor learned that this was an area that is consistently covered on an annual basis within the organization.

EWPD's policy section 303 comprehensively governs control devices and techniques, including less-lethal tools. Assessors interviewed EWPD staff and found training on these tools are accomplished through the use of in-house instructors (certified through WSCJTC) and/or certified, less-lethal, tool instructors (i.e. Oleoresin Capsicum (OC), Taser, Baton, Kinetic munitions). The assessor spoke with the newly assigned Training Sergeant.

This Sergeant provides annual training on both the Taser and Kinetic Energy projectiles, specifically the 12-gauge bean bag projectile. Through interviews, the assessor learned that although OC and batons are carried by some officers, the only training provided to each officer was delivered during the police academy. Policy 303.10 states, "The Assistant Chief shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary." There is no evidence that EWPD offers updated or continual training in this area.

The use of pain compliance techniques is covered in EWPD policy 300.3.3. Officers reported that they only received this type of training during the police academy and have only recently (May 2018) received any form of in-service or additional training. EWPD is

currently moving towards having one of their officers trained to be a master level defensive tactics instructor through the WCJTC.

EWPD policy section 300.6 outlines expectations of providing medical attention for injuries sustained during the use of force and prior to the individual being booked or released. It specifically states that medical assistance “shall be obtained for any person who has sustained visible injury, expressed a complaint of an injury or continuing pain, or who has been rendered unconscious.” EWPD also defines and describes “excited delirium syndrome” within this policy, mandating examination by qualified medical personnel prior to booking.

Assessors interviewed a supervisor and officers who described the routing procedures for use of force reports. Officers report that they complete their normal incident report as well as complete a “Use of Force Report.” The assessor reviewed this document and found it was primarily a check box form used to supplement the original report. Once completed, the case report and the use of force report is forwarded to the first-line supervisor for review and approval. Once approved, this report is forwarded up the chain of command to the Assistant Chief. The Assistant Chief will review and file with the original case report. The Assistant Chief also tracks the number of use of force applications by department members for the EWPD annual report.

Policy section 305 governs officer-involved shootings and deaths. The policies and MOU’s outline a comprehensive plan in the event of a traumatic incident that occurs either within the East Wenatchee’s jurisdiction or outside of their jurisdiction. When an officer-involved shooting occurs within East Wenatchee’s jurisdiction, policy/procedure provides that “Investigators from surrounding agencies, as a part of the Special Investigations Unit (SIU), will be assigned to work on the criminal investigation of officer-involved shootings and deaths.” The recently passed House Bill 3003, requires shooting investigations be completely independent of the agency whose officer was involved in the use of deadly force. The policy and practice completed by EWPD falls directly in line with HB3003. Collaborative investigative teams such as SIU will provide opportunities for transparency and continued growth of public trust.

EWPD policy section 306 adequately outlines the use of department authorized weapons and ammunition. Interviews with the newly appointed Training Sergeant, officers and the Assistant Chief confirmed that practice aligns with agency policy. These interviews indicate that officers are carrying different weapons that were all approved by the Chief or his designee. All of those interviewed explained they were provided duty ammunition by the department and had qualified at least annually with their assigned weapon.

### **Recommendations:**

- The lack of in-service training was a big concern of those officers interviewed by the assessor. Develop and deploy a structured, credible and relevant in-service training program. This training should be focused on refresher/retraining in the areas of EVOC, control devices and pain compliance techniques. These are all areas of high liability and such training would provide the needed skills for the officers and documentation for the City. Through interviews it was learned there

may be regional opportunities to take part in trainings which are currently being offered by neighboring agencies.

- Develop a more comprehensive use of force report. The current form does not provide an opportunity for supervisor feedback, supervisor signature, nor a location for the final review of the Chief or his designee. Consider developing an electronic version of this form to streamline the process.
- Consider developing an “Authorization of Use” document for those officers who are utilizing personally owned handguns or patrol rifles. This form should identify the make, model and serial number of the weapon being authorized and have locations for signatures of the Officer, Firearms Instructor and Chief or his designee.

## **CHAPTER 4 – MANAGEMENT, STAFFING, ORGANIZATION, & UTILIZATION OF PERSONNEL**

4.1 The agency has a protocol and procedures for situations including the following:

- Absence of the Chief Executive Officer
- Exceptional situations involving different specialty units deployed in a common joint operation
- Routine, day-to-day operations

***Purpose:** There is always a need to have a member of the agency designated as being responsible for the operation of the agency. This process provides continuity of command and allows agency personnel to know who has been designated to manage, lead, and administer the agency.*

4.2 The agency has a policy that requires personnel to obey any lawful order of a superior officer and also addresses conflicting or unlawful orders.

4.3\* The agency has a policy that requires an annual management review and analysis, with final review approved by the chief executive officer, of the following incidents:

- Vehicle pursuits
- Use of force events
- Internal investigations
- Biased based profiling incidents

***Purpose:** It is the intent that agencies require ongoing first level supervisory and administrative review of these high liability incidents. Additionally, an annual review and analysis of these incidents shall be conducted at the command level, with approval by the CEO, and can be used as an early warning system. Agencies should address policy, procedure, training and/or personnel issues that are identified during this review process.*

4.4 The agency has a system of written directives that includes procedures for developing, approving and disseminating directives to all personnel. The system will include:

- Methods for tracking changes and archiving prior versions of policies;
- A process that confirms receipt of directives by affected personnel.

***Purpose:** To ensure the agency has a consistent and current policy and procedures manual that provides clear employee performance expectation and constraints. A system of written directives provides command direction to the agency and its personnel relating to their duties and responsibilities. That system should allow for quick access and retrieval of agency policies, procedures, rules, and regulations.*

### **Observations:**

This chapter is intended to take both a high level look at the organization's performance in key areas and assess the organizational structure from an operational perspective. The chapter also encourages assessors to work much closer to the ground and evaluate whether agency practices align with policy and that periodic reporting of critical department functions are completed, analyzed and routed through the Chief's office. LEMAP assessments are not intended to be staffing studies and assessors are discouraged from generating observations and offering opinions related to staffing levels. Nonetheless, certain areas of the agency will deserve mentioning where the LEMAP team recommends further evaluation and possible action by department and city leadership.

During interviews of all available employees, the LEMAP team was impressed with employee commitment to the agency and to the city. However, most officers and sergeants are frustrated by the infrequent presence of both the Chief and Assistant Chief due to their offices being located outside of the headquarters building and in an adjoining house. Line staff also reported an obvious lack of top down communication throughout the agency, which is exacerbated by the absence of the Chief and A/C. This absence is amplified as both the Chief and A/C work 4/10 (4 -10 hour days on, 3 days off) work schedule, Monday – Thursday (Harrison) or Tuesday through Friday (Coble) from 0600-1600. This schedule is unusual for police executives based on the LEMAP team's experience.

One recent example of weak communication within the department occurred with the hiring of a new officer. He arrived at headquarters and nobody knew who he was, who he was expected to report to or what tasks he was expected to work on. Officers and sergeants indicate that they rarely see both the Chief and/or the Assistant Chief in the headquarters building. This results in an appearance, and possibly an effect, that the sergeants are running the department since they are the only visible positions of authority ever present at headquarters. In the month leading up to the LEMAP assessment, sergeants, who formerly had their own offices, were consolidated so that two offices could be used for A/C Coble and secure storage of records, amplifying frustration and cynicism of line staff and sergeants. Officers and sergeants reported there was very little communication regarding the reasons for these moves and other physical plant changes made in anticipation of accreditation and the LEMAP assessment. Chief Harrison reported to the LEMAP team at the exit briefing that he was considering relocating to headquarters.

EWPD uniform staff is made up of 21 total commissioned officers and three civilians. Field operations consist of four sergeants and 17 officers. One officer is assigned to the local drug task force, one officer is in field training and one officer awaiting assignment to the police academy. Patrol officers and sergeants work 12-hour shifts with either 2 or 3 days off which provides all officers with equitable opportunity for weekends off. All patrol officers utilize personally assigned (or take home) vehicles. EWPD does not have a policy that governs commute distance between the officer’s home and EWPD headquarters, but Chief Harrison advises all of the officers live in the area.

Staffing levels are always a very sensitive area of discussion during operational reviews of police agencies and is one of many reasons that LEMAP teams do not make staffing recommendations. However, at times, our client agencies find it beneficial to have information that they can take to key government or elected leaders when police staffing discussions occur. It is important to note that the number of officers per thousand is a very general metric. There is little basis this measure provides community members the overall feeling of safety and is not a reliable indicator of effective policing practices. All statistics are offered in the following table for comparison only. Appropriate staffing numbers are guided by community wants/needs and local finances.

**Agency officer per 1,000 rates as compared to EWPD. Data is for the 2017 reporting year as reported to WASPC. Group A crime data included as an activity marker and are broadly considered violent or felony crimes.**

Department	Population	Commissioned total	Commission rate (per 1,000 population)	Civilian total	Total Group A crimes**
East Wenatchee	13600	21	1.47	3	848
Lynden	13620	15	1.10	4	403
West Richland	14660	19	1.30	4	472
Ferndale	13470	19	1.24	3	622
Lake Forest Park	12990	19	1.46	3	548
Port Orchard	13990	22	1.57	2	1482
Snoqualmie	13210	22	1.67	4	373
Kelso	11980	27	2.25	4	1184
<b>Averages</b>	<b>13440</b>	<b>20.5</b>	<b>1.51</b>	<b>3.4</b>	<b>742</b>

*Source: Washington Association of Sheriffs and Police Chiefs 2017 Crime in Washington annual report*

Based on the comparative data, EWPD is within the same averages for crime data and staffing levels of similar agencies. Officers working 12-hour shifts, under a platoon or squad model, appear to be working well and Chief Harrison reports that he is able to keep overtime within budget. Overtime is often a challenge under a 12-hour shift scheduling configuration and a review of the EWPD budget confirms increased annual overtime costs since 2015. The EWPD overtime line item was increased by almost 50% from 2018 to 2019 to accommodate the increases over the past few years. The LEMAP team did not explore the reasons for the recent increases in overtime.

Officer/sergeant shifts are 0500-1700 and 1700-0500, which is often characterized as a squad or platoon system where officers on the same squad arrive/leave at the same time. The downside to a 12 hour staffing schedule and squad system is the ability to schedule in-service training for officers. Under this model training competes with other operational and specialty assignment (SWAT and Detective) training needs as well as officer leave. EWPD should carefully evaluate this staffing model and work with labor to arrive at a scheduling solution that provides appropriate time for training, which must become more of an agency priority.

Detective and civilian staff work four 10-hour days. A/C Coble provided a work schedule for the month of April and it appears that both detectives and records staff provide coverage Monday-Friday, during core business hours, either working Monday – Thursday or Tuesday – Friday. The Administrative Assistant works Monday – Thursday from 0700-1700. This individual is responsible for the property/evidence room and handles other administrative tasks that are not well defined. Positions that are not well defined can create turmoil and jealousy in police organizations because others may view the position as underperforming and unnecessary. It is important to note that the LEMAP team did not hear any complaints about disparate workload or problems between the Administrative Assistant and other EWPD employees. In an effort to support the Administrative Assistant, Chief Harrison should consider a review of the position and confirm that it is functioning equally with other like positions at EWPD. Defining this position will protect it from future criticism.

EWPD subscribes to the Lexipol Knowledge Management System which is a public safety web-based policy management and training platform used by a large number of police and fire agencies in Washington. The company provides standardized policies based on best business practices aimed at risk reduction. The company employs a team of researchers who continuously work to update the policy manual to ensure it addresses new case law, criminal procedures, techniques, trends or best practices. The Lexipol system contains language that covers nearly all of the standards that the LEMAP team reviews unless the agency makes updates or corrections, often referred to as customization, to their Lexipol product.

When an agency initially subscribes to Lexipol, customization is always needed in order to mold the standardized Lexipol policies to the agency's needs, culture and operating environment. An agency should carefully weigh each customization within the organization to ensure that edits are not contrary to best business and/or risk management practices. When policy decisions are made in haste it creates danger that important policy language could be deleted or changed based on the personal opinions of the editor rather than the best interest of the agency. In *Bryan County. v. Brown* 520 U.S. 397 (1997), the US Supreme Court pointed out that a sheriff is the final policymaker and is ultimately responsible for a policy manual's content.

The LEMAP team has not done an in-depth evaluation of what customization has been made to the EWPD manual. The team believes it is important that Chief Harrison be made aware of the difficulties other agencies have faced when they strayed from key Lexipol policy sections that protected their agency and provided contemporary guidance to employees. One last important point on customization – extensive changes away from

standard Lexipol language make the task of adopting and issuing the frequent updates a laborious process.

The LEMAP team strongly recommends a decision-making model be applied whenever customization of a Lexipol policy is being considered, whether by a single person or a team of editors. Prior to any change, the agency should ask itself:

- ✓ Why did Lexipol write it that way and why is it different than our language or practice?
- ✓ Can we live with the language as-is, even if it means changing our practices?
- ✓ Is there a compelling reason, supported by well-thought-out facts, to change the policy? “*We are not doing that,*” “*That’s too hard,*” or “*We’ve never done it that way*” are not acceptable reasons.
- ✓ What are other agencies doing? Are we the outlier?
- ✓ If something were to go wrong, are we comfortable explaining to the public, political leaders, or a jury why we changed the policy?

If the agency still wants to make the policy change after all the above questions have been considered, move forward with confidence.

EWPD policy 200.3 (Command Protocol) covers absence of the Chief, unity of command and following orders. With the Chief and A/C Coble working Monday-Friday, operation of the agency defaults to a sergeant on the weekend. If the Sergeant is in training or on leave, the next level of succession is to a senior officer. This is not an ideal succession of command and Chief Harrison should take steps to ensure a commissioned sergeant is working 24/7 when he and Chief Coble are on leave or days off.

During the recent installation of Lexipol, EWPD adopted language that covered annual reporting requirements on pursuits (policy 307), bias based policing (policy 401.6), use of force (policy 300.9) and complaints (policy 401.7). Assistant Chief Coble advised that up until this year EWPD had never conducted an annual review and analysis of any of the above critical areas of police operations. In preparation for accreditation A/C Coble actually completed reviews and analysis of all four areas. Areas that EWPD should continue work on before they actually declare themselves ready to move forward with accreditation include the following:

- The bias based policing policy contains a caveat that reads a review and analysis will be completed “*based on available funding*”. This language is not compliant and must be removed from the manual. Also, the bias based policing review and analysis should be refined by including more depth that should include review of data metrics other than just complaint data.
- The use of force analysis contained good review and analysis of a Taser application in Drive Stun mode on a passive subject. As mentioned earlier, the Command level

of the department needs to be involved in DT curricula development and delivery moving forward.

- The annual pursuit analysis was lengthy and provided a good analysis of EWPD pursuits. Ideally, when conducting any analysis of officer activity or conduct the LEMAP team recommends that EWPD avoid naming/criticizing individual officers/sergeants as part of the analysis. When naming individuals an analysis can become subjective or personal, as opposed to objective, and can inflame department members by drawing them out in a public document. This can defeat the purpose of the exercise/review.
- EWPD does not have policy language that covers the annual management review and analysis of internal investigations. Policy 1010.5 requires an annual audit of the complaint log, with the audit report forwarded to the Chief, which is different than a management review and analysis of internal investigations. Also, the entire personnel complaint policy (1010) should be scoured with editing of processes or terminology that are not customary for EWPD. Finally, EWPD does not have a policy that provides direction for employees that have received an illegal order. Discussion of employee responsibilities when receiving an illegal order is an accreditation requirement.

As mentioned previously, EWPD is a Lexipol client agency and as part of that arrangement, Lexipol provides automatic archiving of all policy updates. A/C Coble advises he has an electronic copy of prior policies and directives that were in place prior to initiating the Lexipol product. These will need to be maintained well into the future.

