

WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS



LEMAP

Loaned Executive Management Assistance Program

Review of the

College Place 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 College Place Police Department (CPPD) 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 that Chief Tomaras 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:

Jim Burchett has served as the Support Services Captain for the Bremerton Police Department since 2006. He manages Investigations, Records, Warrants, Internal Affairs, and the Property Room. He is also responsible for budget preparation, accreditation, and policy development. Jim began his law enforcement in 1993 and has held the positions of Detective, K-9 Handler, Patrol Sergeant, Investigations Sergeant, and Patrol Lieutenant. Jim is a Command College graduate and holds a Bachelor's degree in Administration of Justice from Chapman University.

Scott Smith is a 30-year veteran of Law Enforcement. During his career Scott worked as a patrol officer, Supervisor, Commander and Police Chief. He retired from Law Enforcement in 2009 and is now the Property/Evidence Room Manager for Everett Police Department. Scott has a Bachelor's Degree in Criminal Justice, is a graduate of the FBI National Academy and the Northwest Law Enforcement Command College. Scott was a WASPC Board member for several years, served as the Chair of the WASPC Legislative Committee and Vice President of the Association. During his career Scott has been an assessor on numerous Accreditation and LEMAP assessment teams.

Cathy Munoz currently serves as the Director of Communications for the City of Cheney, Washington and has worked for the Cheney Police Department since 1989. She is responsible for all aspects of the non-commissioned operations of the department including a multi-agency dispatch center, records, technology, and jail administration. Cathy holds a Bachelor of Arts degree in Education from Eastern Washington University. Cathy serves as ACCESS TAC for multiple agencies and since 2008 and she has guided various agencies

through eleven 100% compliant user and technical audits and has assisted numerous agencies achieve state accreditation as a mentor that specializes in records management, IT and custody/ jail operations.

Mike Warren is the Chief of Police for the City of Ephrata, Washington, serving in this position since 2009. Prior to this position, Mike served with the Washington State Patrol for 25 years, including 10 years as the Assistant District Commander in Wenatchee. Mike has participated as a LEMAP assessor since 2009. Mike has a B.S. degree in Human Resources Management and an Executive Masters of Public Administration. He is a graduate of Northwestern University of Police and Command and the Federal Bureau of Investigation's Law Enforcement Executive Development training.

Michael Painter is the Director of Professional Services for the WASPC and has served in that role since 2012. Prior to working at WASPC he served 32 years with the Kent Police Department where he retired as Deputy Chief. Mike has been certified in both state and federal courts as a forensic expert in Patrol Operations and 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 an 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

On July 11 and 12, 2017 Chief Troy Tomaras invited a LEMAP team into the College Place Police Department to conduct an operational review of the agency. Chief Tomaras started with the department on March 1, 2017 and succeeded Chief Dennis Lepiane (1977-2016) and several interim police chiefs. Chief Tomaras' primary interest in the LEMAP team's work is an objective review of agency operations with an ultimate goal of achieving law enforcement accreditation.

The City of College Place is a picturesque city that is home to Walla Walla University and is located adjacent to the city of Walla Walla in southeast Washington. According to the 2015 census data the City's population is 8,957 with the majority of residents being White (81%) followed by Hispanic (14%) with the balance being a blend of community ethnicities. The 2016 population has increased and is reported at 9,247. City leadership includes an elected Mayor and seven City Council members, a City Administrator who, as reported by Chief Tomaras, provide excellent support to the Police Department.

As with most police agencies that ask for LEMAP assistance, College Place PD has a number of areas that will be addressed in this report that need attention. The timing of this report is superb as, 1) Chief Tomaras is new and, 2) the department has experienced very little outside objective review in decades. It is important to note that Chief Tomaras has initiated and completed several operational and physical plant changes which should improve the agency culture and the morale of most employees. The LEMAP team will address areas ranging from records and property room management, to gaps that exist with recent policy manual updates and agency practices which are inculcated in the agency culture. The LEMAP team will also attempt to approach the challenges that Chief Tomaras is navigating due to significant staffing shortages and appear to have become customary in College Place. As future changes occur, everyone associated with the police department,

particularly city leaders and elected officials, will need to take a step back and assess what they ultimately want their police department to be.

In talking with Chief Tomaras and many members of the department, it appears that the agency has been influenced by Chief Lepiane who had his own leadership and communication styles as well as his own vision and priorities for the agency. In a 2015 audit of the agency, authored by Dennis Mitchell of Clear Risk Solutions, Lepiane was characterized as resistant to change and somewhat combative (figuratively) with his supervisor and peers in City government. This style resulted in an agency that was stagnant, understaffed, and internally conflicted. Some employees openly admitted to the LEMAP team that some CPPD employees are all well intended but “don’t know what they don’t know.”

CPPD staff appear willing, and often eager, to embrace changes that will vault them toward higher levels of professionalism and contemporary policing. The rapid growth of social media fueled by the public’s demand for information has quickly changed the pressures on law enforcement and requires them to be much more prepared with proactive policing and public outreach strategies. The department has managed to avoid outside scrutiny because of low levels of crime¹ (compared to other peer agencies) which (for the most part) have kept them out of the media. Fortunately, College Place has competent officers and staff whose daily activities have attracted community support. As the City and region continue to experience growth and diversity, the city will change as will the perception that College Place is nothing more than a sleepy college town.

All of the employees interviewed by the LEMAP team were open and honest and genuinely want to work in an agency that is professional and underpinned by a growing sense of pride and camaraderie. Many employees that have worked at CPPD longer than three years (which is most police employees) have endured significant fluctuations in leadership expectations. The LEMAP team commends the men and women of CPPD for their optimism and commitment to professionalism and agency improvement. We are hopeful that every employee finds this report valuable and will use it as a mechanism to launch the agency toward best practices, agency accountability, and professional excellence.

¹ Crime in Washington, WASPC, 2016

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:

This first chapter of the *Administrative Standards* section concerns the importance of identifying and expressing an organization's current purpose as well as defining overall future planning. These tasks are achieved through the inclusive development of an organizational mission statement and the thoughtful construction of specific goals, objectives or strategic plans producing a detailed roadmap for the future. While this may sound simple, progressive leaders understand that these defining products require collaboration with both internal and external stakeholders. Mission statements not only define an agency's role and purpose, but should also inspire support and ongoing commitment from all stakeholders. Goals, objectives and strategic plans envision the future to ensure agency preparedness in meeting the ever-changing internal needs of employees and the external demands of the community for which they serve. This also results in an organizational culture of inclusion and service that is community oriented.

CPPD operates under a vision statement that was written and voted on by the staff. The vision statement of "People First, Mission Always!" was created by Chief Tomaras after he arrived and interviewed all employees. The agency is also moving to a philosophy of the 4 "C's", Courage, commitment, community, and character. The agency mission statement is posted in Sgt. Benfield's office and in the policy manual; the agency vision is visible on white boards around the office. These type of agency artifacts are customarily posted in work spaces, the headquarters lobby and in each supervisor's office.

CPPD currently has not constructed a strategic plan or written goals/objectives. Employees interviewed were pleased with the changes that Chief Tomaras has initiated but they are not able to clearly articulate what the end goal of policing in College Place is. Chief Tomaras indicates that he is planning to formalize a strategic plan, a more authentic evaluation process geared toward law enforcement, and implement both agency and employee goals, in the near future. He has started to research approaches for each of these documents but is waiting for the results of the LEMAP process to help him with his planning.

Recommendations:

- Post the new agency mission in more visible places around headquarters. Emphasize the vision and core values as much as possible.
- Complete a strategic planning process as soon as possible to assist with the 2019 budget process. These processes must be deliberate and inclusive. Reach out to

local peers for advice or suggestions on how to execute an inclusive and meaningful process that can be accepted by stakeholders within and outside the agency.

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:

In America, the ability for a law enforcement agency to have and maintain the public's trust is a necessity. The wrong or unlawful actions of an officer can easily erode public trust and tarnish a law enforcement agency's standing in the community. Moreover, the actions of an officer(s) in another jurisdiction or another state can easily affect a person's perception of all police officers. It is imperative that the agency review, implement and train personnel on preferred and best practices in law enforcement to minimize any negative perceptions a community might have of law enforcement.

Agencies must maintain and apply up-to-date policies and procedures that provide specific guidance to officers as it relates to operating within case law, the laws and Constitutions of both the United States and the state of Washington. Reinforcing policy and procedures is achieved through continuous training and active supervision that are both contemporary and procedurally pertinent to the changes in federal, state and local laws, ordinances and court decisions. Active supervision helps to ensure that the department policies, procedures and proper training are practiced in the field.