### **Recommendations:**

- Relocate the Chief and A/C to headquarters.
- Define commute distances for personally assigned city vehicles.
- Establish a discussion venue where sergeants and officers can openly discuss operational concerns and brainstorm solutions with the Chief and Assistant Chief to prevent concerns becoming a nuisance within the agency.
- Conduct an assessment of the current patrol scheduling configuration. Consider demand-based staffing where officers start their shifts around the clock, rather than with a squad system, and are concentrated during peak call volume times. Commissioned sergeants should be supervising enforcement activities 24/7.
- Take steps to ensure consistent supervisory coverage 24/7 and particularly when the Chief and Assistant Chief are not scheduled to work.
- Remove the policy language “*based on available funding*” under the bias based policing policy and conduct an authentic review and analysis of all available resources when constructing the written report.

- Remove the names of all employees in any written review/analyses of critical events (i.e. pursuits, use of force, bias based policing and internal investigations). Ensure the Chief has reviewed and initialed all reviews.
- Scour the EWPD personnel complaint policy and edit all processes or terms that are not customary at EWPD when handling complaints or internal investigations.
- Scour the entire EWPD policy manual and remove or edit terms or processes that are not customary to EWPD.
- Develop processes for introducing all new or edited policy language to employees. Confirm that all employees have acknowledged all policies.
- Install policy language that provides employees direction when responding to unlawful orders.

## CHAPTER 5 – RECORDS MANAGEMENT

5.1 The agency has a standardized records management system.

***Purpose:** This standard requires a standardized records management system for the law enforcement agency. This will ensure that the agency has a consistent process to record law enforcement incidents and activities such as report writing, property management, inmate tracking, permits, and licensing.*

5.2 The agency has a system to record and maintain a record of every call for service.

***Purpose:** To ensure that the Law Enforcement agency has a system, CAD or otherwise, to record all calls for service. The record should contain the date, time, and location, nature of the incident, responding units and a disposition for the call for service.*

5.3 The agency has polices governing its compliance with all rules for ACCESS participation, to include:

- The agency can show 100% compliance or has made corrections to comply with any ACCESS findings from the previous triennial audit, and;
- The agency can show that all personnel have been trained and certified

***Purpose:** To ensure compliance with ACCESS regulations and operates ACCESS terminal(s) in a secure, professional and legal manner. The agency should provide the documentation from their previous triennial audit by WSP/ACCESS or the FBI. Any compliance issues must have been addressed and documentation should be provided to show that the agency has corrected any noted deficiencies.*

- 5.4 The agency physically protects the privacy and security of agency records in a manner that assures that only authorized personnel with the appropriate need to know - and right to know – can access those records.
- 5.5 The agency complies with Washington State law governing dissemination of records.
- Purpose:** To ensure that the agency is in compliance with the Washington State Public Records Act, RCW 42.56. Policy governing compliance as well as common practice should be demonstrated.*
- 5.6 The agency complies with Washington State law governing preservation and destruction of records.
- Purpose:** To ensure that the agency is in compliance with Washington State law governing preservation and destruction of records to include identification and maintenance of essential/permanent records. Policy governing compliance as well as common practice should be demonstrated.*
- 5.7 The agency has procedures for processing and maintaining notice of infractions and citations.
- Purpose:** Agencies must be accountable for all notice of infractions and citations issued their timely delivery to the court system, and retention for audit purposes.*
- 5.8 The agency has guidelines to address the release of public information to the media.
- Purpose:** Agencies should clearly identify who is authorized to release public information and what type of information the agency is comfortable with releasing through a PIO or other means.*
- 5.9 The agency has policy and procedures for community notifications of registered sex offenders.
- Purpose:** The agency shall have policy and procedures in place that allow for notification in accordance with RCW 4.24.550.*
- 5.10 The agency has policy and procedures for investigating and verifying missing persons, including updating ACCESS databases with additional identifying features as they become available.
- Purpose:** Agencies shall have a process for verifying that a missing person is still missing, periodically updating the status of the case, and ensuring that as much information as possible is packed into the WACIC/NCIC record. Policy and Procedure should include provisions for a person missing for 30 days or more and compliance with RCW 68.50.320 for investigation.*
- 5.11 The agency has policy and procedures for:
- The lawful impounding of vehicles
  - The recovery of stolen vehicles, to include attempts to notify vehicle owners

**Purpose:** Agencies should have policy on how to handle evidence, impounds, notifications of owners, and ACCESS Locates for the recovery of a stolen vehicle.

- 5.12 The agency participates in Uniform Crime Reporting and/or NIBRS by reporting to WASPC as required.
- 5.13 The agency complies with Washington State law governing the submission of sex offense case files to the WASPC Criminal Justice Information Support Department (CIJS) for archiving pursuant to RCW 40.14.070.

**Purpose:** To comply with the RCW and state retention schedule standard LE 2010-063.

### **Observations:**

Records management is one of the most critical areas of contemporary police departments due to the importance of criminal justice records accuracy and the complexity of public records disclosure. The foundation of all law enforcement records units is ensuring the authenticity and integrity of police records. Managing law enforcement records has evolved into a specialized profession within the last decade. Whereas in its earliest stages, the work performed aligned with typical office clerical functions, now the duties require employees who possess critical thinking and analytical application of statutes and other regulations. Additionally, technology is now part of law enforcement records management and requires staff members with proficiencies that were previously nonessential. Progressive and efficient systems and processes are a minimum requirement for effective public records management.

At the time of this assessment, East Wenatchee PD's Records Unit consists of one administrative assistant, who has been employed for 29 years, and two full-time records specialists with 14 and 7 years of experience respectively. The Administrative Assistant provides direct supervision to the records staff, is the agencies evidence technician and serves as the confidential assistant to the Chief and Assistant Chief. The public window to EWPD is open from 8:30 a.m. until 4:30 p.m. Monday - Friday.

East Wenatchee's records specialists are responsible for providing timely, reliable and accurate information in response to inquiries from officers, investigators, the court and the public. The records specialists process a wide variety of records and reports and enter information into several databases, including WACIC (Washington Criminal Information Center), NCIC (National Crime Information Center), and SPILLMAN (the electronic records management system). These databases account for missing persons, juvenile runaways, stolen vehicles, stolen property and court orders. Records specialists respond to public disclosure requests from crime victims, insurance companies, media, individuals involved in traffic accidents and anonymous parties. East Wenatchee PD records unit also provides fingerprinting services for taxi permits, concealed pistol licenses, issues concealed pistol licenses, and process firearm transfers. The records specialists must maintain meticulous attention to detail during their day-to-day operations to ensure their proficiency and preserve the accuracy of police records.

The East Wenatchee Police Department's Records Unit is responsible for managing and maintaining EWPD's law enforcement records throughout their lifecycle, which begins at the conception of the incident and should conclude at destruction or archiving. EWPD currently uses Spillman records management system (RMS) as a standardized records management system which maintains a record of all calls for service.

Officers create their own reports in the SPILLMAN system. From there the system provides a method to maintain reports and other records electronically, however, EWPD has not implemented this process and instead opts for a multi-step approach:

1. Officer creates report.
2. Officer prints, paperclips supporting (orphan) documents (i.e. statements, property sheets), and provides to sergeant for approval.
3. Sergeant approves report with handwritten signature and places into a records inbox.
4. If the report needs to be distributed to city prosecutors, the paper case is then scanned. and uploaded to SharePoint at which point the prosecutors can access documents.
5. Records assists the AA manually entering all the property (evidence, stolen, missing) into SPILLMAN to clear any incident-based report (IBR) errors. *This step could be completed by the officers.*
6. Records then reads the officers reports and inputs other officer-collected information to clear any remaining IBR errors. *This step could be completed by the officer.*
7. The report is then printed out and placed into a case jacket. *This step could be eliminated*
8. Records staff then update SPILLMAN notating any case activity (i.e. The case was release for PDR or to the prosecutor)
9. Finally, the case files are locked in a nearby office. Immediately prior to the LEMAP team's visit the cases were stored openly in the records area.

In this multi-step process, reports are provided to the prosecution *prior* to ensuring all property is entered and all IBR errors cleared. When entering additional information (property) or updating data to clear IBR errors, the author or editor is altering the record from the version provided for prosecution.

It is a somewhat common practice for some police agencies to print and store copies of their police reports, even though all current information is contained within the RMS database. This is a redundant and wasteful exercise as EWPD has the tools at their fingertips to make their entire process electronic including scanning and storing orphan documents into the system. When asked why the officers do not utilize all the options in their mobile system to capture and clear IBR data, or utilize the property module to prevent duplicate work, records staff indicated it is easier for them (the records staff) to just do the additional work rather than train the officers.

The LEMAP team attempted to explore the justification for not "going electronic" with EWPD records and staff members informed assessors the decision was based on years of past practice. The East Wenatchee police department has used SPILLMAN for several years and reported never having lost data. The agency could cease the redundant practice

of printing all records if they implemented the state sanctioned “scan and toss” method and utilized all the modules available to them in the SPILLMAN RMS. This would free up a significant amount of time on the Records staff to focus on other work.

EWPD’s Administrative Assistant currently serves as the agency’s Terminal Agency Coordinator (TAC) and monitors all ACCESS certifications, including scheduling ACCESS training. All employees are current with their ACCESS certifications. On August 30, 2016, the WSP conducted its triennial audit of the East Wenatchee Police Department. During the exit interview, the auditor advised that EWPD had one minor compliance issue which needed addressing. The issue was immediately handled and WSP concluded the audit and issued a certificate of completion on August 31, 2016.

The Administrative Assistant is responsible for supervision of all non-commissioned personnel and reports directly to the Assistant Chief. She is also responsible for the destruction of EWPD records. Records are stored in two locations; 2012 to 2015 police records are stored in a recently created locked records room at EWPD headquarters and is easily accessible to only records staff. 2013 to 2014 records are secured in the basement in the annex building. The LEMAP team did not determine which city employees have access to the annex basement.

Records at EWPD is not a 24/7 operation. An inter-agency agreement exists between East Wenatchee Police Department and the regional dispatch center for WACIC/NCIC entries and 24 hour hit confirmations. Records staff stated they are supposed to conduct WACIC/NCIC entries during the day, however everything is now sent to dispatch to process. If the dispatch center receives a hit on a warrant or court order, the original court documents are in the records areas and are not locked. Since the locked records room is a new process for EWPD, there has not yet been discussion of how Officers will “confirm” records entered into WACIC/NCIC since the records are no longer accessible to them. Fortunately, EWPD Officers are not frequently asked to confirm entries and Chief Harrison reports that they still have electronic access to the records. Additionally, since dispatch enters all orders, they also confirm hits for them.

There is currently no process in place to handle the destruction of the partial electronic files stored in SPILLMAN. The public records act mandates that agencies provide all available data, upon request, and failure to do so leaves the agency at high risk for a damage claim. If public records requests include older records, in which the paper copy has already been destroyed, records staff know and routinely check in SPILLMAN to provide whatever data remains in the electronic archive. RCW 40.14.070 governs the submission of sex offense case files to WASPC and EWPD is current with their submissions. Industry standard for disclosure is, “if you keep it you have to produce it” in response to a request for records. This creates a situation of higher liability for East Wenatchee PD since they do not destroy partially stored electronic files in SPILLMAN.

The two records staff members primarily handle incoming records requests though at times the Administrative Assistance assists them. All staff have received training on processing public records and are members of LEIRA.

The city website indicates that all requests for police reports *should* be submitted in writing, although all forms of requests are accepted. The current system for processing public

records requests is working for EWPD however, Assessors noted several inefficiencies in their process that create duplicative work.

EWPD policy on records maintenance and release (804.3) states the Chief will appoint a Public Records Officer. In the same policy, section 804.2 states by ordinance the City has adopted a Public Records Act Policy. Upon review of the City's adopted Public Records Act Policy, the City Attorney is listed as the City's main Public Records Officer. In practice, however, the City Clerk is the Public Records Officer and all requests are logged and reviewed by her prior to final release.

When a request comes into the police department, a copy of the request is immediately sent to the City clerk to log for reporting and tracking. All communication with the requestor goes through the City Clerk. If the request is not clear, the police department asks the city clerk to receive clarification from the requestor.

When processing a standard police report request, records staff take the paper file and scans it into a program called Rapid Redact. From there they are quickly able to apply redactions and create an exemption and redaction log. When complete, a redacted and a clean copy are printed and provided to the City Clerk for release and a paper copy of what was provided to the requestor remains at the police department. For release and long-term storage, the City clerk scans the file back into her system, making the file electronic again.

The department uses Office 365 which provides cloud-based storage and access to office products from any computer if the proper credentials are utilized. Office 365 can be a powerful tool allowing for efficient information sharing and workflow if proper training is provided. Records staff indicated they make an additional copy of the (produced) public record for the city clerk because don't share a network server. The City uses SharePoint to provide case files to the prosecutor and the same process can be applied to provide PDR's to the City clerk. The current PDR process is grossly inefficient as EWPD records staff are frequently scanning and printing copies of PDR results three or four times to provide records to various stakeholders. The City Clerk is in the process of implementing Laserfiche, an electronic records management program, but it has not been rolled out to the police department yet. This platform would be another powerful tool in creating a more streamlined process for EWPD records staff.

All staff reported good verbal communication concerning pending PDR's. Assessors reviewed a list of statutes frequently cited by East Wenatchee PD involving disclosure and found their list to be accurate. Records staff stated they are free to consult their city attorney for more difficult or complex requests. Regular PDR training is available for staff to remain current on this changing area of law which reduces agency risk.

During the initial EWPD tour, the LEMAP team inquired about body cameras which were stored in the records unit workspace. Records staff advised that the body camera system was set up by Command Staff and is occasionally used by officers. Records staff stated the retention of the video was set up by Command through the cloud-based storage program. They have access to the program but only to provide the prosecutors copies of video with cases sent for prosecution. Retention of video media is required by the Public Records Act but varies based on the nature of what is captured on the video media. EWPD policy on body cameras (422) states the Records Custodian will review any video prior to release.

The Administrative Assistant was not involved in the implementation of the body camera system or the set-up of the retention schedule in the system. Therefore, it is unclear who is managing the retention of body camera video and if officers are entering the data required to trigger the record retention.

The EWPD records unit does have written procedures in place but only the Administrative Assistant knew where they were stored. Most functions do not have updated procedures in existence, which may be problematic once the Administrative Assistant chooses to leave the agency.

The department does have policies for ensuring missing persons and stolen vehicles are entered into the system and investigated. There is a records procedure for validating records however it is very generic and does not provide guidance for individualized entry's (e.g. missing persons versus stolen bike). Records specialists understand the process even though there is no written guidance in the form of a procedure manual specific to the records unit. Records staff report that there are very few times that they are actually required to enter items into WACIC/NCIC because the dispatch center usually handles that for them. When asked if they verify the entry returns received from dispatch, to ensure accuracy and that the records are packed, they reported this is not their standard practice. In addition, if someone reports a missing person has returned, the staff removes the entry from the WACIC/NCIC system without further confirmation. Their policy manual does specify records staff can notify owners of stolen vehicles regarding recovery of the vehicle if requested by officers.

Officers at EWPD have the ability to issue both paper and SECTOR (electronic) infractions and citations. Records staff indicated it is at the discretion of the officer if they use paper or electronic documents because there is no standard or policy in place to provide guidance. The justification for not going completely paperless with their tickets and collision reports is the same as their case management; past practice and because some officers just do not like SECTOR.

Records staff will sometimes file a ticket in the case jacket if associated with a case. However, when provided with a paper ticket, they indicated all copies, including the LEA (law enforcement agency) copy are sent to the court. Neither records staff nor the Court Administrator could justify or explain why the LEA copy was provided to the court. The court expressed frustration with EWPD and their processing of tickets and case files because it is apparent the staff is not well trained on SECTOR and there is no accountability within EWPD regarding issuance of infractions or criminal citations. The Court Administrator reports that officers will not perform the required "send and receive" SECTOR function to allow tickets to move forward to the court. Citations and cases are often not received at the court prior to arraignment and PC is not provided on the paper or electronic tickets. The Court Administrator stated they have dismissed cases due to lack of paperwork received from EWPD officers and staff. She has attempted to get issues corrected through EWPD sergeants, without success, and has now started emailing officers directly when there are issues with charging documents and infractions.

The EWPD records section is not performing monthly audits of infractions and criminal citations required by RCW 46.64.010. The records team did not understand the reasoning nor were they concerned at the lack of accountability or management of the EWPD

infraction or citation files. The Administrative Assistant did indicate she wanted to learn more about the audit process so she can bring the agency into compliance.

East Wenatchee PD does have a policy in place to address the release of public information to the media. Current agency practice is to defer media requests to the Chief or Assistant Chief. East Wenatchee PD utilizes Douglas County Sheriff's Office for all community notifications of registered sex offenders. The city website does link to Douglas County "Offender Watch<sup>®</sup>", which allows community members to check for offenders in their neighborhood.

Assessors were impressed with the knowledge of the records specialists and their enthusiasm for the LEMAP process and their duties. They expressed satisfaction with recent improvements and excitement for future development of their section and policy.

### **Recommendations:**

- Design a process to better leverage agency technology to improve agency efficiency.
- Train officers to utilize property module in SPILLMAN to streamline processes and eliminate duplication of essential tasks.
- Provide training to all staff on NIBRS requirements and find ways to better utilize all opportunities to streamline processes and eliminate duplication of work.
- Discontinue storage of secondary files of PDRs at the police department.
- Review EWPD public records policy 804 and edit it to work accurately with the City's ordinance and practices.
- Review PDR processes with City Clerk and employ a more efficient file share system.
- Review uniform guidelines for retention of EWPD body camera videos to ensure compliance with the public records act.
- Require the use of SECTOR for traffic enforcement and collision reporting to achieve 100% paperless citation management.
- Develop a procedure manual for the Records Division to provide consistent processes for current and future staff.
- Develop and implement a plan to address records retention/destruction, including the "scan and toss" option. Member of the State Archivists office or local agencies may be able to assist. This process should be inclusive of all EWPD records.

- Move all warrants and protection orders into the records work area and install locks on the cabinet and provide key access and clear procedures for all authorized personnel.

## CHAPTER 6 – INFORMATION TECHNOLOGY

- 6.1 Access to the agency’s computer system is secure with restricted access to those who are authorized and who have a passed background investigation.
- 6.2 The agency can show 100% compliance or that it has made corrections to comply with any ACCESS/CJIS findings from the previous technical triennial audit and/or FBI audit.
- Purpose:** To show that the agency is complying with requirements to provide a safe and secure environment for the transmission of ACCESS data.*
- 6.3 The agency has policies governing appropriate use of agency technology.
- Purpose:** Agencies need policies to address appropriate use of technology to define what acceptable practice for that agency is.*
- 6.4 Each fixed and mobile computer workstation has an up-to-date copy of agency-approved, security software installed and running while the equipment is in use.
- Purpose:** Agencies should attempt to secure and protect their data from potential harm from outside sources with security such as anti-virus, anti-malware, anti-spyware, firewalls, etc.*
- 6.5 Electronic information is routinely backed-up at least once a week. Back-up data is kept in secure storage and is completely destroyed when no longer needed.
- Purpose:** Agencies should protect their data. Backing up a system on a regular basis is recommended. Proper data destruction so that it doesn’t become available to unauthorized users is required.*

### **Observations:**

Law enforcement relies on its information technology (IT) resources more today than in any other time in law enforcement. The security of information technology must be the highest priority and deliberate steps must be taken to protect against the improper disclosure of any law enforcement record. Additionally, law enforcement agencies are responsible to provide security to its computer terminals that have direct links to ACCESS, CJIS and all national crime information data bases. If a state or FBI auditor finds that an agency isn’t in compliance with industry security standards, sanctions are severe and can include revocation of an agency’s privilege to use the system.

The East Wenatchee Police Department is a secure police facility and all the EWPD computer terminals are out of public view. Any City of East Wenatchee employee or vendor (janitor, information technology employee, court employee, etc.) who has access to police technology or criminal justice information have been fingerprinted and undergone a background check.

Until recently, EWPD had been supported by an outsourced IT department; whose contract ended as of April 2019. The City hired an in-house IT employee in February of this year but that individual has not focused much time on any law enforcement systems since the outsourced I.T. contract was handling the needs of the PD.

The criminal justice server, which provides EWPD and several surrounding agencies access to the SPILLMAN RMS, is housed at the dispatch center and is backed up regularly. The police department's server is separate from the city and criminal justice servers and is backed up daily. The backup storage is in the off-site annex building and is also backed up to a cloud-based storage system and a long-term server located at City Hall. All backups are encrypted and meet CJIS requirements. The IT Department can push daily updates of approved security software to all computers and does so regularly.

ACCESS conducted a triennial Security Audit of EWPD IT infrastructure in 2016. Staff was unable to locate a final report, so it is unknown if there were any adverse findings. Assessors learned that police command staff have been responsible for this audit since IT had been outsourced. EWPD received a certificate of completion, therefore, any member of the team assumes any findings must have been addressed. The next security audit is scheduled for 2019 and will be handled jointly with the city's new IT staff.

There have been changes in CJIS requirements for advanced authentication on all "mobile" terminals. Each EWPD vehicle is assigned a Mobile Device Terminal (MDT). Advanced authentication requires that either the terminals must be locked in agency vehicles or the user must use a secondary form of authentication when removed from the patrol vehicle. The secondary authentication may be a code sent to the user's phone or use of an access device such as a physical fob or token. EWPD use their MDT's (i.e. entering case information), therefore locking the systems in a patrol vehicle would not be practical. Advanced authentication is proving difficult for law enforcement agencies across the nation as they attempt to remain compliant with CJIS rules. EWPD has not currently determined the best method for advanced authentication. This will certainly be a point of emphasis in the 2019 CJIS Technical Audit. The LEMAP team recommends that EWPD have a solution in place prior to the audit.

The department uses Office 365 which is a new software platform many agencies are moving toward. This program provides cloud-based storage and access to office products from any computer when the proper credentials are utilized. Office 365 can be a powerful tool allowing for efficient information sharing and improved workflow if users receive proper training. Assessors learned there are some officers who do not know how to access their work emails on their MDT's using the Office 365 platform. Therefore, they are using their personal email to apply for search warrants and conduct other business while on duty. The IT Manager and Command Staff were informed by the LEMAP team and indicated training would be provided to officers on the risks of using their personal resources for police department purposes.

## Recommendations:

- Work with the IT Department to develop and install advanced authentication requirements for mobile data computers to meet compliance with future CJIS Security audits.
- Work with IT staff to provide training on basic use of Office 365 and how to access MS outlook and data processing platforms from vehicles.
- Explore the ways Office 365 can be integrated to provide more efficiencies within the department.
- As a priority, prohibit the use of personal resources for police business without the permission of the Police Chief.

## **CHAPTER 7 – UNUSUAL OCCURENCES**

- 7.1 Every sworn member of the agency has completed the National Incident Management and Incident Command System(s) introductory training course(s).
- Purpose: To ensure all sworn personnel have completed both IS700 and ICS100*
- 7.2 The agency has plans for responding to natural and man-made disasters, civil disturbances, and other unusual occurrences.
- Purpose: To ensure the agency has a current plan in place and is prepared to respond to any disaster immediately.*
- 7.3 The agency works with the County and/or regional agencies in developing a county or regional disaster or emergency response plan.
- 7.4 The agency has a policy for requesting and providing mutual aid.

## Observations:

Chapter 7 primarily measures how agencies are prepared to respond to and recover from an unusual occurrence, which could include events ranging from acts of domestic and international terrorism to wild land fires and ice storms. The key to response and recovery to these events is relationships, planning and preparation, equipping of staff and training and exercising. EWPD should be an active partner in periodic meetings that provide opportunities to prepare and plan for unusual occurrences and they should offer their employees as participants in local training events and exercises.

Chief Harrison serves as the city of East Wenatchee Emergency Manager as an adjunct to his duties as Police Chief. He has served in this role for over five years and was the author of the city's Comprehensive Emergency Management Plan (CEMP) that was last revised in 2014. That plan was approved by the state Department of Emergency Management and Chief Harrison indicates that it is due for updating. Harrison also indicates that all officers

and sergeants have access to the plan on their department issued phones and mobile computers. When asked if the officers and sergeants are familiar with their responsibilities under the CEMP, he indicated that “they know how to do their jobs”. EWPD policy 202.6 calls for annual training for all supervisors on the city’s Emergency Management Plan. Interviews of sergeants indicate this has not occurred.

Interviews of officers and sergeants revealed that most are current on the basic incident command classes (ICS 100 and IS 700) but they rarely use the ICS framework. Most officers indicated that if they were dispatched to a full-scale incident that they would likely know what to do. The LEMAP team did not check agency training records to confirm completion of the basic ICS classes for EWPD employees. If the agency pursues accreditation, they will have to confirm training for all employees that could be deployed to an ICS activation. EWPD policy 326 provides sound guidance on requesting and responding to requests for mutual aid.

The LEMAP team interviewed Sgt. Rich Poppie, who currently serves as the Douglas County Emergency Manager (DCEM) and Chief Criminal Deputy Steve Groschlose who was the principal Douglas County command officer that supervised DCEM for the past three years. Both Poppie and Groschlose reported a good working relationship with EWPD and confirmed that East Wenatchee has operated their own emergency management organization for many years. DCEM is not familiar with East Wenatchee’s DEM system and until recently Groschlose reports that EWPD rarely participated in regional meetings, drills or training events. Both Poppie and Groschlose confirmed that Chief Harrison attended the most recent DEM Region 7 meeting which was held within the past month. Chief Harrison indicates that he and EWPD staff have been involved in training events at Pangborn airport and an event several years ago involving an oil spill on the Columbia river.

### **Recommendations:**

- Confirm all officers and employees that may be dispatched to an Emergency Operations Center, or Department Operations Center, are current on at least ICS 100 and IS 700. Supervisors and Commanders should have at least ICS 200, 300 and 400.
- Confirm the revision date of the East Wenatchee CEMP and submit to state DEM.
- Maintain full participation in all regional DEM meetings that include regional partners. Those include Region 7 Emergency Management and meetings of the Local Emergency Planning Committee (LEPC). Consider involving sergeants and interested line officers in these meetings to build capacity within the department and establish relationships with local partners.

## **CHAPTER 8 – HEALTH & SAFETY**

- 8.1 The agency has written guidelines that inform employees of the threats and hazards associated with airborne and blood borne pathogens.

- 8.2 The agency provides personal protective equipment, which shall include latex gloves (or equivalent), eye protection and protective shoe covers to minimize exposure to potentially infectious materials and objects.
- 8.3 The agency provides soft body armor and requires its use for personnel engaged in uniform field duties or high-risk situations.
- Purpose:** The agency is responsible for ensuring that personnel engaged in field duties or high-risk situations are wearing necessary protective equipment.*
- 8.4 The agency provides reflective clothing and requires its use.
- Purpose:** The agency provides OSHA approved reflectorized vests to increase the visibility of employees while exposed to traffic hazards. Use of reflectorized vests is mandated for personnel while directing traffic, or at the scene of a traffic accident (ANSI Class II – 2009).*
- 8.5 The agency has procedures for disposal and decontamination when there is an event or contact involving biohazard material including blood or bodily fluids.
- 8.6 The agency has procedures for post-exposure reporting and follow-up after suspected or actual exposure to infectious diseases.
- 8.7 Non-commissioned police employees are physically separated from the public by a physical barrier in the lobby area.
- 8.8 The agency requires all personnel to use safety restraint/seat belts while operating agency vehicles.

### **Observations:**

Employers, including law enforcement agencies, must make a reasonable effort to provide a workplace free of known health and safety hazards. Policy, procedures, equipment and training are all important components of a workplace safety strategy.

Blood borne pathogens are a serious hazard to law enforcement personnel. Employees who can reasonably anticipate contact with human blood or other infectious materials as part of their job duties are protected by the Federal Occupational Safety & Health Administration's (OSHA) blood borne pathogens standard and must complete blood borne pathogens training.

OSHA Standard 29 CFR Part 1910.1030 – Blood borne Pathogens requires employers to implement an exposure control plan for employees. The plan must include controls to prevent or minimize employee exposure to blood borne pathogens and to reduce the chances of infection when exposure does occur.

The Washington Administrative Code (WAC) 296-823-12005 requires the EWPD to provide training to all employees with occupational exposure at least annually and within one year of the previous training. Through interviews and review of training records the assessor learned EWPD personnel utilize on-line training in Blood Borne Pathogens. This is a 3-hour training which has been conducted annually.

EWPD Policy section 1008 provides guidance on general precautions for dealing with bodily fluids, required personal protective equipment (PPE), immunization and decontamination. Policy 1008.5 covers Post Exposure steps and reporting. The assessor learned that these areas of policy have been familiarized among officers, supervisors and command staff.

Policy section 1008.3 – Exposure Control Officer– subsection (c) states, “agency members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member’s position and risk of exposure.” Through interviews the assessor learned that the above equipment is organized within a box in the patrol cars. The LEMAP assessor checked the patrol vehicle of the on-duty supervisor and observed the above equipment, to include disposable shoe/boot covers. Through all the interviews with EWPD staff about PPE, only one officer did not believe the vehicle he drove had such a box containing the described equipment. The assessor was unable to confirm if this vehicle contained the necessary PPE.

Although EWPD has a very robust policy on the use of Respiratory Protection (Policy 705.7) the assessor was informed that the department does not issue gas masks. The only issuance of gas masks is to members of the SWAT Team. EWPD has 2 members of its agency on a multi-jurisdictional team. The LEMAP assessor did not speak with either of the two members.

EWPD policy 1012 covers the use of body armor. Body armor “is required subject to the following:

- (a) Officers shall only wear agency-approved body armor
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action,
- (d) Body armor shall be worn when an officer is working in uniform or taking part in agency range training
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

In every interview conducted by the assessor, every individual stated the only staff who may not wear body armor is the administrative personnel and detectives. The administrators and detectives interviewed stated they would wear body armor in those instances where enforcement action may be taken or for identification purposes. Supervisors should not have the ability to waive wearing body armor under “other circumstances” or as they see fit. Any time an officer is taking enforcement action, they must be required to wear soft body armor.

High Visibility Vests are covered in EWPD policy 500.5. This policy requires the agency to provide American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented

by passing traffic or operating vehicles. EWPD issues vests to all officers, which meet this visibility specification. The policy provides, in part, as follows:

*Although intended primarily for use while performing traffic related assignments, high-visibility vests **should** be worn at any time increased visibility would improve the safety or efficiency of the member.*

Wearing high-visibility vests must be mandated any time an officer is exposed to traffic or could be at risk of being struck by a motor vehicle, except when making traffic stops. The EWPD policy is standard Lexipol language and reflects permissive use of safety vests. Section 500.5.1 states when the high-visibility vest shall be worn. Policy 500.5 should reflect the similar language. Alignment with the WASPC standard will require an explicit policy language requirement.

Policy 1022 covers Occupational Disease and Work-Related Injury Reporting. This policy provides instructions for reporting on-duty injuries, occupational illnesses, or deaths, to the Risk Management Office to ensure that proper medical attention is received.

Sharps containers were present at the main police headquarters. The assessor inspected a patrol vehicle and found a Sharps container within this patrol vehicle and was told that all of the police vehicles have Sharps containers within them.

Non-commissioned Police Department employees are separated from the public by a physical barrier in the lobby areas of the main headquarters as well as the annex building.

Policy 1011 covers the use of seatbelts. Policy 1011.3 states:

*All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this agency while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Agency, are properly restrained.*

Several officers were observed driving police vehicles during the LEMAP team's visit and all were wearing seat belts.