CPPD subscribes to Lexipol to provide "boilerplate" policies which typically require much editing to ensure that the language in the policy manual reflects the agency's practices. While some editing has been applied to CPPD's manual it is clear, based on numerous interviews of personnel, that there has been little training on current policy. One specific example involved a question regarding the current pursuit policy. Six members of CPPD were asked what the policy allows when choosing to engage in vehicle pursuits. The responses were varied from officer to officer and none of them seemed to know what the department's actual pursuit policy stated.

CPPD policy 104 requires all law enforcement personnel to take and abide by an Oath of Office. The oath is given at a City Council meeting. Each officer interviewed stated that they had been given the Oath of Office after completing the basic academy.

Statutory authorization for the agency to perform law enforcement services is identified through RCW in policy §100. However, Chief Tomaras indicated he did not believe there was a municipal ordinance in place authorizing the exercise of law enforcement powers.

CPPD policy 100.2 specifies *Peace Officer Powers* as they relate to the legal requirements and procedures for any physical arrest with or without a warrant. Policy language specifically relies on the RCW's which define a peace officer and details arrests made without a warrant under RCW 10.31.100. CPPD does not have policy or procedures that address arrests made under the authority of an arrest or search warrant.

CPPD policy 100.3 & 600.3 specifically directs all employees to follow the United States and Washington State Constitutional requirements pertaining to interviews and interrogations, access to counsel, and search and seizure. Suspect interviews are guided by WSCJTC Miranda warning cards and appropriate organizational forms. Interviewing of suspects, particularly when a suspect is in custody, is a complex area of policing. Clearly, updated in-service training should be a periodic (annual) requirement to ensure suspect confessions or admission are not suppressed during prosecution.

CPPD's policy for Search and Seizure, 322, adheres to state and federal laws regarding a search incident to a lawful arrest, exigent circumstances, valid consent and legitimate community caretaking functions. Stop and Frisk incidents are outlined in 440.4 which needs language updates as the term "Pat-Down Search" is outdated because a "Pat Down", most often, does not constitute an actual "search" of an individual.

Conducting vehicle inventories and crime scene searches are outlined in the CPPD policy manual. However, there is no language that guides employees during vehicle **searches**, which is different than an **inventory**. CPPD has boilerplate Lexipol policy for strip searches and other custodial searches in policy 902.5. Most personnel who were interviewed by the LEMAP team were aware that strip/body cavity search policies were in place. However, most officers indicated that it would be unlikely for an officer to conduct these types of searches, and that a strip/body cavity search would be performed by corrections personnel.

CPPD has a comprehensive Lexipol policy 422 for "Arrest and Detention of Foreign Nationals" which contains 24/7 contact numbers for various federal offices dealing with diplomatic missions and a link to the U. S. Department of State. No organizational training has occurred beyond the issuance of the policy. Interviewed agency personnel indicated that they would contact a supervisor for guidance when handling of a foreign national. Hopefully a supervisor would be available for consultation and if contacted would be able to provide proper guidance.

Recommendations:

- Examine the College Place city code and determine if an ordinance exists that authorizes local police to conduct law enforcement activities within the city. If none exists, consult with the City Attorney's office and consider drafting a municipal ordinance authorizing the agency to provide local law enforcement services.
- Install policy language that provides direction to officers when making an arrest under an arrest or search warrant.

- Additional language should be added specific to vehicle searches outside of inventory, to include searches with consent and searches with a valid search warrant.
- Update the “Pat-down Searches” policy to show differences between Pat-down/Frisk and Search as the legal and constitutional requirements to conduct them are not the same.
- While the department has a sound policy concerning foreign nationals, there is a lack of knowledge among personnel. The department needs to conduct training specific to the policy. It may be advisable to include the City Attorney or seek out training materials from the State Department at <https://travel.state.gov/content/travel/en/consularnotification.html>.

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:

The Department of Justice has found that department policies have a significant impact on how force is used by police officers in street-level encounters, especially as it relates to deadly force. Policy is the chief guideline directing and regulating individual officer behavior in this critical area. A Use of Force policy must clearly set the legal standards for the appropriate use of force. The department then has a legal obligation to train their officers on the use of, and limits on, the force they employ in accomplishing their duties. Having an excellent policy, but failing to train officers on that policy adequately will inevitably lead to problems, including lawsuits and potentially Federal oversight.

The College Place Police Department's Lexipol-based policy manual provides current, defensible policies on use of force that are fairly standard in Washington and mirror current state and federal law. The Lexipol policy language meets all of the WASPC accreditation standards and is continuously reviewed and updated by the company to ensure it aligns with current law and best practices.

The department falls short in some areas of training and best practices, which are discussed below. These deficiencies are easily remedied by providing meaningful training, as required by policy, and making modest adjustments to policy in order to meet contemporary practices.

Policy 300.3 - Use of Force, requires that officers use only that amount of force that appears reasonably necessary given the facts and circumstances perceived by the officer at the time of the event.

Under Policy 312.7.3 – warning shots or shots fired for the purpose of summoning aid are discouraged and may only be undertaken when the officer reasonably believes that using such a tactic appears necessary, effective and reasonably safe.

The following policies provide guidance on non- or less-lethal weapons:

- 308.5 Baton Guidelines

- 308.5.1 Use of Kinetic Energy Projectiles
- 308.7 Oleoresin Capsicum (OC) Guidelines

Policy 300.6 – Medical Consideration requires officers to ensure medical assistance is provided for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious.

Policy 300.5 - Reporting the use of force requires officers to document any use of force in their police reports. The policy also has a generic provision that the Department may require the completion of “additional report forms.” In practice, CPPD requires two additional forms; a Use of Force Report filled out by the officer and a Use of Force Report – Supervisor Statement. The content and use of these forms are consistent with best practices used by the majority of police departments in Washington.

CPPD also maintains a log of the uses of force. The log currently has only one entry, a minor incident from April 2017 where officers were forced to take a non-compliant, resistive suspect to the ground in order to place him under arrest. An inspection of this file revealed the incident was adequately documented by the officer in the police report and by both officer and supervisor on the use of force forms. The supervisor appropriately noted that a supervisor had not been notified, but all other aspects of the use of force were in compliance with policy.

Policy 310 - Officer Involved Shootings and Deaths provides guidance on the Department’s response to an officer-involved critical incident. It includes steps for involved officers, uninvolved officers and supervisors. The policy is standard Lexipol model language and has not been customized. For instance, section 310.5.3 - Investigative Personnel reads:

“...it shall be the responsibility of the designated Detective Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County Prosecutor’s Office...”

This section does not accurately reflect the practice at CPPD. The Department only has one detective and does not have a Detective Unit Supervisor. Additionally, it is unlikely that “*investigators from the County Prosecutor’s Office,*” would work on the initial investigation. This is a California-centric concept, which is where Lexipol originated. It is not the general practice in Washington for prosecutors, or their investigators, to be directly involved in the initial investigation. If a prosecutor is found to have directed an investigation, there is a potential that they could lose prosecutorial immunity. As such, Washington prosecutors are disinclined to participate as members of the investigative team.

This points to the need for customization of this policy, and others, to make it relevant to CPPD. Every section of the policy manual must be applicable to the agency, otherwise it loses credibility as a guiding document.

Once the manual is customized to match CPPD operations, officers should be trained on this policy. When the LEMAP team posed hypothetical officer shooting scenarios to various staff, they did not have a clear understanding of what would be expected of them. They provided inconsistent answers to questions such as: Would you collect a deceased suspect's gun or leave it where it is? What information should an involved officer provide to the first responders to locate other victims, outstanding suspects or protect evidence? Who will conduct the investigation? When do you collect the involved officer's gun? What post-incident care is provided to the involved officer?

The officers mentioned they have not received training on what to expect if they are involved in a deadly force incident or if they respond to another officer's shooting scene. CPPD has not experienced an officer involved shooting in decades. If one does occur, muddling through the process can cause anxiety, stress and anger for involved personnel. The Department should develop a comprehensive officer-involved shooting response plan and then brief their officers so they know what to expect and how to appropriately respond.

Since the 2014 officer-involved-shooting incident in Ferguson, Missouri, there has been a nationwide interest in examining all aspects of police use of lethal force. It is important that law enforcement agencies adapt to changing public expectation. The Supreme Court's 1989 ruling in *Graham v. Connor* provides guidance on when police officers are allowed to use deadly force, but it does not provide guidance on how to avoid uses of deadly force. Police departments need to begin rethinking strategies and equipping officers with the appropriate training and tactics to defuse potentially volatile encounters in a way that ensures that both the officers and those they are dealing with may survive the encounter. CPPD should consider providing de-escalation training. When safe, under the totality of circumstances, and when time and circumstances permit, officers should use de-escalation tactics to reduce the need for force. This is not currently part of the CPPD training plan.