### **Recommendations:**

- Consider requiring monthly, quarterly, or semi-annual inspections or inventories of patrol vehicles to ensure they are properly supplied with personal protective equipment (PPE).
- Although the LEMAP assessor was unable to speak with the two SWAT officers from EWPD who have been issued gas masks, EWPD should inspect the gas masks of each officer and verify the of filter expiration date and that proper fit testing is being done at least once every 12 months (policy 705.7.5). The responsibility for this may fall on the supervisory personnel of the regional SWAT team, but the masks should also be checked by EWPD supervisory personnel as well.

## CHAPTER 9 – FISCAL MANAGEMENT

- 9.1 The Chief Executive Officer has the authority to spend funds in the approved budget for day-to-day operation of the agency.
- 9.2 The Chief Executive Officer makes regular reviews of the agency budget.
- 9.3 The agency has a system for review and approval of expenditures.
- 9.4 The agency has a policy requiring supervisor approval of all overtime.
- 9.5 The agency requires supervisor approval for all employee timesheets.  
*Purpose: Elected officials (Sheriff) are exempt from filling out timesheets.*
- 9.6\* The agency has a system to document and record the use of cash funds that include receipts, supervisory approval, and periodic audit.  
*Purpose: To ensure that control measures are in place for all cash activities in the agency, specifically the common areas of petty cash, cash received in records, and investigative funds.*

### **Observations:**

For most agencies, fiscal management is a mundane aspect of agency operations that is often viewed more as a nuisance than a benefit in the larger law enforcement landscape. But when viewed objectively, the various responsibilities contained within budget and finance of any police organization is essential to its integrity. Spending practices, timekeeping records and accountability for overtime and expenditures are central tenets to not only agency performance but is the hidden foundation from which public trust is constructed.

Generally, LEMAP teams find a City ordinance, approved by Council that gives department heads the authority to spend funds once the budget is approved. When asked, the City Attorney was unaware if such an ordinance was in place and by the end of the assessment, they had not provided an ordinance or city policy. However, within the Chief of Police job description, oversight of department budget was listed as a positional requirement.

The Chief and Assistant Chief take an active role in the oversight of the budget and review monthly reports received from the Finance Department. They frequently meet with and ask questions of the Finance Department to ensure they are spending in line with their approved budget.

The Finance Department provides invoices to the Chief or Assistant Chief for approval and budget coding prior to payment. There does not appear to be a formal purchase request form that an employee can use to request items. The Assistant Chief stated Officers or Sergeants ask for approval prior to the expenditure. Once approval is given, small purchases can be made at several local businesses where spending accounts are set up. Larger items need to be done with a city credit card which can be checked out from Finance.

The credit cards are not checked out to officers without prior approval from the Chief or Assistant Chief.

The Finance Director indicated there is a resolution/purchasing policy in place that allows for the Chief to spend up to \$5000 without additional approval from the Mayor. However, the credit cards only allow for \$700 without Mayor approval. The city is working toward increasing the spending limit of the city credit card.

EWPD has a policy that requires all overtime be approved by a supervisor and uses a program called PlanIt for their scheduling software and OT tracking. There is an overtime approval process built into the PlanIt system as well as an approval process. All timesheets are reviewed by the Assistant Chief or/Chief prior to being taken to City Hall for processing.

The LEMAP Team learned that the EWPD records staff accepts cash, checks and credit card processing for Concealed Pistol Licenses (CPL) and fingerprinting. However, they do not have cash “tills”. Instead, they have a single “change box” containing \$100.00 utilized by multiple employees and primarily used to make change and hold the receipts of each transaction. Upon inspection, the “change box” was in an unlocked drawer and while the box had the capability to be locked, it was found insecure. There was a log for the “change box”, which was put into practice just prior to the LEMAP team’s arrival. The log reflected who accessed the box, for what purpose, what denomination of change was received and given, and the reconciled total.

When a citizen comes into the office to apply for a CPL a handwritten receipt is given to the citizen and a duplicate copy is paper clipped to the cash or check for finance. Once received, records staff folds the payment and puts it in a small change envelope, paperclips it to the receipt and paperwork, and it sits either at their desk or in the “to City Hall” box until someone takes the money to City Hall. They may take the money to City Hall daily or every other day depending on volume. However, since the “change box” is only to make change, additional monies are held in the insecure box. While there has not been an issue with employee theft, this practice is risky for both employees. Assessors inquired of both the records staff and the finance department whether the City had ever received a finding on their financial audit for this practice. It appears the financial auditors are not aware of the processes in place at EWPD regarding the use of the “change box”.

Monies received from CPLs and fingerprinting are not considered petty cash but rather revenue for the City. Based on the lack of individually assigned cash drawers, the inability to secure CPL and fingerprinting funds received, and lack of general oversight, assessors recommended there be a discussion between Command and Finance on discontinuing the intake of all money. The agency could consider having citizens provide payment directly to City Hall, which is down the corridor from the police department. By day two of the assessment, records staff had returned the petty cash box to finance. Further discussion revealed EWPD records staff would continue to take in cash/checks for CPLs and fingerprinting and citizens would need to pay with exact change.

Typically, employees are assigned individual cash drawers/tills that are the employee’s responsibility. Payments can be receipted into the cash drawer (change can be given) and then reconciled every night. Their deposits can be placed in a locking bag and delivered to

City Hall. This process protects not only the City but also the employee if money is lost or stolen.

### **Recommendations:**

- Implement a payment receipting policy which provides direction for the security of all payments received in records. Sample policies can be provided by other agencies or the state auditor's office. See Budget, Accounting and Reporting System (BARS) 3.6 Revenues and Cash Receipting.

## **CHAPTER 10 – RECRUITMENT & SELECTION**

- 10.1 The agency has written standards and hiring criteria for sworn and non-sworn employees and, if applicable, reserve, part-time, or limited commission personnel.

***Purpose:** To create a professional, fair and equitable recruitment and selection process that attracts qualified candidates meeting minimum requirements as established by state training standards and applicable laws.*

- 10.2 The agency requires that background investigations be conducted on each candidate for a sworn position prior to appointment, and requires that proof is submitted to the Washington State Criminal Justice Training Commission.

***Purpose:** The critical and important nature of law enforcement employment require that only the most qualified people are hired to work as law enforcement officers. One of the most important aspects of the selection process is the background investigation. A comprehensive background investigation, conducted by competent investigators is very beneficial in determining the most qualified candidates for selection.*

- 10.3 The agency requires that a medical examination, including drug screening, be performed by a licensed physician for each candidate for a sworn position, prior to appointment.

***Purpose:** A full and complete medical examination is necessary to ensure the health and physical condition of candidates for law enforcement employment.*

- 10.4 The agency requires that a licensed psychologist or psychiatrist conduct a psychological fitness examination for each candidate for a sworn position, prior to appointment.

***Purpose:** The mental and psychological health of a law enforcement officer is essential. This is important to the officer candidate and to the law enforcement agency. The Washington State Criminal Justice Training Commission's psychological testing requirements satisfy this accreditation standard.*

- 10.5 The agency requires that a polygraph examination be administered, by a qualified technician, for each candidate for a sworn position and prior to appointment.

- 10.6 Applicant files are secured and available only to those who are authorized to participate in the selection process.
- 10.7 Employee personnel files are separate and secured from other files. Medical tests, psychological evaluations and polygraph results are kept separate from personnel files in secure locations.

***Purpose:** To ensure that records related to agency personnel are legally maintained and purged as needed, and that dissemination criteria are established and confidentiality is maintained.*

### **Observations:**

There are very few tasks that a Law Enforcement agency performs more critical to the organization than the recruitment, selection and hiring of police officers and police department employees. Position-specific hiring standards and comprehensive hiring processes help to ensure the promise of qualified, high quality police employees. Intelligent, ethical and responsible police employees are the foundation from which quality police organizations are built and sustained. Shortcuts in employment standards and the hiring processes often result in long-term encumbrance on the agency and an unfortunate decline in organizational effectiveness and public trust.

It is essential that the EWPD have reliable and consistent hiring practices in place that provide the best candidates to assume the role of a police officer or non-commissioned employee. This chapter focuses on the basic elements of the recruitment and hiring process. The intent is to ensure the high standards of law enforcement are met and the integrity of the agency is preserved as new employees are brought into the organization.

At the time of the assessment, the EWPD was at full staffing levels, with one sworn employee awaiting entry into the Basic Police academy. Department policy 1000.3 covers a comprehensive recruitment and selection strategy. Assistant Chief Coble told the assessor that most recruitment was done by word of mouth, but that they also advertise on the WASPC and EWPD websites, through PublicSafetytesting.com (PST), and in the newspaper. He did not indicate any targeted recruitment efforts. The assessor viewed the department website, which refers potential candidates to the PST website. The PST website included the minimum requirements for both entry level and lateral candidates.

PST conducts initial written and physical testing of applicants and provides EWPD Civil Service Commission a scored list. The Commission selects candidates from the list to panel interviews. Once the candidates interview, they become part of a ranked list which the Chief can select from using the “rule of three”. Once the candidate is selected, they move on to background investigation.

EWPD background investigation processes are covered in policies 1000.5, 1000.6, and 1000.7. The assessor viewed several files which included the following background materials:

- Background investigation – The detective who performs the background investigations showed the assessor his training certificate form a state sponsored background

investigator training class. They also provided forms used during the process and explained the steps taken when completing the background, all of which were thorough and complete.

- A psychological fitness examination – Assistant Chief Coble showed the assessor an up-to-date certificate showing the qualification of the psychologist who performs this test.
- A polygraph examination – Assistant Chief Coble showed the assessor a copy of the current license of the professional used to perform the polygraph testing.
- Policy 1000.7.1 covers the standards for candidates. It does not state that potential candidates must receive a medical exam, which includes a drug screening. Assistant Chief Coble told the assessor that they do require a medical exam, including drug screening of entry and lateral candidates.

East Wenatchee has an active Civil Service Commission, established in the East Wenatchee Municipal Code Title 3. The city uses a rule of three for “whenever a position in the classified civil service becomes vacant”. Chapter 3.28 covers promotions. This chapter lists the qualifications to be eligible to take the lieutenants exam, which the agency does not currently have. There are no established requirements for the position of sergeant. Several employees told the assessor that there was some confusion over a recent sergeant promotion. In this instance, a new officer to EWPD was promoted and the department considered the top four candidates instead of the top three. This recent promotional process is a highly contentious issue with the rank and file and clear communication may have reduced the strife. Instead, officers were not offered any explanation as to why or how the Chief made the selection outside of Civil Service rules.

The background testing files are kept in the Chiefs office under lock and key. The Human Resource Director told the assessor that other than information related to medical coverage, she does not store police department hiring files within her office.

### **Recommendations:**

- Develop a recruitment program, to include agency and community information, as well as the pay and benefit package. Post this information on the department’s website and with PST.
- Update hiring criteria for sworn and non-sworn employees to conform with state and federal laws as well as contemporary eligibility requirements. Make sure these are posted in all job descriptions as well as in all listings which are used for recruitment.
- Update the Civil Service rules, including promotional qualifications, for all current civil service positions.
- Meet jointly with the Civil Service Commission and supervisors, to reaffirm the promotion process and the department’s commitment to fairness and transparency.
- Ensure that all sensitive documents including medical, psychological and polygraph results are separated from the employee’s personnel file and are housed in a secure location.

## CHAPTER 11 – TRAINING

- 11.1 The agency requires all full-time, sworn members to successfully complete the Basic Law Enforcement Academy or Equivalency Academy, as certified by the Washington State Criminal Justice Training Commission prior to assuming law enforcement duties, and requires that they begin attending the Academy within six months of their date of hire.

**Purpose:** *All newly hired peace officers shall comply with all requirements of the Washington State Criminal Justice Training Commission.*

- 11.2 The agency has established a formal field training program for all newly sworn officers that includes:

- Field training officers who are specially trained for that purpose;
- Regular documentation of the progress of the student officer; and
- Requiring the student officer to successfully complete the training program prior to assuming law enforcement duties.

**Purpose:** *To ensure that new police officers complete a formal field training evaluation program that complies with requirements and provides officers with actual, critical, field experience prior to solo assignment. A well-designed field training program must be planned, managed, and assessed in a careful manner. This program provides the new law enforcement officer with the structured initial exposure to the role and functions of the law enforcement occupation. It is also important because it incorporates the basic training program with the practical application of that training in actual law enforcement situations.*

- 11.3 The agency maintains and updates training records of all employees.

**Purpose:** *It is important to the law enforcement agency and its employees to record all training programs and courses that agency personnel attend. The information should be recorded for each employee and should include the type of training, the date(s) of the training, any certificates received, and any available test scores.*

- 11.4 The agency maintains records of each formal training it conducts, to include:

- Course content/lesson plans;
- Performance of attendees;
- Credentials of the presenter or instructor

**Purpose:** *This standard deals with the training programs that the law enforcement agency conducts. In addition to the listed minimum requirements, the law enforcement agency may consider additional information for personnel consideration and possible legal needs in the future.*

- 11.5\* The agency can show 100% compliance with the annual WSCJTC requirement for training.

**Purpose:** *To ensure the agency is providing necessary and required training to all personnel in accordance with WAC 139-05-300 and industry best practices.*

- 11.6 Agency personnel are required to demonstrate satisfactory skill and proficiency with agency authorized weapons before being approved to carry and/or use such weapons.

**Purpose:** *Law enforcement officers who carry and use agency-authorized weapons shall be required to demonstrate proficiency with the weapons. The officers should also be trained about the authorized use of force options, their appropriate applications and the legal requirements on the justified use of force and deadly force.*

- 11.7 Staff members who are designated as full-time supervisors or managers have earned the appropriate certification by the Washington State Criminal Justice Training Commission.

**Purpose:** *Agencies must comply with RCW 43.101.350.*

- 11.8\* At least annually, agency personnel receive in-service training on the agency's use of force and deadly force policies.

- 11.9 In-service training for non-lethal weapons shall occur at least once every two years.

### **Observations:**

An effective training program is one of the most critical elements of a successful law enforcement organization. Developing and maintaining a curriculum based upon current trends, best practices and latest tactics is an important aspect of training. Up-to-date and consistent training can help mitigate legal issues that often plague law enforcement organizations. Citizens expect their law enforcement agencies to ensure officers are properly trained, prepared and equipped for split-second decisions under tense, uncertain and sometimes rapidly evolving conditions.

Training should provide employees with legal updates, current information, tools and tactics that help keep them safe and assist them achieve their professional goals and career aspirations. An enormous challenge for large agencies is ensuring that every member of the organization consistently receives relevant training. To accomplish this, it is crucial that the organization's leadership communicates the importance of training, installs a robust training, monitoring and management system, and develops customs and practices that place emphasis on the value of training at all levels of the organization.

The EWPD's policy 415, Field Training Officer Program, indicates the officers who have been selected to be FTO's within their organization will attend a CJTC certified Field Training Officer's course. An interview of the EWPD's training sergeant confirmed agency compliance with this practice. FTO's document the progress of the trainee through the use of daily observation reports and end of phase evaluations. Once the student officer is released to solo status, they should be evaluated monthly by their sergeant using the MOR (Monthly Observation Report). At the end of probation, the sergeant should route a

recommendation to the Chief 14-28 days before the end of probation. Sgt. Marshall, who has been recently assigned as the FTO Sergeant, indicates that up until recently MOR's were never completed on student officers working in a solo capacity. With the recent launch of Lexipol, policy 1001.4 calls for monthly evaluations of probationary employees. Marshall reports that since March EWPD has been completing MOR's on new/solo officers. Whether Assistant Chief Coble will complete an end of probation recommendation is not yet known.

The Assistant Chief maintains the training documents for all of the officers at EWPD. These documents are maintained in binders and are held in the Assistant Chief's Office. The assessor reviewed a training binder provided by the Assistant Chief that essentially contained pages constructed out of the MS Excel spreadsheet program. The Spillman records management system (RMS), used by EWPD, contains a training records module that the agency is not using. This module could streamline the training records process by creating records within the RMS that are more safe and secure than a binder with employee training records.