Policy 312.3 – Authorized Firearms, Ammunition and Other Weapons requires that Members only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms instructor. This section also requires officer qualify with their firearms before carrying them. The authorized department-issued handgun is the Glock Model 22.

Recommendations:

- Evaluate efficiency of the current Use of Force reporting system, particularly with regards to the officer and the supervisor filling out separate forms. Evaluate the rationale behind officers completing a form beyond documenting the application of force in an incident report. Consider having the officer fill out the form and the supervisor review and approve with a section for comments and recommendations.

- Edit Policy 310 – Officer Involved Shootings – to reflect the realities of College Place Police Department.
- Provide training to officers on Officer involved shootings. This should include the roles and expected actions for officers, supervisors and the Chief, the purpose of Administrative leave, post-shooting officer care, when and how statements will be made.
- Consider including de-escalation policy into the manual and training into the Use-of-Force curriculum.

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 whether 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 agency staffing will deserve mentioning where the LEMAP team recommends further evaluation and possible action by city leadership.

Chief Tomaras is responsible for overall operation of the police department. Jail services are provided by Walla Walla County Corrections and CPPD is a member of the regional police and fire communications (dispatch) network. The 2017 CPPD operating budget is \$1.7m and similar to other law enforcement organizations where the majority of the budget is dedicated to personnel costs. CPPD officers utilize a fleet/pool system of department vehicles with the majority of the fleet consisting of vehicles less than three years old. Chief Tomaras hopes to eventually pursue budget support to issue each officer a personally assigned vehicle.

Prior to February 2017 CPPD personnel were located in two buildings; administration (Chief and Sergeants) in one building and officers and civilian staff across a parking lot in a separate building. The 2015 study by Clear Risk Solutions (accurately) identified a problem with the housing arrangement and as Chief Tomaras arrived, a merger of all CPPD personnel in one building was near completion. Since then, the Chief has initiated modest renovations in the building, with the assistance of sergeants and officers, to help make the work spaces more productive. CPPD now completely resides in one building which appears to easily accommodate both sworn and civilian personnel; however, the LEMAP team encourages Chief Tomaras and City leadership to evaluate current and future needs to accommodate a more welcoming entrance into the police department as well as secure storage for both property, evidence and police records.

Chief Tomaras reports that CPPD is authorized 10 commissioned officers (including one temporary officer), two civilians and one reserve officer. Rank structure for CPPD includes a chief, two sergeants, one detective and seven patrol officers (one of which is a temporary position). Staffing for CPPD is a major concern of the LEMAP team.

Essentially, patrol/street coverage is handled by the two Sergeants, four regular officers, the temporary officer (30 hours maximum per week) and the reserve officer. The remaining patrol officer positions include one officer on military leave (scheduled to return in 2018),

two officers in FTO training after recently graduating from the police academy, and two vacant positions with limited hope of filling either of them in 2017. Additionally, one of the available patrol positions will be filled in September by an officer that will serve as a School Resource Officer who will cover the local high and middle schools. This will reduce patrol/street coverage to the two Sergeants and, three regular patrol officers, two part-time or reserve officers and those new officers that will be released from FTO training sometime in the near future.

On the CPPD organizational chart each Sergeant is identified as having different responsibilities under patrol and administration. Sergeant Parker is assigned as the Patrol Sergeant; Sergeant Benfield is assigned as an Administrative Sergeant. Both sergeants respond to 911 calls for service and each has additional ancillary duties assigned to them by Chief Tomaras. Even though CPPD has a comparatively low level of crime, 24/7 coverage requires a generally accepted minimum of almost six officers (5.6 FTE) to staff one 24/7 patrol position over a seven day period. The following table provides a snapshot of comparable agencies and Part 1 crime activity.

Agency officer per 1,000 rates as compared to College Place. Data is for the 2016 reporting year as reported to WASPC. Part 1 crime data included as a general activity marker and does not include response to 911 calls. Agencies with an asterisk* operate jails and/or dispatch centers that increase the need for civilian staff members.

Department	Population	Commissioned total	Commission rate (per 1,000 population)	Civilian total	Total Part 1 crimes
College Place	9247	10	1.1	2	486
Othello	7857	14	1.7	7*	649
Ephrata	8020	15	1.8	3	673
Toppenish	9050	13	1.4	22*	974
Port Townsend	9345	13	1.3	2	520
Airway Heights	8425	18	2.1	1	455
Liberty Lake	9325	11	1.2	12*	341
Yelm	8480	12	1.4	14*	986
Quincy	7345	17	2.3	8	760
Poulsbo	10210	17	1.6	3	585

Source: Washington Association of Sheriffs and Police Chiefs, Crime in Washington 2016

Staffing levels are complicated and beyond the scope of this report, and officers per thousand population is generally not a reliable staffing metric, but it is clear that CPPD has insufficient staffing to provide one officer street coverage on a 24/7 basis. This conclusion does not begin to broach the topics of officer safety and 24/7 supervision that is customary and accepted by most Washington police agencies. Until CPPD escapes the current

staffing crisis, every sworn position in the agency needs to be evaluated and prioritized for suitability to respond to 911 calls as patrol officers, at least until staffing levels improve.

Moreover, the consequences of understaffing are vast and significant. The ability for Chief Tomaras to chart and execute a strategic vision that advances the department will ultimately involve more than responding to 911 calls. With CPPD current staffing levels, the agency is forced to focus on day-to-day (tactical) functions that revolve around 911 calls. Functions that are visionary, goal driven, advance the agency, and fortify public trust and confidence, are commonly referred to as strategic functions. Most high performing agencies have strong performance metrics that relate to strategic functions because those are what separate them from other agencies and prepare them for unexpected events and crisis. Clearly, CPPD has had very little strategic influence over the past 30 years. This shortcoming is reflected in an agency that is not progressive and struggles with basic operational functions that will be characterized as lacking or non-existent throughout this report. As mentioned prior, the LEMAP team strongly encourages College Place leadership and its elected officials to take a step back and publicly proclaim the type of police agency they really want to serve its citizens – and then fund/staff it accordingly.

CPPD is a client of the Lexipol knowledge management (policy) system. CPPD staff report that Lexipol was introduced to CPPD by Chief Lepiane in 2009. Policy manuals, and all updates and revisions, prior to 2009 are generally not available in a central repository within the agency and employees report that some policy content may be available on individual employee computers. Lexipol policy updates are regularly published but CPPD has struggled to stay current with them. Employees are the key to an effective policy adoption. They must understand why the policy is important and what has changed. In short, practice and policy must match. If they do not, one or the other must change. College Place PD managers and supervisors must read the manual from cover to cover, ensuring the content is relevant to the department. Every policy must match actual practice. Employees cannot be expected to view the manual as an authoritative guide when it contains sections that are inaccurate or do not apply to local custom or operational practice.

Lexipol releases frequent updates to the manual to ensure it stays current with emerging trends, new case law and developing best business practices. These updates require review, editing and acceptance in a timely manner. Currently, CPPD is working on becoming current with the most recent updates published by Lexipol. However, Chief Tomaras has adopted the responsibility for managing the updates. Ultimately, the Chief should be approving most policy changes or updates but the task of actually reviewing and installing Lexipol updates should be handled at a lower level in the organization.

CPPD has policy language, in § 200.3.2 that details succession of command in the absence of the CEO. Routine day-to-day operations are generally scheduled under a 4-10 hour shift configuration. Minimum staffing for patrol officers is one personnel, which can include the shift Sergeant. CPPD does not have an official provision to require more than one officer working per shift or to provide for 24/7 supervision. Officers bid their shift schedules in December for the following year. Officers can change shifts so long as there is mutual agreement and no adverse impact to the department or patrol operations.

Chief Tomaras reports that CPPD operates with a field Sergeant working about 75% of the time. CPPD does not have a policy that covers officer actions or responsibilities when a

supervisor is not working. Informally, officers who were interviewed advise that when a supervisor or acting supervisor is not available, and the officer needs supervisory guidance, they are expected to attempt phone contact with a sergeant at home. If a supervisor cannot be reached, the officers make decisions using their own best judgment. This is a dubious staffing approach for contemporary law enforcement.

CPPD policy 200.3 covers Command Protocol, which addresses multiple units in a common joint operation. CPPD staff indicates that officer involvement in joint or regional operations are infrequent given the staffing limits of the department.

The agency has a brief mandate, in policy 200.3.3, that employees must make a “good faith and reasonable” effort to follow lawful orders of a supervisor. CPPD does not have a policy or procedure that directs employees when responding to or dealing with unlawful or conflicting orders. This creates a policy gap that needs to be addressed as soon as possible.