EWPD operates an in-service training program that exclusively covers firearms (monthly) and Taser (annually). Monthly firearms training may be excessive and some of the hours dedicated to firearms could be used to cover other critical areas of in-service training for EWPD employees. These hours could be guided by a training committee, made up of employees from throughout the agency, who could meet at least annually to discuss training needs for all employees. The training committee could recommend training topics to the Chief who would have final approval. Hours for each topic advanced by the committee could be budgeted based on available training time.

Officers report that they participated in a first ever defensive tactics class in late 2018. If officers want to attend other types of training, they must apply for a fee-based course, or class out of the area, that often may have little relevance to their current jobs. Moreover, when officers attend outside fee-based training they are not required to return and share what they learned with their fellow officers. Between fee-based courses, range and Taser training and DTB's, EWPD typically covers the 24-hour training requirement (RCW 43.101.095) necessary to maintain peace officer certification. Discussion is ongoing with other local law enforcement partners (Chelan County and Wenatchee PD) to create regional in-service training opportunities that could be shared among agencies. This would be of tremendous benefit to EWPD.

WASPC Standard 11.6 requires agency personnel to demonstrate satisfactory skill and proficiency with (all) agency authorized weapons before being able to carry and/or use such weapons in service. Assessors interviewed the Training Sergeant regarding this standard and learned that EWPD issues the following weapons to officers:

- Pistol
- Rifle
- Taser
- Baton
- Oleoresin Capsicum (OC)
- .40 mm launcher (available at headquarters)

- Non-lethal shotgun (bean bag round)

Officers report that they receive regular training and testing on both rifle and pistol and they receive annual training on Taser. There is conflict within the agency on introductory and updated training on the other tools. The EWPD command staff indicate that officers do receive training on the non-lethal tools, other officers and sergeants dispute the claim that they receive the training.

As with many agencies that are not WASPC accredited, updated training on non-lethal tools is often ignored. The training standard exists to maintain knowledge and proficiency with all tools that are used infrequently. Clearly, officers should receive training on all tools that are available to for use in their official duties at least every two years and preferably each year.

RCW 43.101.350 identifies core training requirements for law enforcement supervisors and managers following promotion. After interviews with supervisors it appears most if not all supervisors have received their First Level Supervision Career Level Certification (CLC) status. Although the assessor did not physically check each file, an audit of training records for all agency supervisors and managers should be conducted immediately to confirm the supervisor's CLC status.

WASPC Standard 11.8 requires agency personnel receive annual in-service training on their department's use of force / deadly force policies. During interviews with both the Training Sergeant and the Assistant Chief, they indicated the deadly force policy was covered during firearms training. They also believed use of force policy is a topic covered through the Lexipol generated daily training bulletins (DTB).

Training of agency personnel is labor intensive and requires commitment and discipline by all members of the agency, particularly those holding senior command positions. As stated throughout this report, a course correction should take place – particularly in the area of training planning and execution– to ensure the ongoing safety, competence and confidence of each EWPD employee.

### **Recommendations:**

- Develop a manageable and accountable in-service training program for EWPD employees. Convene a small group designated as a training committee to propose a training plan for the following year. Partner with local public safety partners to leverage mutual training resources, where possible.
- Conduct a complete audit of all First Line Supervisors and Executive Level department members to ensure they have completed their Career Level Certifications (CLC's). Proper training documentation is as equally important for senior command positions as it is for the newest officer.
- Establish a policy listing required training topics. This list can be easily identified using the search term "training" in the EWPD Lexipol policy manual. From this

list, create a training plan to ensure the agency is meeting training requirements for all personnel.

- Maintain records for completed training in a single location, preferably with a training manager, and include an approved syllabus, roster of attendees, credentials of the instructor, any test results and an after-action training report identifying any problems or recommendations for future classes. This documentation is essential for courses delivered both with local and outside instructors.
- Develop a process of command-level review of the proposed lesson plan for upcoming in-house training to ensure the Chief is aware and in agreement with any proposed instruction.
- Each employee should have an individual training file. Consider using the training record system in Spillman, wherever possible.
- Require lateral and entry level officers to train to EWPD standards before being allowed to carry any control device, weapon or firearm. Abandon any practice of accepting a pervious agency's training for initial authorization to carry Taser, OC spray, batons or other control devices or weapons.
- Ensure that training on the EWPD use of force and deadly force policies is provided to all commissioned employees annually.
- The assessors recommend the addition of the Deadly Force policy on all handgun and rifle qualification forms. Once officers complete the qualifications have each officer acknowledge reading the policy by signing the form. This can also be completed during other Use of Force or defensive tactics in-service trainings.

## CHAPTER 12 – PERFORMANCE EVALUATION

- 12.1\* The agency has an evaluation policy that requires formal written review of the work performance of each employee and is conducted annually.

***Purpose:** To ensure that regular evaluations of employee performance take place that includes identification of levels of performance, supervisory responsibility, and disposition of completed evaluations.*

- 12.2 The agency has a system for evaluating the performance of all probationary employees.

### **Observations:**

Performance evaluations are a valuable and essential component of any professional, contemporary law enforcement agency. The evaluation process provides a means by which employees can hear about their strengths and challenges and of any performance deficits that need improvement. It also can provide a means to reinforce the supervisor and subordinate relationship, promote career development, and offer a vehicle for career

development. For any evaluation system to be effective, the process must be fair and consistent. Employees must expect that their performance will be evaluated on an annual basis and that the evaluation process will accurately reflect the performance. This chapter covers performance for all permanent employees and civilian probationary employees. Evaluation of student officers is generally covered in Chapter 11 under discussion of the field training program.

EWPD policy 1001 covers evaluation of personnel and is comprehensive. All full-time regular employees are to be evaluated annually (1001.5) unless they have been transferred or fall under a special evaluation. Probationary employees (both civilians and officers) are to be evaluated monthly while on probation (1001.4).

A/C Coble provided a spreadsheet that indicated all employees, except the Assistant Chief, have received performance evaluations in 2018. A spot check of both civilian and commissioned officer personnel files did not align with the spreadsheet and the most current evaluation located in any of the files was for a civilian that was evaluated in 2018. The LEMAP team could not determine where evaluations are permanently filed since most supervisor's reported that the department has maintained annual evaluations of each employee. Moreover, A/C Coble should receive evaluations at the same time as other employees. Chief Harrison is evaluated by the Mayor and should also receive an annual evaluation.

Interviews of random employees and supervisors revealed that EWPD has been somewhat consistent over the past several years at evaluating employees as scheduled. Supervisors customarily evaluate their assigned employees in August of each year and performance is documented using an evaluation instrument provided by City HR staff intended for use by all city employees. The instrument is not relevant to law enforcement and is not valued by most EWPD employees. Until this year all evaluations were due in August of each year. This created problems with timing and delivery of the evaluation because officers bid their assigned shifts and shift changes occur earlier in the year. The due date of evaluations was changed in 2019 to February of each year since it aligns much closer to when officers may change shifts and/or supervisors.

It is clear to the LEMAP team that there is no probationary evaluation system in place after a student officer completes the FTO program. It appears that over the past few months EWPD has attempted to repair this gap and hopefully they can sustain what they have started. Evaluation of probationary employees is a critical part of the hiring process. Each probationer, regardless of rank or classification, must receive frequent evaluations during probation. The probationary period must close with a written recommendation to either terminate or permanently retain the employee.

The LEMAP team finds the evaluation of permanent personnel more curious. Some supervisors report that they have always been current with evaluations of employees in August (now February) of each year. Other employees dispute this claim and indicate that they have not ever been evaluated consistently. Moreover, the spot check of personnel files did not coincide with the data in A/C Cobles spreadsheet which indicated all employees, except the Chief and him, have been evaluated within the past year. Regardless, EWPD owes it to all employees to adopt a relevant evaluation instrument and

confirm the performance evaluations are occurring at least annually and/or at intervals in compliance with EWPD policy.

### **Recommendations:**

- Adopt an evaluation instrument relevant to the work completed by EWPD employees. Avoid instruments that are quantitative and require ratings above or below meeting standards supported by anecdotal evidence that concisely and accurately reports the employee's performance or behavior. All final evaluations should be approved by at least the assistant chief.
- Confirm that each employee has received an evaluation within the past year, including the Assistant Chief.
- Ensure that all supervisors have experienced training on how to monitor performance and how to properly prepare and deliver the performance evaluation.
- Review the EWPD policy on probationary evaluations. Consider changing the evaluation frequency from monthly to either quarterly or semi-annually. Regardless of frequency, ensure that an end of probation evaluation is completed on every probationary employee, and sent to the Chief, at least 14 days prior to the end of the employee's probation.

## **CHAPTER 13 – CODE OF CONDUCT**

- 13.1 The agency has a code of conduct that provides clear expectations for all employees and includes guidelines for speech, expression and social networking.

***Purpose:** To establish professional guidelines for all employees that provide consistency and conformity of appearance and operation, minimize or eliminate conflicts of interest, and comply with legal mandates.*

- 13.2 The agency has a policy prohibiting sexual and any other forms of unlawful or improper harassment or discrimination in the work place. The policy provides guidelines for reporting unlawful or improper conduct, including how to report if the offending party is in the complainant's chain of command. The policy includes "whistleblower" protection.

***Purpose:** To prevent discriminatory and/or harassing practices and ensure conformance with Title VII of the Civil Rights Act of 1964.*

- 13.3 The agency has a policy prohibiting biased-based profiling, which also has been known as "racial profiling."

***Purpose:** Biased-based profiling, which also has been known as racial profiling, is any traffic stop, field contact, vehicle search, asset seizure/forfeiture, or enforcement action based solely on a common trait of a group. Common traits include, but are not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.*

- 13.4 The agency has written policy and procedure for responding to and investigating allegations of domestic violence involving employees of law enforcement agencies.

***Purpose:** To establish clear procedures, protocols and actions for investigating, reporting and responding to domestic violence involving agency employees and law enforcement officers from other agencies and to thereby discourage and reduce acts of domestic violence by sworn law enforcement personnel. (RCW 10.99.090)*

- 13.5 The agency has written policy governing disclosure of potential impeachment information to prosecutors involving police employees who may be called to testify under oath.

***Purpose:** To comply with Brady v. Maryland and U.S. v. Olsen regarding law enforcement's duty to provide potentially exculpatory or impeachment information to prosecutors, including information that is discovered during the course of an ongoing investigation.*

- 13.6 The agency has an alcohol and drug use policy, or language contained in local collective bargaining agreement(s) that addresses drug and alcohol use, and includes language that covers testing of employees suspected of drug and/or alcohol where the employee's fitness for duty is questioned.

### **Observations:**

The conduct of law enforcement employees speaks volumes not only about the organization's culture and values, but perhaps more importantly, how trusted the organization is by the public it serves. Police employees are held to a higher standard than other government employees and how police organizations establish and monitor standards for employee conduct is essential to public perception and directly affects public trust. Chapter 13 provides a framework for a basic set of standards and expectations of employee conduct that extends to activities inside and outside the workplace.

The EWPD policy and procedure manual provides comprehensive guidance for many areas of employee conduct including:

- Code of Conduct – 1030.4
- Guidelines for speech, expression, and social media – 1030.1
- Harassment and discrimination – 314.3
- Biased based profiling – 401.1
- Domestic Violence involving Law enforcement personnel – 1026.1
- Disclosure of potential impeachment information – 604.1
- Alcohol and Drug use – 1006.2

As the specific areas covered in Chapter 13 are all high liability areas of concern for law enforcement, it is important to include these topics in regular in-service training sessions. Agency policy mandates training on:

- Harassment- “All members shall receive annual training on the requirements of this policy”.
- Biased Based policing - “Training on fair and objective policing and review of this policy should be conducted as directed by the Assistant Chief”.

In 2018, the manual was distributed to employees for acknowledgment. Employees reported that the manual was introduced to the department without any real training or discussion on the policies. One veteran officer said he was notified of the policy manual through an e-mail, with instructions to acknowledge that they had received it. Two sergeants reported that the timing of the policy roll out was inconsistent between employees and was managed by the Assistant Chief exclusively.

Because of the poorly implemented introduction of the policy manual, many employees complain that it is poorly written and that not all the policies were applicable to EWPD. The assessor asked eight employees specifically about training in the broad, but very important, areas covering code of conduct. All employees said they had received no training about any of the code of conduct specific areas except for voluntary training provided by the City on workplace harassment. Most of the confusion over the interpretations of the manual appear to be centered around a lack of communication about the development and implementation of policy language.

Another significant initiative leading to heightened mistrust of A/C Coble, was the distribution of a document to sergeants requiring their signature titled “Minimum Expectation of Sergeants”. Some of the expectations are straightforward and reasonable, such as:

- “Sergeants will ensure that the officers working with them complete all of the required reports and Spillman entries”.
- “Sergeants will require officers to complete all reports involving a physical arrest as soon as practical”.
- “Sergeants will keep themselves available for supervisory tasks”.

Other parts of the expectations are much less practicable:

- “Sergeants are responsible for everything that occurs or does not occur during their shift”.
- “Sergeants will not forget that their primary responsibility is to be a leader and not to promote dissension or other inappropriate behavior by Officers”.
- “Sergeants understand that they will be held accountable and be subjected to progressive discipline for failure to lead”.
- A list of four circumstances which supervisors are required to follow or “be subject to discipline”.

When initially instituted, it was accompanied by a full second “acknowledgment” page, which required initialing a “I do not have further questions...” and “I do not require any additional training...” section. The signature line was accompanied with “I certify under penalty of perjury...”. There were no parts of this list of expectations that listed any positive

expectations, such as mentorship, coaching, productivity or promoting community policing or public trust. Chief Harrison reported to the LEMAP team that this document was proposed but was never actually installed by the department.

LEMAP team members have never witnessed this type of mandatory document to be administered to members of a police leadership team. Even if the document was never installed, its mere proposal has had a profound effect on the sergeants. Throwing a negative veil over an entire group of supervisors, instead of addressing behavior related to problematic incidents, has had a devastating effect on agency trust and leadership. The outcome of this document's distribution has been predictable; compromised loyalty and construction of barriers within the department. Regardless, by employing basic leadership, enhanced communication, patience and time, the Chief and Assistant Chief, can restore what has been lost, as all supervisors and employees want to work in a productive and positive workplace.

### **Recommendations:**

- As a priority, conduct a complete review of EWPD policy section 10 (Personnel) to ensure it is correct, relevant and that agency practice aligns with policy. De-conflict City policy and CBAs as part of the review process. This should be done in partnership with department personnel to ensure understanding and buy in.
- Beyond DTB's, conduct periodic in-service training to all employees on agency and city personnel policies that deal with workplace harassment and discrimination. The Chief and Assistant Chief should also attend these training sessions to establish and reinforce agency expectations for employee behavior.
- As a priority, conduct a command level review of policy 402, Racial or Bias Based profiling. Ensure that EWPD is in compliance with all aspects of the policy, particularly those guidelines related to reporting and training.
- Consider initiating an open conversation among all agency leaders. Define and communicate expectations that match with agency values, professional expectations and (possibly) elements of the sergeant's job description.

## **CHAPTER 14 – INTERNAL AFFAIRS**

14.1 The agency requires the documentation and investigation of all complaints of misconduct or illegal behavior against the agency or its members.

***Purpose:** To establish procedures for the reporting, investigation, and disposition of complaints received against the agency or any employee of the agency.*

14.2 The agency identifies which complaints supervisors investigate and which types of complaints are investigated by an internal affairs function.

14.3 The agency has procedures for relieving an employee from duty during an internal investigation.

- 14.4 The agency has a policy where complainants are provided with notification concerning the disposition of their complaint.
- 14.5 The agency maintains records of complaints and their dispositions in accordance with Washington State Retention Guidelines.