CPPD officers complete a use of force form which was addressed in Chapter 3. However, the agency does not conduct any level of annual review or assessment. Within the past few weeks, Chief Tomaras has installed a reporting and review process for use of force applications and pursuits which is much more complete. The Chief is intent on conducting annual reviews of pursuits, use of force, internal affairs and bias based policing starting for 2017. Annual review and assessment of sensitive or critical areas of police operation are vitally important because they provide a public window that communicates agency attempts to take a critical look at itself. These review/analyses also provide the Chief a closer look at agency operations so that he and his leadership team can work with department supervisors to instill higher levels of accountability that promote improved agency performance and responsibility.

All archived policy documents generated prior to the installation of Lexipol are kept by the Records Supervisor. A check of those files indicates policy documents going back to 1998. Policies issued prior to 1998 are not accounted for.

Recommendations:

- Conduct an assessment of existing human resources and then prioritize services provided by the agency to align with current staffing. This assessment is a complicated exercise and should involve evaluation of safe staffing levels including 24/7 street supervision, command coverage and civilian support.
- Work with City leadership to develop a vision for what level of police services CPPD provides to the College Place community. Ensure funding underpins the vision.
- Search all local computers and storage venues for copies of all previous policy instruments. Develop a central repository for all archived versions of agency policy.
- Initiate a comprehensive review of the current policy instrument and confirm that policy and agency practice/custom align.

- Identify a CPPD employee, other than the Chief, with the interest, experience and aptitude to review all Lexipol updates. Once each review is complete, make recommendation to the Chief for implementation.
- Review policy section 203.3.1 regarding orders. Confirm that the current language is relevant to CPPD and ensure language is installed that provides employee guidance when responding to unlawful and conflicting orders.
- Fortify processes to conduct review and analysis of critical department functions including use of force applications, pursuits, internal affairs and bias-based policing. Ensure that each review is disseminated to CPPD staff and that actionable outcomes from each analysis is publicly accounted for.

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 policies 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 for 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:

Managing law enforcement records has evolved into a highly specialized function within law enforcement. More importantly, records management provides some of the highest levels of liability when records are not handled according to contemporary laws and standards – which are rapidly changing. For those law enforcement agencies that also operate jails, the risks attendant to improper records management are amplified because of the diversified population and the time available for prisoners to generate public records requests. Progressive and efficient systems and processes are a minimum requirement for all law enforcement agencies that are tasked with public records management.

CPPDCPPD is a New World client and uses this IT platform for both Computer Aided Dispatch (CAD) and their Records Management System (RMS). The department has transitioned to the new platform over the last year and is currently awaiting an upgrade to the most recent version.

At this point, employees do not have a great deal of trust in the system and this causes officers to write the narratives for their police reports in MS Word and save the work to local computer drives. This causes a duplicate public record to be created that has to be maintained and disclosed. If officers destroy their work product once it is finalized, they may be deemed to be destroying a public record. These records could qualify as a “transitory record”, however, that should be verified with legal. Additionally, some officers do not generate NIBRS compliant reports by listing suspects and witnesses as “other” people mentioned in the reports. This causes the records staff, who perform the NIBRS validation process, to spend up to 3 hours updating a single report that an officer wrote incorrectly and a sergeant approved. This is not an efficient use of the agency’s resources.

The agency is dispatched through WESCOM in Walla Walla. The CPPD Records staff have the ability to enter CAD calls directly into the CAD system when needed, but generally they transfer calls to the dispatch center.

The agency had an ACCESS (A Central Computerized Enforcement Service System) audit in June of 2016 and was able to successfully close out the audit in December of 2016. During the audit there were some findings related to training and they were corrected promptly. Currently, all members of the department are ACCESS certified.

CPPD does not properly secure some police records. The archives area (housing records prior to 2016) is properly secured with a posted sign and locked door which only designated records personnel have access to. The most recent two years of records are kept in the records office. These file cabinets are not locked and officers have full access to them 24/7. Officers are allowed access to the room because they may have to confirm a protection order that is on file in the office, so it is not secured after hours. Additionally,

the City Administrator and Fire Chief have access to the building and can also access these police records (note: they do have the proper CJIS clearances and access to the building is authorized), although they likely do not have a need or right to them.

The most concerning insecure records are the digital records stored on the shared drives. The LEMAP team was able to access the "U" drive, where evidence videos and photos are stored, and were able to create a test folder and then immediately delete it. This means any record or evidence could be easily accessed and inadvertently or intentionally destroyed. Also, anyone within the department has full access to view these photos, regardless of reason. The LEMAP team did not conduct further inquiry while in the drive, but it is possible that the photos stored on the drive could be modified or manipulated thereby tarnishing their evidentiary value.

Records Supervisor Marianne Barr is responsible for handling the agencies public disclosure requests. Ms. Barr has been with the agency for approximately 10 years. She is very organized and conscientious about her work. She has a passion for the work and obviously wants to do things correctly. She received formal training on public disclosure when she first started and then again recently. During that time she has also worked with personnel at Walla Walla PD to adapt their processes to CPPD. She feels she has very little free time, especially with the loss of a records position in January of 2017, and has not been able to do any independent research on public records management. She feels she is in need of more training and certainly on a more frequent basis.

She advised that legal/attorney support has been lacking, often slow in response, and she would sometimes not feel comfortable with the advice she was given. The attorney situation has been changing recently and that may or may not result in improved support and counsel or not. Having good legal counsel is critical for a successful public records program. Regular training updates for the attorney may also be advised as the law, and especially case law, changes frequently and it is not a common focus for small municipal attorneys.

Barr describes a system where the city clerk is ultimately responsible for the policy, tracking, and receiving of public record requests. However, Ms. Barr is responsible for logging her contacts, communicating with the requestor, providing the documents and sending the closure letter. When the request is complete Ms. Barr will then notify the clerk and the clerk will have access to the electronic folder where the completed request is stored. She advised that at one time the entire public disclosure process was handled through the department, but has recently been partially segmented out to involve the city clerk.

The most common industry best practice is for the police department to be identified as a unique agency within the city, identify their own Public Records Officer (PRO), have its own request form, unique tracking numbers, policies, tracking, and personnel trained to handle requests. Any request asking for records held by the city, as well as the police department, would also be forwarded to city officials. The advantage of this model is that sensitive information is secured and available only to those that have the right/need to know the information being disseminated.

The LEMAP assessor asked to be walked through the dissemination process and discovered several areas that are problematic and need to be addressed as a priority. Some

of the following has room for varying interpretation and the LEMAP team encourages Chief Tomaras to involve city legal staff fluent in applying the public records act.

- The agency appears to be charging \$10 for a media report (CD/DVD). This practice may have stopped, but is still listed on the charge form which was updated 1-1-17. At the time of this writing, only the actual cost of the media is an allowable charge. On 7-23-17, statute was amended to allow charges for electronic data conditional on additional agency procedures. (RCW 42.56.120)
- The agency (and city) records disclosure request forms indicate that payment may be required in advance. This is not allowed other than a 10% deposit for larger requests. See RCW 42.56.120.
- Procedures are not clearly published. The LEMAP assessor did several searches of the College Place website and was not able to find the procedures. They are not linked to the CPPD web page at all. A search that may have linked to an ordinance went to an invalid page ([KM_C654e-20170215083757 - City of College Place](#)). See RCW 42.56.040 and WAC 44-14-02002. The policies are currently being re-written, but until those are established there is still a duty to post the current agency rules related to public disclosure requests.
- CPPD does not provide an index of records, or has promulgated a statement about it being too burdensome. RCW 42.56.070.
- The agency is requiring identification for people wishing to pick up a public disclosure document. The agency form also indicates that valid contact information is required. While it is certainly acceptable to ask for people to complete the form and provide contact information, requiring a requestor (or recipient) to produce identification cannot generally be required. Except for special circumstances such as certain records concerning juveniles, the name of the requestor is optional and identification cannot be required. It is completely valid for a person to appear at the counter, request a document, and advise they will return within 5 days to inspect/or pick up the document without ever identifying themselves. This interpretation of statute has been most recently reiterated in *John Doe G., et al v. Department of Corrections, et al*, 2017 WL 319048.
- CPPD does not have an identified public records officer (PRO) or published contact information for that person. The department website directs inquirers to Bruce Haney, but does not specifically identify him as the PRO. Marianne Barr functions partially as the PRO as does the city clerk. The PRO needs to be clarified and published per both department policy and RCW 42.56.580. Refer to WAC 44-14-020 for a template.
- The PRO has statutory training requirements that the agency does not appear to be meeting as far as refresher training at a minimum of every 4 years (see RCW.42.56.152). Note: Beginning July 23, 2017 there will also be a requirement that agency members with PDR responsibilities receive training in the handling of electronic records.
- The website and agency practice is to refer people to the WSP Collision Records Section for requested collision reports. Per RCW 42.56.010, these are public records and if retained by the agency must be disclosed when requested. Referring a requestor to another agency may not be deemed the "fullest assistance" as required under RCW 42.56.100.

- Records are being stamped with a notification that they cannot be disseminated without the express written consent of the College Place Police Department. This is also being reiterated in a response letter included with the records. This declaration is inappropriate because the agency has no authority to place restrictions on the recipient of the record unless a court order is also issued.
- The agency is improperly redacting and withholding documents. In two samples provided to the LEMAP team, the month and day of birth, as well as the last 4 digits of the phone numbers were redacted under the exemption of private information RCW 42.56.050. Case law on this topic has designated a two-prong test where only information that is highly offensive to a reasonable person and the public has no interest, can be protected through redaction. Phone numbers and month/days of birth may not be considered generally offensive and legal should weigh in. When asked what happens if a case has been referred to the prosecutor for one defendant but an investigation is continuing for another suspect, the assessor was informed the entire record is withheld. Investigative records related to pending criminal matters are presumptively subject to disclosure, meaning the categorical exemption no longer exists, once a suspect has been arrested and referred to the prosecutor for a charging decision. *Seattle Times Co. v. Serko*, 170 Wn.2d 581, 243 P.3d 919 (2010); *Cowles Publishing Co. v. Spokane Police Dep't*, 139 Wn.2d 472, 987 P.2d 620 (1999).
- The agency is not providing an adequate response to their requestors related to redacted information. The response letter informs the recipient that information has been redacted or omitted, but not a description of what was omitted or why. This type of explanation is required and generally provided in a redaction log, generated by the agency. Refer to *Lakewood v. Koenig* for further information on the requirements. RCW 42.56.210.
- The agency has no formal process for making a five day response, notifying of extensions, notifying involved third parties, or closing out requests. These are all areas that should be formally addressed and the agency should not rely on phone calls for documenting these important procedures that will protect an agency.
- Juvenile records may not be withheld or disseminated properly. This is an area of high debate on how to be handled, so the city's attorney should review current practices. Special note should be paid to R.C.W. 13.50.050.9 which requires some dissemination of juvenile suspect information to victims. Ms. Barr was not aware of this requirement.

The agency does a good job of preserving police case files and archiving e-mail. However, they are lacking in preservation practices for most other records and have virtually no destruction practices. There are numerous indications of duplicate records such as police narratives (mentioned previously), evidence photos copied to multiple locations and documents backed up on personal flash drives. Case files back to the 1980's are still preserved and many are subject to destruction. There is no essential or permanent records identification plan in place. A plan needs to be developed and published as an agency priority.

By preserving records beyond their proper retention, the agency is vulnerable to large ("any and all" records) public records requests. If the records exist, they must be disclosed, if requested.

Employees interviewed indicate that an obstacle in the destruction of police records rests with the former philosophy of the City Clerk, who objected to destruction of any public records. This philosophy may have been modified but the Clerk is still maintaining control over the destruction process, which should be a department function. Per policy 810.3 the CPPD should appoint a Public Records Officer (PRO), who logically would be the records supervisor, and the PRO should be responsible for the retention and destruction of law enforcement records. Either the department needs to be empowered to follow their own policies or the policy should be changed to indicate the city is responsible for record destruction. Not destroying eligible records is regressive public policy and is not an acceptable approach in the current public records climate. (Note: if city staff elects to oversee the function, then those personnel will also need to undergo CJIS background checks as they currently have no authorization to view some law enforcement records.)

The records section is also approximately two years behind their compliance on seal and destruction orders for juvenile records. These orders generally indicate they are to be complied with within 90 days of issuance. Part of the issue appears to be the process used for sealing the reports. The records supervisor is currently making a copy of the report, redacting it, and placing that copy with the sealed report. This is unnecessary work that creates other issues such as a new, disclosable, public records and it most likely is not in compliance with the order.

CPPD non-records personnel generally had no understanding of public records laws. It would be beneficial to provide some basic training so that they would have a better understanding of their roles/responsibilities in protecting the agency.

CPPD is not aware of RCW 40.14.070 and the need to submit sex offense case files to WASPC as soon as the agency no longer needed the records. It is possible that some records were improperly transferred to the state archives and this should be researched and corrected if needed.

CPPD policy (516) indicates that the Sergeant is responsible for the design of traffic citations and the Records division will be responsible for issuance of and tracking of citation books within the department. Practice is that the Chief issues the books, the covers are turned into the records supervisor, and the city clerk performs monthly audits.

CPPD operates under a current policy (346) governing media relations. However, Sgt. Benfield is just learning how to be a PIO and is not well versed in the policy.

The Walla Walla County Sheriff handles sex offender management and notifications. Policy 356 needs to be updated to reflect this practice as it indicates CPPD will handle these duties.

CPPD has an excellent policy for missing persons which is based on the National Center for Missing and Exploited Children's best practices. Fortunately, the department has had very few missing person cases that could not be almost immediately resolved. None of those interviewed in the department was aware of the policy and what needs to happen when an "At Risk" person is reported missing. These are high risk, low frequency, events

where it is very important that all personnel, especially the first responders, are well versed on how to handle per agency policy.

CPPD operates under a policy for notification of the recovery of stolen vehicles that is not practical. Policy 510.2.3 places the responsibility on the records personnel to "promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7))." The records section is only open during business hours, therefore a vehicle recovered on a Friday night or a weekend may sit in storage for potentially 72 hours before an attempt at notification is made. When interviewed, the records personnel advised that as far as they know the officers make the notification. Additionally, the LEMAP team was not able to actually find a section of policy that addressed the processing or impounding of a stolen vehicle.

CPPD is NIBRS compliant. This process could be improved for them if officers were trained and held accountable to properly complete their reports in compliance with NIBRS requirements.

Additional observations by the LEMAP team:

When a background check for a concealed pistol license is conducted, the agency does an excellent job of also inquiring from local mental health organizations. When all of the checks are returned the documentation is properly kept. However, CPPD is currently not issuing the license within the 30 days required by RCW 9.41.070 if they have not received all of the background check results. While delays are unusual at CPPD, there are only a few exceptions that relieve the Chief from the duty to issue or deny within 30 days and a lack of a return on a background check is not a valid exception.

When background checks are run for the return of weapons from the property room, the National Instant Criminal Background Check (NICS) Transaction Number (NTN) is required to be logged and maintained for three years. There currently is no log. Additionally, the mental health checks are not being conducted for this purpose and are required.

CPPD has no system in place for the return of privately owned firearms, where a family or household member has requested notification. RCW 9.41.340 and RCW 9.41.345 require that a system be in place and it is highly recommended that the request form and process rules be posted on the department website.

There is a significant amount of duplicate paperwork being created at CPPD. Reasons for this distrust rests with workflow processes and a distrust of electronic records and the current RMS. For instance, when a public records request is processed, CPPD staff must check for an electronic copy and then the potential of hard copies that have been printed out and stored. It is also possible that the city clerk is printing and keeping a copy of electronic records that are kept on a shared drive. Descriptions of where to find documents often involve several places the records clerk would need to search and where there may or may not be multiple copies. CPPD needs to analyze their work flows and construct a plan for everyone to follow outlining the location of current public documents and their format (hard copy or electronic – including metadata). CPPD has the technological ability to be much more of a paperless agency than they currently are.

Court orders to seal and destroy juvenile records have been a low priority for CPPD and they are currently about two years behind in processing them. Many of these records have been electronically sealed but the physical copies have not been sealed. The delay is in part because of the extensive process CPPD has in place to redact a copy of the report, and keep it available, despite the seal order. The LEMAP assessor worked with CPPD staff discussing a streamlined process.

Recommendations:

- Require officers to complete the narratives of their reports through the New World system and don't create duplicate hard copy records.
- Lock police record file cabinets when records personnel are not in the office. If needed, move the No Contact Orders (NCO's) to another file so they remain accessible by authorized staff after hours.
- Secure the folders and documents on the "U" drive to be write only. Consider an alternative non-network means for preserving digital evidence. Be sure to consider metadata in any solution used as that must be preserved in the original format for evidence in court as well as public records purposes.
- Train the records staff in records dissemination, retention, destruction, and preservation. Be sure to require digital records training which is required by RCW 42.56.152 as of July 2017 for the PRO. Annual refresher courses are recommended as both the RCWs and case laws change frequently. LEIRA, WAPRO, WCIA, MRSC, and the Washington State Archives are all good sources for free or inexpensive training.
- Catch up on court ordered seal and destruction of juvenile records. Stop creating a redacted copy of a sealed record and putting it in the file along with the sealed record. This creates extra work, creates a new disclosable public record, and is not part of what the judge has ordered. These records are ordered sealed, not available for reading in a redacted format. There are ways within the law to unseal the record if needed.
- Create a plan and start systematically destroying as many records as possible under the state's retention guidelines. Stop creating duplicate records or unnecessarily retaining duplicate records. Create a cheat sheet for common Destruction Authorization Numbers (DANs) to be referenced by the agency to organize retained records.
- Create a department destruction log. This log is a permanent/essential record so it should be stored off site as an archive with a working copy at the department. The log could still be sent to the City Clerk for the long-term retention, but the department will need a copy to refer to for public records requests.