***Purpose:** To ensure the agency retains complaint/disposition records for at least the minimum retention period appropriate for any particular complaint category.*

### **Observations:**

The manner in which a police agency responds to complaints from citizens has a direct impact on community confidence, trust and department transparency. How a police department conducts internal affairs investigations and handles minor complaints also has a direct impact on employee accountability and department morale. Policies covering all aspects of internal investigations that reflect best practices, are adhered to, and are respectful of the collective bargaining agreement are critical to the professional operation of any contemporary police agency.

The assessor first looked at the internal investigation files. All the files were kept in the Assistant Chief's office, in a locked cabinet. The assessor observed the following:

- A complaint log, showing one complaint in 2017, three complaints in 2018, and one complaint in 2019.
- The individual files which accompanied these investigations, unless already destroyed.
- A destruction log, which accounts for those complaints purged.

The assessor also looked at individual investigative files. This included a review of:

- A citizen complaint form
- Notification to the employee of the nature of the investigation.
- Notes of the investigation.
- Notice of right to union representation.
- Interview notification.
- Notice to employee giving an opportunity to respond to the complaint.
- Notice of disposition to employee and complainant.
- A redacted example of a letter relieving an employee from duty

It should be noted that since the EWPD policies are relatively new, all the related complaint or Internal Affairs (IA) forms and processes are also new. Employees told the assessor that they were unfamiliar with these forms and that no training nor explanation was given to them when they were placed into service by A/C Coble.

In the past year, several factors have led to changes in the systems for evaluating, assigning, and investigating complaints. One change is that A/C Coble has taken over the complaint management function simultaneously with investigating a major internal complaint. Chief Harrison reported that prior to Assistant Chief Coble taking over this function that he handled it in a very low key fashion. He admitted that he handled discipline more

informally than the Assistant Chief and now that people are being held accountable it has created significant friction within the agency.

Another factor is that Assistant Chief Coble has been transitioning the department's policy manual to Lexipol. Moving to Lexipol not only officially changed the complaint handling process, it also changed employee expectations by agency leadership which effectively changed the EWPD culture.

Policy 1010 starts by defining personnel complaints as "any allegation of misconduct or improper job performance that, if true, would constitute a violation of agency policy or of federal, state or local law, policy or rule". It then states that personnel complaints can be generated internally or externally and classifies complaints as:

**Informal** - A matter in which the Operations Division Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation. EWPD does not have a Professional Standards Unit and that role appears to be filled by A/C Coble.

The policy places the "primary responsibility for the investigations of personnel complaints" with the member's immediate supervisor. Section 1010.6.1 (c) covers the supervisor's duty in "resolving those personnel complaints that can be resolved immediately and notifying the Operations Division Commander after the fact". Further 1010.1 states that "This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor".

Taking all these factors into consideration, it appears in policy that supervisors can take the lead role of investigation for informal complaints. This would imply that minor violations of policy could be handled proactively by immediate supervisors. This is contradicted by 1010.6.1 (a)1, and current practice, which states that all complaint forms will be directed to the "Operations Division Commander", who will determine who will have responsibility for the investigation.

Since EWPD has not communicated with employees about the new process, it is unclear to employees why one incident receives an internal investigation and other (like incidents) do not. Policy 1010.6.1 gives investigating responsibility to the member's immediate supervisor, unless "the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct".

Policy 1010 appears to be a work in progress and was last revised on 03/26/19. Multiple changes to policy 1010, poor communication, changing expectations and inconsistent application of the policy has led to amplified levels of mistrust and cynicism surrounding the complaint and internal investigation process. Eight separate employees reported that they were confused and did not understand the discipline and internal investigation process.

Most sergeants believe that any type of employee investigation will not be handled uniformly or fairly.

The general areas of concern were:

- A widespread lack of clarity or understanding when internal investigation is initiated
- A lack of clarity on how the process is going to be handled
- A lack of guidelines on the handling citizen complaints and why sergeants are now being required to document even informal contacts other than for “accreditation”.
- Why two similar incidents would result in different investigative processes and outcomes.
- No communication or explanation that justifies new or changing policy other than “make sure you acknowledge receipt of it”.

The current adverse components undermine confidence in the system and fair treatment of all employees. Handling police misconduct allegations is one of the most sensitive areas of law enforcement leadership. Outcomes of these investigations often have a direct affect on employee performance which can manifest into negative contacts with the public. Employees have the right to have concerns vetted fairly and violations of fundamental fairness can become a leadership disaster. The LEMAP team encourage all strata of the organization to take a step back and review what has transpired since the launch of Lexipol in 2018 related to complaint handling and internal investigations. Hopefully middle ground and productive discussion will ensue and the end result will be policy and processes that are clear, fair and ensure that EWPD is the most responsible, fair and professional organization it can be.

### **Recommendations:**

- Convene a supervisors meeting having the sole topic being documentation and handling discipline and internal investigations. Make this a working meeting where ideas and suggestions are sincerely considered. Discussion topics should be:
  - Developing clear policy and procedure on the type of complaints to be dealt with at the supervisor’s level and which ones may result in an internal investigation.
  - The sergeant’s role in the complaint intake process, reporting and investigative responsibilities and boundaries. Never use an excuse of “for accreditation” as a reason for agency or employee actions. Either the policy and process are the right thing to do or it is not.
  - Make sure that all steps in the complaint or investigative process are clearly defined and understood by all employees.
  - Provide a clear explanation of the new forms, including their purpose, and how they are ultimately used by the department.
- Stabilize the disciplinary process by making all sanctions consistent and appropriate for sustained allegations.

- Ensure complaint processing is consistent throughout the department.
- Ensure that all complaints, and potential discipline, is documented.
- Any investigator should receive specific training focused on internal investigative practices that include organizational requirements such as labor agreements, investigative procedures and strategies. Ensure the investigator is chosen by skill set, not rank.
- Initiate yearly reporting on disciplinary actions and dispositions.

# SECTION II

# OPERATIONAL

# STANDARDS

## SECTION II—OPERATIONAL STANDARDS

### CHAPTER 15 – PATROL FUNCTION

- 15.1 The agency provides response to emergency events 24/7 by sworn employees who have completed Basic Training per the Washington State Criminal Justice Training Commission.
- 15.2 The agency has procedures for response to emergency and non-emergency calls.  
*Purpose: To provide guidelines for response to calls for service, and to ensure agency responses conform to state law. It is important that law enforcement agencies classify responses for service according to the seriousness of the call. This will provide guidelines as to when emergency lights and siren should be used and the method of response to an incident.*
- 15.3 The agency has written guidelines for the use of authorized vehicle emergency equipment.
- 15.4 The agency has policies governing the pursuit of motor vehicles that conforms to Washington State law.  
*Purpose: In compliance with RCW 43.101.225 and RCW 43.101.226 and establish clear direction on the initiation and conduct of police pursuits that includes on-going training requirements and a review/analysis processes (WASPC model policy).*
- 15.5 The agency has procedures for investigating vehicle collisions on public and private property and uses the current Washington State Patrol authorized accident reporting, or e-reporting (SECTOR), forms.  
*Purpose: To ensure that traffic crashes are consistently reported and investigated in accordance with the Revised Code of Washington, specifically identifying the type of crashes that require investigation.*
- 15.6 The agency has procedures to take timely action to address hazardous road conditions.
- 15.7 The agency has procedures for responding to and investigating domestic violence calls.  
*Purpose: To ensure that response to domestic violence incidents meets requirements established by applicable Revised Codes of Washington.*
- 15.8 The agency has procedures for utilizing Public Alert Systems.  
*Purpose: The policy should include Amber Alert, Endangered Missing Person Advisory and Blue Alert.*
- 15.9 The agency has procedures for the handling of mentally ill individuals, including those with pending criminal charges and mental health commitments.  
*Purpose: To provide written guidelines for handling mentally ill persons which are compliant with state laws and provide opportunity for the appropriate evaluation and treatment of mentally ill persons.*

- 15.10 The agency has a policy that addresses referral of subjects to a mental health agency after receiving a report of threatened or attempted suicide  
*Purpose: To comply with RCW 71.05.457.*
- 15.11 The agency has policy(s) covering eyewitness identification including the presentation of photo arrays and physical lineups.
- 15.12 Agency has policy and provides training on the service of protection orders, Extreme Risk Protection Orders (ERPOs), and orders to surrender weapons. Policy directs personnel to attempt service within 24 hours of receipt of order whenever practicable but not more than 10 days after the agency has received the order (RCW 7.94.060).

### **Observations:**

The oldest and most basic function in law enforcement is the patrol function. Patrol officers are the ‘backbone’ of an agency and how they respond on any given call for service or citizen contact will shape a department’s reputation and either build or erode trust between the department and the citizens they serve. Policies supporting patrol should define best practices, provide for community relations and expectations, address appropriate supervision, and reflect current and relevant case law.

Policy 101 requires that officers complete the Washington State Criminal Justice’s basic training and policy 400 provides for 24/7 emergency response. The agency has adopted procedures for response to both emergency and non-emergency calls as well as documented guidelines for the use of authorized vehicle emergency equipment. Officers currently work 12-hour shifts with a sergeant assigned to each squad. No formal shift briefings are held and officers rely on the sergeants to provide them with relevant information as they start shift. A/C Coble indicates it is the sergeant’s responsibility to decide what the priorities are for their shift. Officers reported that Douglas County Sheriff’s Office is their closest back-up agency with Wenatchee PD and Chelan County Sheriff’s Office providing secondary backup. River Com Communications provide dispatch services.

Policy 501 covers traffic collision reporting. The department allows officers to utilize either SECTOR software or the paper version of the Washington State Patrol collision form. Staff reported most officers utilize SECTOR but there were a few who opted not to learn the SECTOR software.

Officers reported they were aware of the processes regarding hazardous road conditions and explained they contact public works via a pager number posted on the bulletin board in a hallway in the headquarters building.

EWPD has policies and procedures for responding to and investigating domestic violence calls including those involving law enforcement officers (policies 310 and 1026.) While reviewing domestic violence incident reports, assessors noted inconsistencies regarding completion of supplemental reports. Some officers completed a supplemental report if they took part in the investigation, while others reported they would simply pass on the

information they gained in an investigation to the primary officer who would then include it in the original report.

EWPD issues Smartphones used in the field to photograph injuries and property damage, as well as taking recorded statements. Specific procedures regarding uploading and storing photos and video to the records management system were not included in EWPD policy. A domestic violence check sheet was included in the DV reports; however, a sergeant's approving signature was only found on one of the reports reviewed. One sergeant reported they would only sign or approve the check sheet if they were on scene.

Officers told the assessor that they have not received any domestic violence training or in-service legal updates in several years. Another area of inconsistency reported by officers included taking recorded statements vs. written statements. Some officers recorded statements only on felony crimes while others reported they would leave a written statement form with the victim to complete and turn in later.

Policies and procedures related to individuals experiencing mental or emotional crisis are handled consistently by officers across the agency. The agency adopted Lexipol policy 409 on emergent detentions and policy 432 on crisis intervention incidents. The department has developed a great relationship with Catholic Family Services, who responds to requests for assistance any time of day on both domestic violence related issues as well as mental health referrals.

Officers reported they had current crisis intervention training, however, records staff reported they had not received any crisis training. Policy 432 recommends an 'annual review and analysis of the agency's response to person's in crisis events.' Asst. Chief Coble stated this annual review had not been completed yet. Officers reported two significant suicidal incidents (Oct and Nov of 2018) where force was used. No post incident debriefing on either incident was held.

Policy 603 includes policy and procedures involving eyewitness identification. The department uses their records management system, Spillman, for generating photo arrays. In reviewing a current case where a photo array was used, the officer did not include any description of the array delivery process as required in policy.

Policy 317 deals with public alerts and assigns a public alert reporting officer. The Chief advised this position has not yet been assigned. Staff members interviewed were not familiar with the different public alerts or how to respond if an alert was appropriate. They were not aware of any associated forms for reporting and stated if the incident required an alert activation, they would contact their sergeant.

East Wenatchee has a comprehensive pursuit policy which provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects, as state law requires (RCW 43.101.226(3)). Officers and sergeants told the assessor they were unsure of the specific requirements for initiating a pursuit. One sergeant reported that policy restricted pursuit only for a serious felony while other officers reported they could pursue for traffic violations. Officers have not participated in annual emergency vehicle operations training or in-service policy updates since 2017. The on-duty patrol sergeant will oversee a pursuit. If a supervisor is not on duty, some officers reported the

most senior officer would become the officer in charge. Other employees reported they would have dispatch call a sergeant who would monitor the pursuit from their cell phone.

Two months ago, the department implemented a new vehicle pursuit form. A sergeant reported that no training and/or procedures were provided, and several officers told the assessor they were not aware of the new form. As of the implementation date for the form, only one pursuit has occurred. The sergeant working during the pursuit reported that he completed the form for the officer. He was unaware that the officer should have completed it and it was his responsibility to approve it. There is also a signature line for the Chief, which was not signed on the report reviewed by the LEMAP team. Section 307.12 directs a documented review and analysis of each vehicle pursuit. Asst. Chief Coble provided a copy of the agency's first annual report, implemented this year, covering 2018. The report is thorough and outlines several opportunities for improvement including better documentation and additional training.

The agency has adopted Lexipol policy 340 covering Extreme Risk Protection Orders (ERPO). Employees, including records staff, reported they were not familiar with what an ERPO is or the process on how to proceed if provided one. Obviously, no training on ERPO's has been provided to staff.

Officers told the assessor that the portable radios have no reception at the high school, mall, and several other areas within the city. One officer reported getting into a physical fight and having to use his cell phone to call for help after he was able to get the suspect into custody. Considering officer safety and daily global active shooter incidents, it is imperative that officers have the appropriate, reliably operative equipment, to safely respond in crisis situations. Asst. Chief Coble advised this is an issue he is aware of and is currently working to fix.

Policy 341 covers community relations. Officers reported that the department is 'stat driven,' and there is very little emphasis placed or encouraged on relationships with community members. An officer told the assessor that they have a graffiti problem in a certain area of town. No emphasis on the problem, or crime prevention solution has been discussed to address the issue. The officer stated that neighborhoods are not routinely patrolled.

East Wenatchee currently provides body cameras to officers on a voluntary basis. Body worn cameras can be a valuable tool that offers increased accountability and transparency that can heighten public trust. There are several factors to consider when having a body worn camera program including privacy issues, officer and community concerns, data retention, financial considerations, training, administration and public disclosure policies. There are currently eight officers in the department that wear a body camera. Chief Harrison stated when they wanted to first implement the cameras, the union did not agree, so they made it a voluntary practice.

Policy 422 provides the guidelines for using portable audio/video recording devices in the performance of officer duties (RCW 10.109.010). While reviewing a pursuit report the assessor noted that the officer was wearing a body camera during the pursuit but the officer did not activate it until after the vehicle had crashed. Officers that are currently using the cameras have not been provided training on the use of the camera or proper reporting. Asst.

Chief Coble reported that he recently assigned a sergeant to be the coordinator of the body camera program. This sergeant will be developing the training and specific procedures on use of the cameras by officers, which policy requires.

### **Recommendations:**

- Consider requiring all officers use SECTOR for collision reporting. This would streamline the reporting and approval process for sergeants as well as for records management.
- Provide in-depth training on public alerts and step-by-step instructions on roles that both officers and supervisors play should an incident occur. These are high risk, low frequency events that can forever change an agency. Consider sending the Chief to the National Center for Missing and Exploited Children CEO conference. This training is provided free of charge and can assist agencies with developing policies and procedures, as well as outlining resources that can be utilized in the event of a missing or abducted child.
- Provide policy training to officers and sergeants on legally defensible protocols involving eyewitness identification.
- As required by RCW 7.94, extreme risk protection order training should be provided to commissioned staff, the administrative assistant, and records personnel. Training should cover what an extreme risk protection order is, how to respond, order service and the appropriate required forms and paperwork.
- Develop procedures regarding uploading and storage of photos and video to the records management system.
- Modify policy 500.6 to include the specific procedures that officers are currently using when contacting public works related to hazardous road conditions.
- Conduct a meeting with all sergeants to discuss the recommendations made in the 2018 pursuit analysis. Develop an implementation plan, with timeline, that addresses training, de-briefs on current cases and improved documentation.
- Consider eliminating body-worn cameras until officers complete training required by RCW 10.109.010 and a decision has been made on department wide use. Either implement the cameras or take them out of service.
- Include prosecuting attorney in some of the department-wide meetings in order to provide legal briefings, updates on case law, and any other recommendations concerning issues/improvements with current cases.
- Educate sergeants on the importance of community relations. Develop an operations plan, with clear expectations, addressing how to build relationships in

the community as well as assigning specific neighborhoods or programs to officers (National Night Out, neighborhood watch, community meetings etc.)