- Update policy 516 to accurately reflect agency practices for issuing and tracking citation books. Ensure voiding and auditing processes are well known and complied with.
- Train the PIO on department policy and seek out training to assist them with these duties.
- Update policy 356 to reflect agency practices with regards to sex offender notifications.
- Train all CPPD employees on policies about missing person reporting. A practical exercise might be warranted since this is such an infrequent event for CPPD.
- Conduct an audit; identify and transfer all sex offense cases that qualify to be transferred to WASPC as soon as possible (RCW 40.14.070).
- Update and train all CPPD staff on policy 510.2.3 to ensure either the officer on scene or the dispatch center's responsibility to make notifications on stolen recovered vehicles.
- Issue or deny concealed pistol license within 30 days.
- Track NTN's for release of firearms as well as conduct mental health background checks. Send personnel to NICS training every 2-3 years so they can stay up to date with the changes.
- Update firearms and background check procedures to include the required notifications to family and household members of private firearms owners.
- Update the city and department website as soon as possible to comply with Public Records Act (PRA) rules. This could help discourage malicious requestors.
- Take a thorough look at public records dissemination practices. Decide which model the city will use for handling requests, but move away from the current hybrid (routing through either CPPD and/or the City Clerk) so that clear expectations can be established. Partner with a local agency such as Kennewick or Benton County to act as a mentor. Develop a policy using the attorney general's model rules (<http://www.atg.wa.gov/model-rules-public-disclosure>), develop the necessary forms and work flow practices, and have the city attorney approve all changes. Modify policy and current practices to comply with current laws and best practices as a priority and as soon as practical.
- Take a high level look at entire CPPD records program and identify what records you have, where they will be kept, who will have access, how long they will be kept and who will manage destruction. Officers need to also be given some responsibility for not only the creation but the preservation of their own records. Evaluate where processes could be streamlined to eliminate the duplication of records and make personnel more efficient and effective.

- Consider public records in every operational and administrative decision going forward. Public records laws should not drive the agency mission, functions, or programs, however, they need to be considered as a critical part of agency operations. Arguably, public records management is one of the greatest liabilities for contemporary law enforcement in Washington and must be considered a priority.

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:

Information Technology (IT) is vital to any agency's operational functions and is considered *out of sight/out of mind* until there is a problem. Law enforcement has become increasingly reliant on technology, which places amplified pressure on support systems to maintain existing systems and facilitate the introduction of new products that ensure employees are both effective and efficient. When IT systems do not function well, this void is akin to not having a fully functioning vehicle or building to work from. LEMAP assessment of IT services are generally focused on dispatch (CAD), records management (RMS) and local hard/software used by CPPD employees.

A cursory inspection of the overarching local IT system revealed that it is secure; however, an audit of the agency users has never been completed. This is a CJIS mandate to be done annually and documented. CPPD underwent a CJIS audit in June of 2016 and successfully passed, but the date on the certificate is not legible. A spot check of local records by the LEMAP team found that background checks and training were excellent. Several issues were discovered that are not CJIS compliant and need immediate attention.

- The department password rules do not require complex passwords.
- The mobile computers do not have advanced authentication.
- The mobile computers do not remotely disconnect from the city network if they are lost and or stolen. CPPD should have a Mobile Device Management (MDM) system in place.
- The servers operate on a flat network; the law enforcement data must be separated.
- It appears that the group timeout policy and feature may not be working. The LEMAP team observed operational computers where the users went to lunch and the computers did not go to screen saver prior to the users returning from lunch.
- There is no formal process for notifying IT of new employees, employees changing job roles/responsibilities or employees leaving. This documentation is required and must be retained per CJIS requirements.
- College Place does not conduct an annual user audit, which must be documented with retention for at least 3 years.

CPPD operates under multiple policies that cover many aspects of technology but should consider adding additional policies that cover contemporary media such as parameters for official and off duty use of social media. Since CPPD does not use mobile audio video (MAV) those policies could be suspended at this time.

There is no way for IT to verify that computers connecting to the network have received the proper virus/Windows Critical updates as required. Those checked appear to be up to date, however, this is another area that CPPD should confirm compliance with CJIS rules.

The servers are located in a secure room in city hall. The server room is alarmed and has restricted access. There are servers sitting on the floor which is not usually ideal as a minor flood would render them inoperable and potentially paralyze local operations. There is no temperature alarm for the room, which is fairly standard for server rooms, as those can prevent extensive damage if the air conditioning fails and the servers overheat. The basic network infrastructure is sound but the city should consider establishing a level of network redundancy to ensure continuity of operations. If a disaster such as a wildfire or earthquake caused an outage, communications for public safety and city government would cease at a time when those services are needed most.

The servers are backed up regularly using a software called VEAAM. There is network attached storage (NAS) located in the police department that houses backed up data. While the buildings that house the backup devices are separate, they are essentially across the parking lot from each other. If another secure location is available, the city may consider relocating the NAS to another location farther away than across the parking lot to ensure the secondary backup location is not subject to the same vulnerabilities that would compromise the primary backup location.

Patrol officers reported having difficulties with their laptops because the local WIFI (known as MIFI locally) connections in the cars are out of range to the places where officers use their laptops. This gap causes the officers to often lose connection when they leave the proximity of a mobile connection. When they do return to the connection it takes them about ten minutes to get reconnected and logged back onto the system, which is highly inefficient and not customary in today's technological environment.

One solution would be to change from the MiFi, which is a brand name for a wireless router, connection to a GOBI, which is an industry term for a wireless modem that is built directly into the laptop, connection. This solution would allow the laptop to stay connected at all times. If the antenna in the laptop is insufficient for connectivity in the area, an additional (puck) antenna can be added to the vehicle. Additionally, CPPD could install a solution such as NetMotion which is a mobile virtual private network (VPN) which would stabilize connections for officers working in the field. Officers advised that the area around Walmart is a cellular dead spot and since that is an area they respond to frequently, a more reliable connectivity solution could alleviate officer safety concerns.

Recommendations:

- Come into compliance with CJIS security policy V 5.6. This includes conducting necessary audits, separating law enforcement from city servers either through the use of a virtual local area network (VLAN) or separate servers, getting advanced authentication for the mobile devices.
- Consider installing NETMOTION or a similar solution to address advanced authentication issues and improve officer connectivity in the field.
- Purchase a system that will let IT monitor if the devices are receiving the necessary updates.

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 has 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:

For most police departments, planning for unusual occurrences is an afterthought. It is a function that is often handled by the local fire or emergency management department and is sometimes viewed as a nuisance that is parked at the bottom of the agency's list of priorities. However, in those rare events when an unusual occurrence strikes, the consequences of response and recovery can easily overtake an agency. In particular, for an agency the size of College Place, leadership would be forced to scramble for staffing, support and resources which jeopardizes the safety of residents and places the police chief as a primary source for public criticism. Moreover, College Place is vulnerable to rare and unusual events such as wildland fires, earthquake and severe storms. This chapter is intended to provide agencies with a platform to work from that focuses on basic training of employees and participation in local and regional planning exercise activities that potentially allow for broad support and assistance when disaster strikes.

CPPD operates under comprehensive policies that cover the agency emergency management plan (206) and outside agency assistance (352). Chief Tomaras reports that he is actively involved with Walla Walla County Emergency Management functions and typically attends the monthly meetings that cover training needs as well as planning and exercising for CPPD members. Chief Tomaras reports that prior to his arrival CPPD's involvement in local emergency management activities was rare to non-existent.

CPPD operates under a comprehensive emergency management plan (CEMP) that is managed by the County DEM with input from the agency. The current plan is under revision and Chief Tomaras has been solicited for input.

CPPD policy directs the Chief or designee to review the local Emergency Management Plan every two years for compliance with NIMS. This is customary Lexipol language but may be burdensome when combined with other operational priorities. Moreover, given that the County DEM is primarily responsible for management and maintenance of the plan, a policy adjustment (or review) may be prudent.

Basic ICS/NIMS classes for line level staff are lacking at CPPD. The Chief and both sergeants have completed courses through ICS 300/400. However, a cursory review of officer training records revealed that only one officer has completed the basic ICS/NIMS courses (ICS 100 and IS 700) in 2006. This void creates potential vulnerability for the City should they experience a disaster or significant event and request support, assistance or reimbursement from the Federal Emergency Management system.