- Consider creating and implementing a social media plan for the agency that can assist with community relations. Having a social media presence can benefit the department and community in several ways. It helps build a trusting relationship between the department and citizens by facilitating engaging with each other. It also provides a forum for citizens to ask questions and staff to share crime prevention tips as well as seek assistance in criminal matters.

## CHAPTER 16 – INVESTIGATIVE FUNCTION

16.1 The agency utilizes a case management system for screening and assigning incident reports for follow-up investigations.

16.2 The agency has written guidelines for investigating elder abuse.

**Purpose:** *To identify the role of agency members in the prevention, detection, and intervention in incidents of elder abuse, and ensure that mandatory state reporting requirements are completed within specified guidelines.*

16.3 The agency has written guidelines for investigating child abuse.

**Purpose:** *To provide guidelines and procedures for timely reporting and investigating of suspected child abuse in accordance with the Revised Code of Washington (RCW 26.44.030). The procedures should include the taking of minor children into protective custody.*

16.4 The agency requires that interviewers of child victims of sexual abuse cases have received the mandated training from the Washington State Criminal Justice Training Commission.

**Purpose:** *The Washington State Legislature has determined that each county shall revise and expand child sexual abuse protocols, to include child fatality, child physical abuse, and criminal child neglect cases (RCW 43.101.224).*

16.5 The agency has written guidelines for investigating hate crimes.

**Purpose:** *To provide guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or bias.*

16.6 The agency has written guidelines for investigating identity theft.

16.7 The agency has policies and procedures governing the use of informants.

16.8 Victims and witnesses are interviewed in locations that are separated by sight and sound from the public areas of the facility.

16.9 Persons with a vested interest in property and evidence are provided the legal reason for the seizure and intended forfeiture as defined by state law. The agency has procedures for notification, appeal and disposition.

**Purpose:** *To establish guidelines for agency personnel to ensure applicable state and legal procedures are followed, (i.e. drug cases, money laundering cases, DUI's etc.).*

16.10 The agency has clearly defined deconfliction procedures in place when conducting felony level investigations that pose greater than normal risk to officers, citizens and/or property.

***Purpose:** To enhance officer safety and efficiency of criminal investigations by consulting with established information clearinghouses, such as the Western States Information Network (WSIN), prior to execution of high risk criminal investigations to ensure multiple agencies are not targeting the same criminal enterprises.*

### **Observations:**

The investigative function of a law enforcement agency performs the important task of following up on cases which cannot be adequately handled by the patrol officer working on the street. EWPD's Investigations Division (ID) has two fulltime detectives. These detectives are assigned to investigate crimes against persons and crimes against property. EWPD also has one officer assigned to the multi-jurisdiction narcotics task force. This task force position is identified under policy 200.2 and falls under the operations division.

The ID division is supervised by the Assistant Chief. The detective position is not a position of rank with the EWPD. The two general crimes detective positions are permanently assigned positions that are only subject to rotation at the direction of the Police Chief.

Interviews with detectives, patrol officers, patrol sergeants and the Assistant Chief disclosed there is no formal case management process within the EWPD. EWPD utilizes Spillman for CAD and RMS services and they document their case reports within Spillman RMS. After a call is generated in Spillman dispatch assigns it to an officer. The officer then handles the call and generates a case report. Once the report is completed by the officer it is printed and placed into an approval folder for supervisor approval. After approved, the hard copy is forwarded to records where a case folder is generated. If there is additional work (follow up) needed on this case and it is referred to the investigation's division, the detective would receive the entire case report.

The assessor was shown how an officer or detective manages the status of their cases within Spillman. It appears that a supervisor could have access to see the status of individual officer/detective cases but this is not a standard practice at either the patrol or detective level. There is no mechanism in place to have continual management of individual officer/detective cases except by the officer/detective. The lack of investigative oversight is not appropriate and places both the department and the detective at risk of misconduct. An active case management system, used correctly, is needed to ensure officer/detective accountability and to confirm complete and thorough case investigations. Moreover, oversight of cases assigned to detectives offers a layer of protection for the detective against claims of inappropriate or incomplete case investigations. This level of oversight is important to ensure the best police service is being provided to the citizens of East Wenatchee. One detective reported that the Assistant Chief conducted a case status review during 2018. The results of this review are not known and this type of review does not appear to be a standard practice within the organization at any level. A review of each officer's case management should be done on a monthly basis.

Abuse of Vulnerable Adults is covered under policy 313 and requires that department members notify the Department of Social and Health Services when there is reasonable cause to believe that abandonment, abuse, financial exploitation or neglect of a vulnerable adult has occurred. The policy also provides detailed guidelines for reporting and investigating of elder abuse.

Child Abuse is covered under policy 315 and provides guidance on investigating suspected child abuse and taking minors into protective custody. State law requires interviewers of child victims of sexual abuse cases to have received the mandated training from the Washington State Criminal Justice Training Commission. EWPD meets this requirement in practice as both detectives have received WSCJTC Child Interview training.

The Hate Crimes policy 319 defines the elements of malicious harassment and provides guidance on how to investigate hate crimes. The policy requires that all members of the department will receive training on hate crime recognition.

Identity theft is covered under policy 330 and requires officers to take a report in all cases where the victim resides or works within East Wenatchee, or where any part of the crime occurred within East Wenatchee. The identity theft policy is silent on fingerprinting identity theft victims. RCW 43.43.760 discusses local law enforcement agencies taking fingerprints of identity theft victims and forwarding them to the Washington State Patrol (WSP). The WSP will then issue the victim a letter that can be presented to businesses or institutions where the suspect used the victim's identity.

EWPD is part of a multi-jurisdictional narcotics task force known as the Columbia River Drug Task Force (CRDTF) and has one officer assigned to this task force. The CRDTF operates with informants during covert investigations. The management of informants is governed by CRDTF policy 17.0.

EWPD policy 602 covers the use of informants. Through interviews with EWPD officers, detectives, and supervisors the assessor learned it is not common practice within the agency to utilize informants. If an opportunity arose to utilize an informant the member of the EWPD would contact the local drug task force (CRDTF) for informant coordination. The assessor interviewed the EWPD member of the CRDTF. This member confirmed that informants are rarely used by EWPD officers and he provided the CRDTF Informant Policy and sample of a confidential informant (CI) packet. This CI packet provided information which falls in conjunction with both EWPD and CRDTF policies.

Policy section 608.5 covers deconfliction and requires that "the case agent shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity." Through interviews, the assessor learned that deconfliction was a common practice at CRDTF but was not a common practice within EWPD. Deconfliction is a very important part of policing to ensure there are not circumstances where officers/detectives have investigations that are overlapping. This overlapping becomes problematic when high risk operations occur at the same time by different agencies. Deconfliction lessens the likelihood of unwitting conflict between police organizations.

The task force detective provided an East Wenatchee Police Department CI Field Safety/Ops Plan. This plan has the HIDTA Watch Center Deconfliction information on the first page in the upper right corner. This investigator also provided an example of what the electronic version of this deconfliction looked like. There were no other members interviewed who were familiar with the deconfliction process or the HIDTA deconfliction process.

Seizures and Asset Forfeiture made by EWPD officers is covered under policy 601. Through interviews the assessor learned the EWPD general detectives and the detective assigned to the drug task force were the most knowledgeable about the seizure and forfeiture process. They provided information consistent with the policy provided. The Chief identified a “Municipal Judge” who is utilized as the hearing examiner.

The EWPD has interview rooms in their annex building where witnesses and victims can be interviewed out of sight and sound from the public. The interview rooms have audio/video recording capability. Interviews could also be conducted within the police department but these rooms would not have the audio/video recording capability.

### **Recommendations:**

- Develop and use the case management module available in the Spillman RMS.
- Conduct training for all EWPD officers/detectives on the use of HIDTA Watch Center and deconfliction processes.

## **CHAPTER 17– EVIDENCE & PROPERTY CONTROL FUNCTION**

- 17.1 The agency has procedures for the proper collection and identification of evidence and property consistent with the Washington State Patrol Crime Lab guidelines.

***Purpose:** To establish written guidelines for agency personnel that ensure evidence and property are properly collected, handled and secured in field operations in order to maintain the integrity of the chain of custody.*

- 17.2 The agency has policies requiring efforts are made to identify and notify the owners, or custodians, of property and evidence in the agency’s custody.

- 17.3 The agency has a policy that requires property and evidence is placed under the control of the property and evidence function before the officer completes their shift.

***Purpose:** To establish guidelines for agency personnel to follow that prohibit property from being stored anywhere other than under the control of evidence section upon the completion of their shift.*

- 17.4 The agency has the means to temporarily separate and secure property and evidence while it is waiting processing into the permanent storage facility.

- 17.5 The agency has the means to properly preserve and secure perishable property both temporarily and after it is received in the permanent storage facility.

- 17.6 The agency has the means to temporarily separate and secure evidence containing hazardous materials while it is awaiting processing into the appropriate permanent storage facility.
- 17.7 The permanent storage facility has controls to keep property protected from unauthorized entry, fire, moisture, extreme temperature, and pests. At a minimum, alarms for unauthorized entry and fire must be monitored 24/7.
- 17.8 The permanent storage facility containing biohazards or organic matter has systems in place to prevent the exposure of hazards and noxious odors to agency employees and the public.
- 17.9 Access to the agency's property and evidence facilities is restricted to authorized employees only.
- Purpose:** To ensure that access to the property room and/or property/evidence storage area(s) is limited to property room personnel, unless by escort from property room staff or with CEO permission.*
- 17.10 The agency records the name, date, time, and purpose of persons who enter and leave the storage facility who are not assigned to the property/evidence function.
- 17.11 The agency provides additional security for guns, drugs, cash, jewelry, or other sensitive or valuable property, that is over and above that provided for other property and evidence.
- Purpose:** High liability evidence items must not be comingled with general evidence.*
- 17.12 Evidence and property is packaged, individually tagged and logged into a centralized tracking system as soon as possible. The tracking system must accurately describe the current location of every piece of property and evidence.
- Purpose:** A meaningful records and tracking procedure for the evidence and property system is a requirement for the protection and integrity of the evidence and property in the custody of the law enforcement agency.*
- 17.13 Every piece of property and evidence is related to a report describing the circumstances of the seizure or custody by the agency.
- 17.14 Drugs are weighed using a calibrated scale whenever they enter or leave the secured facility, unless they are being prepared for destruction. The agency also has processes for the destruction of drug evidence that includes, at a minimum, a visual inspection of the property item to detect possible tampering and weighing of random selections
- Purpose:** Agencies should provide additional processes to ensure that drug evidence is not tampered with prior to destruction. This process and the destruction are witnessed by at least one other person who does not have access to the property room.*
- 17.15 The agency has policies governing the release and disposition of property and evidence in accordance with applicable state law.

- 17.16 Property containing hazardous materials, biological hazards or other materials restricted by State or local health regulations is disposed of properly.  
*Purpose: To ensure that the disposal of police evidence dangerous waste conforms to standards established by the Washington State Department of Ecology.*
- 17.17 When property is sold, the disposition of the money received is accounted for and recorded according to State law.
- 17.18 The agency destroys illegal drugs, contraband and other illegal items by methods that are safe. Documentation of destruction is maintained according to the State's retention schedule.  
*Purpose: To ensure that the disposal of police evidence dangerous waste conforms to standards established by the Washington State Department of Ecology.*
- 17.19\* The agency ensures that an unannounced audit of evidence and property, including drugs, money, jewelry and firearms is conducted at least annually by personnel not directly in the evidence unit's chain of command.  
*Purpose: Inspections, inventories and audits of the property room are necessary for a secure and reliable system for the evidence and property functions of the law enforcement agency. This provides a means of accountability for the system and ensures agency oversight of the process. The scope of the audit is at the discretion of the CEO.*
- 17.20 A full inventory of sensitive items, to include money, jewelry, drugs and guns, is conducted whenever a change of the Property Room Manager occurs.  
*Purpose: The agency should also consider an audit of general property, in which the scope of the audit is at the discretion of the CEO.*
- 17.21 The agency has procedures to clear eligible property/evidence from the property room. The property room manager will provide an annual written report to the Chief Executive on the number of items cleared during the prior year.
- 17.22 The agency has policy complying with RCWs 7.94 and 9.41 regarding the acceptance, storage, and release of firearms surrendered to the Department.  
*Purpose: Surrendered firearms are only returned if they are not required to be held, are not prohibited from being released, and are only released to persons who are eligible to possess them. If a firearm cannot be released, the agency provides written notice to the requestor specifying the reason(s) the firearm cannot be released within five business days of receiving the request. Surrendered firearms that are unclaimed are disposed of in accordance with agency procedures.*
- 17.23 The agency has policy complying with RCWs 7.94 and 9.41 for notification of family or household members when firearms held pursuant to a court order are released.  
*Purpose: All surrendered firearms must be held in police custody at least twenty-four hours before they are released. Family or household members*

*may use an incident or case number to request notification when a firearm is to be returned. The agency provides notice, when requested, within one business day of verifying the firearm(s) and respondent in question has met the requirements for release and then the firearm(s) are held in the agency's custody for at least seventy-two hours after notification has been provided.*

### **Observations:**

Size does not matter when it comes to the evidence room of any law enforcement agency. Although an agency may be small, size should not be a factor in the preparation needed for processing and storing evidence, given the dynamic nature of policing. No one can predict what type of evidence may be collected or become a crucial factor in any criminal case. Investing in preparation for the worst case scenario will enable an agency to best manage the infrequent or unusual evidence instance.

The EWPD Evidence unit is staffed primarily by Evidence Tech/Admin Assistant Jeanie Bryant and her backup is Records Clerk Andrea Sharp. They are the only people that have direct access/keys to the main evidence rooms. The main facility is a 12 x 13-foot room. There is an additional long term storage area in the basement of city hall that was added in the weeks leading up to the LEMAP team's visit. The secondary room measures 11 feet x 13 feet. These rooms contain permanent storage options for guns, drugs, cash, general property and perishable items.

The two evidence rooms are accessed by a key lock, numbered punch lock and a digital burglar alarm system. The alarm system does have motion sensors in each room and on the doors. Per Bryant, the Chief does have a spare set of keys secured in his office in a sealed envelope in case of an emergency. A review of the burglar security alarm system history report shows that the only individuals accessing the evidence rooms are the evidence techs. Per the logs, nobody accesses either evidence room outside of normal business hours. EWPD uses an additional storage area, located outside of the headquarters building and is 12 x 18 feet that is used for found property or non-evidentiary property (bicycles, snow blowers, inmate property). This area is padlocked and all patrol officers have access to this area.

EWPD policies are contained within Lexipol and outline proper collection and booking of evidence. The evidence booking area has a copy of the WSP Evidence Packaging manual. EWPD evidence staff provides ample evidence packaging supplies. The LEMAP assessor did observe some evidence was packaged in materials not provided by the department. However, there is no local training when an officer starts with the department on how EWPD expects items to be packaged.