Recommendations:

- Conduct a review of CPPD policy 206, Emergency Management Plan, and confirm that it is practical for CPPD purposes.
- Conduct a review of policy 352, Outside Agency Assistance, and confirm that it is practical for CPPD purposes. Given the significant gaps in supervisor coverage with the current scheduling configuration, closely evaluate any reference to supervisor approval when responding to or requesting assistance.

- Designate a backup to the Chief that has the availability and the interest, to interface with the County DEM and attend meetings when the Chief cannot. Consistent participation in these meetings, and the related interpersonal relationships that are built during them, are cornerstones that may prove invaluable when help is needed within the City.
- Ensure that agency supervisors are familiar with the local CEMP. The document is often intended as a reference tool, but familiarity with it may become invaluable pursuant to a significant event or a request for assistance.
- Ensure all CPPD sworn staff, and civilians who may have EOC responsibility, have completed IS 700 and ICS 100, at minimum. CPPD should take advantage of every opportunity to use NIMS principles to ensure members are comfortable with roles and responsibilities during a NIMS activation.

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 should 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:

Law enforcement officers routinely face on-the-job threats to health and safety that includes potential exposure to blood-borne pathogens. 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 standards and of WAC 296-823. OSHA Standard 29 CFR Part 1910.1030 - Blood-borne Pathogens requires employers to implement an exposure control plan for employees with controls to prevent or minimize employee exposure to blood-borne pathogens and to reduce the chances of infection when exposure does occur.

Policy 1016 – Communicable Diseases, provides CPPD officers written guidelines on dealing with the threats associated with airborne and blood-borne pathogens. It is standard Lexipol language. It has sections that are not currently complied with. For example, the policy calls for the Chief to designate an Exposure Control Officer (ECO) to deal with the Department's response to communicable diseases. While one sergeant has been designated to handle bio waste, his duties are not to the level of those required of an ECO.

The policy also requires training “regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005.” The Washington Administrative Code (WAC) 296-823-12005 requires the City to provide training ... at least annually and within one year of the previous training to all employees with occupational exposure. This includes police officer. A review of the CPPD training records revealed this is not being accomplished.

OSHA standard 1910.132(a) requires that:

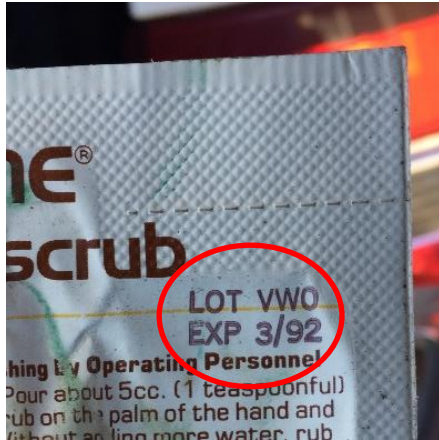
“...personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of ... environment ...encountered in a manner capable of causing...absorption, inhalation or physical contact.”

WASPC accreditation standard mirrors this requirement. The College Place PD policy manual briefly covers personal protective equipment (PPE) in section 1016.4.1 - General Precautions. Lexipol recently issued a new policy devoted to PPE use and requirements. College Place PD has not adopted this policy yet.

OSHA standard 1910.132(e) states that “*Defective or damaged personal protective equipment shall not be used.*” College Place PD is not meeting this standard. An inspection of the PPE in various CPPD patrol cars found disinfectant wipes that expired 25 years ago, dishwashing gloves in crumbling boxes and face masks that had rusting attachment points. Two of the PPE kits had been stocked at one time with some type of disinfectant in a plastic spray bottle. The contents had leaked and evaporated, leaving the items in the kit coated with a white, crystalline substance. While the officers had



sufficient gloves, the other PPE in their kits need to be restocked with appropriate equipment.



College Place PD issues body armor to all sworn personnel. Policy 1024 - Body Armor covers its use, care and replacement. Officers are required to wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action. The administrative sergeant maintains a replacement schedule and vests are replaced prior to manufacturer's expiration.

Research on human perception in motor vehicles finds that drivers must first notice, and then identify, an object in or near the roadway in order to react to it.

Police uniforms are typically dark colored and difficult to see at night. Studies have determined that a driver at 35 miles per hour detects a person in non-reflective clothing at 125 feet. However, a driver traveling at 35 mph required 159 feet to react and come to a stop. The study found drivers traveling at 35 mph were able to detect an individual in reflective clothing at 891 feet. Recognizing the risk to police officer working in traffic, Federal law requires the use of high visibility vests when officers are working around traffic and is regulated by the Manual on Uniform Traffic Control Devices (MUTCD), which governs the use of traffic control devices on all public roadways.

College Place PD Policy 500.5 – High-Visibility Vests – requires that the Department provide American National Standards Institute (ANSI) Class II high visibility vests to members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601). Section 500.5.1 requires they vests be worn any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. This includes traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. All officers who were asked said they wear their vests in these situations. Wearing of the vests should be reinforced by training and supervisors insisting on their use.

The LEMAP team inspected several CPPD patrol vehicles and discovered that all had vests which likely meets the ANSI 107 standards. Policy 500.5.2 - Care and Storage of High-Visibility Vests recommends that:

“Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.”

None of the vests that were inspected were stored as recommended by the policy. This storage recommendation has a purpose. Literature on high visibility clothing cites degradation of the reflective properties of vests due to staining and exposure to the elements.

The vests supplied by CPPD are an older style vest that meets ANSI standard 107, which is geared to highway workers. In response to the concerns of law enforcement, ANSI developed a separate standard for public safety employees: the ANSI 207-2006 standard for High Visibility Public Safety Vests. Since December 16, 2009, ANSI 207 compliant vests can be used as an option in place of the ANSI 107 vest.

This new standard addresses tactical considerations for law enforcement, including badge and radio clips and better access to the duty belt. It also includes an optional breakaway feature for easy removal and allows for the incorporation of different background colors so that police are more readily identifiable and aren't confused with construction workers. College Place PD should consider modernizing their high-visibility vests.



CPPD Vests - ANSI Standard 107



ANSI Standard 207-2006 type vest

Procedures for disposal and decontamination when there is an event or contact involving biohazards is covered under Section 1016.4.1 – General Precautions, items (g), (h) and (i) of the policy manual. The material is fairly sparse. Fire Departments can generally provide more comprehensive material than is found in this section for use in future training, policy or procedures.

The staff advised the new Sharps containers had recently been ordered. One was pulled out of a box. It had not been available for offices to use. The Admin sergeant advised the containers are taken to the local hospital for disposal when full.

Section 1016.6 – Post Exposure, covers procedures, post-exposure reporting and follow-up after suspected or actual exposure to infectious diseases. The policy meets WAC requirements. The policy also provided for Medical consultation and treatment, counseling and source testing.

As with many other areas of CPPD operations, practice may not measure up to policy. Various staff were asked what they would do in the event of possible exposure. One didn't know. Another said they would send them to the hospital. A supervisor also said they would send the employee to the hospital but included the need to fill out an Employee's Report of Injury Form. A copy of the form was provided to the LEMAP team. It calls for the employee to fill it out and provide it to the supervisor. The Policy requires the supervisor to document specific information, much of it narrowly focused on exposure to communicable diseases. The form does not prompt employees to document the same information required by the policy.

Due to the possibility of becoming the focus of disgruntled citizens, a law enforcement workplace has a heightened responsibility to ensure, to the extent possible, that employees will be protected by appropriate means. WASPC accreditation standards require that non-commissioned police employees are physically separated from the public by a physical barrier in the lobby area. The civilian records staff at College Place PD is separated from the public lobby area by a stud and sheet rock wall. The wall has a window with a pass through cut-out at the bottom through which the staff can safely conduct business with the public.



Policy 1022 address the use of seatbelts. All members are required to wear properly adjusted seat belts when operating or riding in any vehicle owned, leased or rented by the City while on- or off-duty, or in any privately owned vehicle while on-duty. The policy also requires drivers to ensure that all other occupants are properly restrained. The LEMAP team observed several CPPD officers driving their patrol cars. All were wearing seat belts.

Recommendations:

- Review and edit Policy 1016 – Communicable Diseases – to match the actual practices at the City of College Place.
- Conduct and document blood-borne pathogen training annually in compliance with WAC 296-823-12005 and OSHA standards.
- Inspect and restock personnel protective equipment in patrol cars.
- Consider upgrading / modernizing traffic vests to new ANSI Standard 207.

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:

The City of College Place operated under a Mayor-Council form of government. A City Administrator is appointed by the Mayor, subject to confirmation by the City Council and is responsible for the preparation of the budget. During the budget development process, Department heads provide input and submit programmatic requests for their departments. The Police Department's current budget is approximately \$1.7 million.