EWPD does have policies in place regarding returning property to owners. However, based on staff interviews there is no effort to initiate notification when property is eligible for return and they often wait for owners to contact them to retrieve items. Property owners should not hold responsibility for initiating the return of their property or evidence. Evidence staff was able to provide examples of letters that are sent to owners to retrieve property. The example provided informed the owner they had thirty days to retrieve an item, although, RCW 63.32.010 affords citizens sixty days. Owners must present

government photo ID to retrieve property and sign for the item. EWPD keeps copies of the identification to create a record for when and who an item has been returned to.

EWPD policy references relevant RCW's that support how items are cleared out of an evidence room. However, there are no clear written policies that describe how these processes are initiated. Bryant explained that evidence items are cleared through court order or are cleared for release by email from the prosecutor, detective, or patrol officers. Bryant does try to clear older cases by asking for case dispositions as her time allows.

EWPD provided a 2018 report that listed items purged or cleared throughout the year. The report revealed that 477 items were cleared or purged from the property room and 1750 currently remain in storage. This type of report is a valuable resource to be able to show how many items are incoming/outgoing each year and should be used to evaluate property room management and performance. Implementing procedures to actively clear evidence and send letters to owners will allow the agency to effectively control evidence storage areas while also ensuring they are not holding on to property for longer than needed.

EWPD Lexipol Policy 802.3.1 establishes that property will be booked by the end of shift. Officers reported that evidence is often placed in an evidence locker, which was key based, but that they might keep the key past the current shift if they were not done with the item. These practices are obviously outside of agency policy.

New temporary lockers have been installed in the last two weeks at headquarters and several lockers are also available in the detective annex building that only detectives have access to. The LEMAP team inspected chain of custody documents and one random document showed an evidence item that was never in the control or custody of the evidence unit until it returned from the WSP Crime Lab following examination. The industry standard is that all evidence must be properly submitted to the property room by the end of the officer/detective's shift and is contained in lockers that are accessible to Evidence Staff only (International Association for Property & Evidence (IAPE) policy 6.1, EWPD Lexipol 802.3.1 and WASPC Accreditation Standard 17.3).

*IAPE standard 6.1: Failure to place items in a designated secure temporary storage location before the end of the shift makes the chain of custody suspect and open to a defense challenge. Departmental policy should prohibit storing evidence in personal lockers, vehicles, desks, or other unauthorized locations for this reason."*

EWPD has multiple areas for officers to secure evidence. They have temporary drop key lockers, a temporary refrigerator and two temporary freezers. There is additional long term temporary storage contained in the women's locker room (at this time there are no female officers at EWPD but they do have female employees). All temporary lockers are able to be securely locked, which initiates the property/evidence room chain of custody.

EWPD is in the process of converting a holding cell into a drying room. Currently, the item would now be hung in that room with underlying butcher paper.

There is additional temporary/long term storage of found or prisoner property in an outside garage area that is padlocked. This area is accessible to all commissioned staff and evidence unit employees. This area does not contain evidence or high value items (guns, drugs, money). EWPD does not accept explosives or non-evidentiary fireworks into the facility. Any explosives are handled by a region wide Explosive Disposal Unit. The agency does

have a biohazard area where bloody/contaminated items can be safely disposed of. EWPD does not have the ability to safely store hazardous items long term. It would be beneficial for EWPD to add a fire safe cabinet or compressed gas cabinets to safely store potentially explosive/fire hazardous evidence items (gas cans/samples, propane tanks, e-cigarettes, etc.), especially in light of the fact that the entire headquarters building is not monitored 24/7 for fire. EWPD was installing a ventilation system in the main evidence storage area on the day of the LEMAP assessment. This will help prevent the exposure of hazardous and noxious odors to agency employees and the public.

The agency does maintain extra layers of security for their long term evidence storage. Firearms, drugs, cash and jewelry are kept under additional safeguards within each room. These items are not comingled with other evidence. The long term storage areas are monitored for burglary 24/7 by Moon Security. A/C Coble provided documentation that EWPD is current with Moon Security and Bryant was able to provide Moon Security electronic access logs that show only EWPD evidence staff have accessed the evidence room lately.

Fire alarm pull stations are present throughout city hall but there are no smoke detectors available in the EWPD property and evidence room. Fire alarms are not monitored per the City Building Administrator. The internal alarms would alert occupants to fire or smoke but they are not monitored by an outside agency. The minimum industry standard is to have burglar and fire alarms that are monitored 24/7 installed in the property room.

The permanent storage areas contain log books of who has entered these areas and why dating to 1993. Anyone that has direct access to long term storage areas should be aware of IAPE Standard 8.1 that states:

*“It should be clearly stated in the agency’s policy that anyone who has keys or access to the keys will be questioned and may be considered as a suspect in an investigation relating to any missing evidence. If the Chief/Sheriff/CEO has a key, it may also negate his/her ability to oversee a criminal and/or administrative investigation.”*

EWPD utilizes a computerized evidence management system that is part of the Spillman RMS. The booking officer/detective fills out a separate paper form for every piece of evidence. The information on this form is data entered into the Spillman program by evidence staff. The paper record is maintained in a file within the evidence room. The LEMAP team finds this practice highly inefficient and believe officers can and should complete evidence documents for each case they elect to submit for secure holding by property room staff. Various case reports reviewed by the LEMAP team confirm that items submitted for secure holding are related to an incident report.

EWPD has recently purchased new calibrated drug scales as of April 5th, 2019. Interviews with employees stated before April 5<sup>th</sup> the evidence unit utilized a triple beam balance scale for weighing drug items. A digital scale was present in the booking area but there are no records (other than a sticker on the side of the device) that this scale was ever calibrated. Agency records show drug items are weighed by the officer and then by the evidence tech prior to entering the property/evidence room. EWPD chain of custody documents also show that drugs are weighed whenever they enter or leave the property room. Drugs are taken to Spokane Waste to Energy (WTE) incinerator, per agency records.

Once cases are closed, Bryant starts building a box of destroyed drugs. When they have enough items to drive to Spokane, she and Sharp transport the drugs for safe disposal. Bryant does not use any employee from outside the property room to confirm items that are being destroyed. This places both her and any other assisting employee at risk of untoward claims. Bryant provided destruction documents showing the last drug disposal was 11/29/18. Unfortunately, there is no record or accounting of what cases or items were disposed of at that time other than an email to WTE regarding the general drug types that are being destroyed. IAPE Standard 9.7 states:

*Destroyed drugs need to provide detailed documentation that defines all personnel involved in the destruction process and protocols that ensure that an independent witness is able to validate that each and every item was destroyed.*”

EWPD records indicate that hazardous materials are taken to the City of Spokane Solid Waste Disposal Incinerator for disposal. Washington State Department of Ecology provides a manual on how to manage/dispose of dangerous waste in Police Evidence Rooms. It would benefit EWPD to have this on file to ensure compliance.

<https://fortress.wa.gov/ecy/publications/publications/0504007.pdf>

EWPD utilizes PropertyRoom.com to auction surplus and abandoned items. A 2011 document shows items sold thru PropertyRoom.com and proceeds were paid to the City of East Wenatchee. EWPD’s most recent disposal through PropertRoom.com was in April of 2019. Bryant was able to provide documentation on abandoned cash which was submitted to the City Treasurer’s Office for deposit. Evidence staff do not customarily open any item submitted for secure holding. Upon release from the facility property room staff does open the packaging to verify contents and/or count all cash back to the owner.

EWPD Lexipol Policy 802.8 lists four areas of inspection required by EWPD personnel:

- (A) Monthly-by supervisor of Evidence Custodian
- (B) Unannounced Annual Inspection directed by the Chief
- (C) Annual Audit by a non-police city employee
- (D) Inventory following a change in personnel

EWPD provided documentation that (C) had been completed in 2019. However, there was no documentation of previous years or of (A) and (B) being completed. In discussion with Bryant, inspections of the property room have never been completed other than when she walks around the facilities. Documentation provided showed an audit was completed with the Court Administrator 4/11/19 and denotes what items were audited. The report lists associated case report numbers with an item description and where the item came from.

For future purposes, the audit document should contain a descriptive summary of what was audited (ex. 5 drug items, 5 money items, 5 jewelry items, 5 firearms with case numbers, etc.). Bryant said the yearly audit has been done routinely but documentation is only available for 2019. The Washington State Retention schedule (LE2013-006) states that Evidence Audit records should be retained for four years.

Bryant took over the evidence unit in 1995 and there has been no change in management of the room. There was a complete audit with the Chief in approximately 2012 when a former employee left. EWPD policies should be updated to reflect current EWPD practices.

EWPD has not had any firearms/weapons surrendered via Court Order or under an Extreme Risk Protection Order (ERPO). EWPD policy (802.7.2 & 802.7.3) have been updated to

be in compliance with RCW 7.94.090 and 9.41.340. There have been no family/household members requesting notification of a firearm being returned pursuant to a domestic violence court order. EWPDP has not developed a notification protocol pursuant to both RCW's.

A sample audit was completed with Evidence Tech Bryant and all items audited were accurately logged in the system and chain of custody matched the item's location. Bryant appears to do an excellent job in the evidence room and works well with the current system. EWPDP has dedicated a lot of time and resources in recent weeks to update the property and evidence facility. The department has taken great strides in updating their facility to be more in line with industry standards and best practices. But additional work needs to be done to ensure that EWPDP policy is in alignment with agency customs and practices.

### **Recommendations:**

- Develop training procedure for new officers to properly packaging evidence. Ensure that only agency provided materials are used for packaging evidence.
- Install practices where all commissioned employees submit all property or evidence to the control of the property/evidence room by the end of shift.
- Require officers to enter evidence directly into the Spillman RMS. Property and evidence staff will only accept evidence or property that has been properly documented and submitted.
- Update the EWPDP property form to allow all items on a case to be entered using a single form.
- Eliminate all temporary lockers not controlled by the evidence unit.
- Install fire alarms which cover the property/evidence room that are monitored 24/7.
- Install a fireproof compressed gas safety cabinet.
- Install ventilation that provides an odor free safe environment for all employees and any visitors to the police department and surrounding work areas.
- Firearm and drug destructions must be validated by an independent witness.
- Install drug destruction processes that are documented, authorized by a commissioned supervisor, witnessed by a party not associated with the property room and where random items are weighed and all seals are inspected for tampering or damage.
- Establish and maintain records of all items that are destroyed per the state retention schedule.

- Conduct and document annual unannounced audits of sensitive items in the property room. This audit should be conducted by somebody outside of the property room personnel's chain of command.
- Review EWPD policy 802.8 and update it to align with current customs and best practices. Document actions required by all policies that control property and evidence.
- Develop procedures that establish notification requirements for family/household members when returning a firearm as required by RCW 9.41.340.
- Develop a standardized notification letter for returning property, allowing 60 days for retrieval, per RCW 63.32.010. Use this letter to facilitate the evidence clearing process.

## CHAPTER 18– PRISONER SECURITY

- 18.1 The agency has written guidelines governing the methods and use of restraining devices used during prisoner transports.
- Purpose: To establish procedures for the transport of prisoners that ensures the safety of the transporting officer and the general public and provides for the security of the prisoner in transport and arrival at destination.*
- 18.2 The agency has written guidelines for transporting the sick, mentally ill, injured or disabled prisoners.
- 18.3 The agency requires transporting officers to conduct a thorough search of prisoners prior to transport.
- 18.4 The agency requires a thorough search of all vehicles used for transporting prisoners before and after transport.
- Purpose: At the beginning of each shift any vehicle used for prisoner transportation must be thoroughly searched for contraband, weapons, or implements for escape. The search of the vehicle must also be done before and after each prisoner transport.*
- 18.5 The agency's temporary holding facility includes access to shelter, warmth, potable water, and a toilet.
- Purpose: This standard identifies the required minimum physical conditions that are necessary in order for a law enforcement agency to operate temporary holding facilities.*
- 18.6 The agency has procedures for using temporary holding facilities that requires:
- Prisoner checks every 30 minutes;
  - Separation by gender and status (i.e. adults/juveniles).
- Purpose: To ensure appropriate operation of a temporary holding facility in a professional and legal manner and to establish policies and procedures*

*governing booking, housing, maintenance of prisoners, and required annual inspections.*

- 18.7 The agency has policies and procedures for compliance with federal and state laws governing the secure detention of juveniles:
- No status offenders (e.g., runaways) are securely detained
  - Juveniles charged with criminal offenses are separated by sight and sound from adult prisoners
  - Juveniles are detained for no longer than 6 hours.

### **Observations:**

Handling prisoners, particularly those with special needs, can pose safety risks for both the prisoner and the transporting deputy. Policies and practices that require the thorough search and proper restraint of all prisoners can mitigate those risks and help to prevent unnecessary liability. The need to have appropriate policies and procedures for the handling and security of juveniles, particularly “status offenders” is equally important. Chapter 18 of the WASPC accreditation standards sets out basic guidelines that establish safe, appropriate, and accepted standards for handling prisoners. The chapter also includes guidance for searching prisoners and vehicles before and after transport as well as standards for keeping prisoners in holding facilities. The East Wenatchee police department relies on Lexipol policies regarding prison transport, searches and dealing with the sick, those experiencing mental/emotional crisis, injured, and disabled prisoners.

EWPD utilizes a ‘pool’ fleet of vehicles, which means that officers share vehicles with other officers that work other shifts. Officers advised that the prisoner compartments in their vehicles are normally searched before every shift. Officers also reported that prisoners are searched before they are placed into any patrol vehicle.

One officer reported that on several occasions they have discovered pipes and drugs in patrol vehicles they inspected before preparing to start their shift. Apparently, according to this same officer, one officer was recently disciplined because they had not cleaned up blood that was left in the backseat of the patrol car. Another officer reported that he received a new vehicle a few weeks ago and was allowed to work patrol with it even though it did not have the required equipment (rifle, computer, first aid kit, etc.). Multiple officers reported that they are expected to perform monthly inspections of their assigned patrol car that are documented on an inventory form. Each officer is expected to complete the form on their own and turn it into the sergeant.

Several officers reported that they carried personally owned hobbles, which are used to secure the legs of uncooperative prisoners, normally during transport. These officers advised that they have not been trained in the use or application of a hobble. Use of leg restraints is covered under policy 302.7. The department does not provide spit hoods to the officers, although one reported he bought his own.

Some officers reported they would handcuff a pregnant person as usual, while others would handcuff the pregnant female in the front of their bodies. Officers did not appear aware of

EWPD policy 302.3.2 or the restrictions when restraining pregnant females provided under RCW 70.48.500.

East Wenatchee currently utilizes the Chelan County Jail for booking. Officers reported that they bring DUI suspects back to their facility to complete the necessary paperwork and breath testing before booking. One officer reported that he did not have department email access in his vehicle so when he applies for a search warrant for blood involving a potential DUI suspect he used his personal email account to facilitate the process.

During the tour of the facility, Asst. Chief Coble advised that the temporary holding cells were no longer in use and they were in the process of remodeling the rooms to allow for additional evidence storage. Both sergeants and officers stated that they were not notified that the holding cells were going to be closed. They simply showed up to work and noticed the cells were under construction. One officer reported that he wasn't sure how to detain a runaway, if necessary, now that the holding cells were not available for use.

### **Recommendations:**

- Have sergeants conduct periodic inspections of vehicles as part of their supervisory duties. The inspection should include checking for required equipment as well as contraband.
- Provide in-serve training on current policies related to restraint of prisoners with emphasis on the handling, restraint and transport of special population prisoners (injured, sick, disabled, those experiencing mental crisis).
- Officers using their own restraint devices must receive written agency approval before placing the device into service. Ensure that the officers who are carrying hobbles get the proper training before use.
- Officers should not use their personal email account for department business. Train all officers on how to access department email from their mobile data computers in the field.
- Provide updated training on the secure handling and detention of juveniles, particularly status offenders.
- Now that the EWPD holding cells are no longer available, at least during the LEMAP team's visit, identify and train the officers on what options they now have available for temporary prisoner holding. Ensure agency protocols for temporary holding are trained, understood and are being followed.
- Consider removing EWPD Policy 902 (Prison Rape Elimination) from the EWPD manual as it is not applicable.