Although Chief Tomaras is expected to manage a \$1.7 million dollar budget, he is only authorized to spend \$200 without prior authorization. This is an extremely low authorization amount for any department's day-to-day operations. Chief Tomaras does review monthly budget updates from city finance and is fluent with line item balances within the police department budget.

Most small purchases are approved at the sergeant level. The city finance department must issue purchase orders for expenditures over \$200 and all travel/training prior to participation.

CPPD policy 1038 covers overtime rules and in most cases Sergeants are empowered to authorize overtime for emergencies and staffing. The Chief must approve anything for extracurricular activities, such as a recent code enforcement emphasis. Agency policy appears to be standard Lexipol language and it should be reviewed to make sure it correctly reflects the agency's processes as the work flow description did not seem to match the agency practices. Sergeants route all time sheets to the Chief for final approval.

The department does not use any drug funds or petty cash. The front cash drawer is electronically logged with receipts and a deposit is made the next morning. Current employees report that there has never been an audit conducted on any CPPD cash funds.

Recommendations:

- The Chief should be entrusted to manage the CPPD budget and authorized to spend up to \$1,000 without prior approval. With costs of common police equipment this would be a more reasonable amount and cut down on delays and paperwork associated with making common day-to-day purchases.
- The front desk cash funds should be periodically audited and the supervisor should be involved in approving all deposits (unless the finance department is verifying/approving each deposit).

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:

Recruitment and hiring is an essential function of any professional police organization. Modern police agencies must have detailed job descriptions and use contemporary hiring processes. Both of these hiring components are normally influenced by parties outside of the police department, including civil service commissions and human resource departments. Position-specific hiring standards and a comprehensive hiring process 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. This chapter focuses on the basic elements of the recruitment and hiring process that 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.

CPPD utilizes Public Safety Testing (PST) for the recruitment of new officers. They rely on Public Safety Testing to handle the written test as well as the physical agility component of the testing process. They have posted hiring requirements on the department website. Unfortunately, the CPPD does not have a department policy on recruitment and selection of officers and relies on local civil service rules for this purpose.

CPPD does follow the requirements set forth by RCW 43.101.095. Background investigations are generally completed by Detective Maidment or one of the sergeants. Polygraph, psychological and medical examinations are outsourced by the agency to local vendors.

CPPD does have a policy for selection of volunteers and Reserve Officers. The Reserve Officer section, in part, states: *“All applicants shall be required to pass the same pre-employment procedures as regular police officers before appointment”*. Ideally, the CPPD policy would mirror or summarize the local civil service rules.

Chief Tomaras reports that CPPD struggles with recruitment and retention of police officers. Officers may initially enter the department but once they pass probation often move to other agencies for better pay and/or more activity and career opportunities. The Chief plans to make an appearance at an upcoming testing process through Public Safety Testing (PST), which is both noteworthy and a salient example of progressive leadership. Other Chiefs or Sheriffs interviewed by LEMAP teams, who have taken similar steps to inspire applicants, report very good results when applicants have an opportunity to meet them.

Applicant files are kept separately from CPPD in the Human Resource Director’s office at City Hall. Inspection of the personnel files proved that the files are secured in a locked file cabinet and that sensitive information such as medical, polygraph, and psychological evaluations are placed in a separate drawer within the HR Director’s Office.

Recommendations:

- Adopt a written policy for Recruitment and Selection of commissioned officers. This policy needs to reflect requirements set forth by WSCJTC and RCW 43.101.095.
- Ensure that anyone conducting background investigations on a potential employee has received current training in legal requirements and contemporary investigative strategies and techniques.
- Confirm that all polygraphists and medical personnel are licensed and have current credentials

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 WSWSCJTC 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:

Police work is complex with ever increasing duties and responsibilities. To accomplish these duties, communities give their police great authority. This includes using force, searching persons and property and violating traffic laws, under certain circumstances.

A police department has the duty to ensure officers use this authority appropriately and lawfully. The foundation for the proper exercise of this authority is training. The training program at the College Place Police Department had taken a back seat in the past and did not meet the standards needed to become a professional police department. Previously, the department would not participate in training hosted by larger, neighboring agencies. Chief Tomaras quickly identified this as a deficiency upon assuming the job and has indicated the training program will be given heightened priority.

This will be a challenge. The agency is so understaffed that it is difficult to schedule officers for required training and handle 911 calls at the same time. The new Chief has accepted the offers of other agencies to have CPPD train with them. A College Place DP supervisor provided training announcements from both Walla Walla PD and Walla Walla County SO that College Place had and/or was planning to send officers to.

The College Place PD policy manual, section 102.1 requires:

“All sworn officers employed by the College Place Police Department shall receive certification by WSCJTC prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment (RCW 43.101.095(1); RCW 43.101.200(1)).”

The CPPD meets this requirement in practice.

College Place PD has a formal Field Training Officer program, which is governed by Policy 436. Two recent graduates of the WSCJTC Basic Academy were in FTO phase during the LEMAP team’s visit. The limited Police Department staffing and a lack of qualified FTOs has resulted in the probationary officers being trained by the two supervisors. This is not ideal. It divides the sergeant’s attention between training and monitoring a new officer who is not ready to handle situations on their own, and administrative duties. It is very difficult to properly manage a scene from a supervisory standpoint and keep tabs on an inexperienced officer. If the sergeant and recruit become involved in a pursuit, the sergeants must dually manage the pursuit as required by policy, while still fulfilling the FTO role. Additionally, the day-to-day administration of a police department causes continuous interruption of the training process.

An examination of one of the new officer’s training books revealed the sergeant was delinquent on entries in the daily observations (DORs). The DORs should be completed each day. It is understandable, given all their other duties that the sergeants fall behind.

The agency keeps training records for each employee on a spreadsheet maintained by the Records Supervisor. The information has basic course titles, hours, date, location and the training provider. The LEMAP team noted some minor inconsistency in nomenclature used when documenting the same type of training (e.g. “Weapons Qualifications,” “Firearms Qualification,” “Firearms Certification,” “Firearms Shoot”).

Policy 208.6 – Training Documentation – requires the Department maintain detailed records of all in-service training. This includes an overview of the course content and/or an instructor lesson plan and a roster of all attendees. In examining the lesson plans and class rosters for the range qualifications, this requirement is being met for in-house training. Instructors currently maintain their own lesson plans and rosters for the training the provided. This creates silos of training documents within the Department. The Department should consider maintaining all training documents in a central location.

The Department is not obtaining and retaining course content for training hosted by other agencies. For examples, if a CPPD officer attends a Legal Update class provided by Walla Walla PD, the training materials are not brought back to CPPD and retained. This makes it difficult, at some future date, to memorialize what was taught.

The Department has received its 2016 WSCJTC certificate of compliance, showing it met the annual WSWSCJTC requirement for training. The LEMAP team is uncertain what training metrics or documentation was used to support that agency's justification for meeting the training threshold for both full time and reserve police officers for 2016 or any other year that they received certification of compliance from WSCJTC.

College Place PD Policy 312.6 covers firearms training and qualifications. This section has been modified from the original Lexipol language. All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

As written, the policy-mandated quarterly training for all officers sets a high bar which the Department is not meeting. In a civil case, policy requirements that are not met could be perceived as negligent. The Department should consider reverting the policy to its original, annual qualification requirement. They can still train as frequently as resources allow, but are not held to unrealistic standards.

RCW 43.101.350 requires all law enforcement personnel hired or promoted to a supervisory or management position successfully complete a core training course for the position, either first-level supervision or mid-level management, within six months. Following completion of the core course, supervisors and managers have one year to complete additional requirements and become career-level certified for their position or rank. The College Place Police Department command and supervisory staff is comprised of the Chief and two sergeants. WSCJTC records show the sergeants were promoted on June 1, 2016. Both completed the core First-level Supervision class on April 28, 2017. Neither had completed the required career level certification at the time of the LEMAP team's visit. The Chief has met all the required career level certification requirements while employed with the Washington State Patrol. He completed First-level supervision in 2001 and Mid-level Management in 2014. The Chief has not completed Executive Leadership certification; however this is optional and not required by law.

WASPC accreditation requires that all officer receive annual in-service training on the agency's use of force and deadly force policies. This is mirrored by CPPDCPPD policy 208.4 (b) – Training Plan:

All sworn members will successfully complete an annual in-service training program on the department use of force and deadly force policies.

The Use of Force Policy has conflicting language under section 300.8 – Training:

Officers will receive periodic training on this [Use of Force] policy and demonstrate their knowledge and understanding.

“Annual” and “periodic” are not the same and 300.8 should be changed to meet the annual training requirement. A review of the Department's training records revealed an entry from May of 2016 listing two hours of Use of Force training. It does not mention Deadly Force

training. The curriculum for that course was not available for review. One of the veteran officers does not recall having any recent training on Use of Force or Deadly Force.

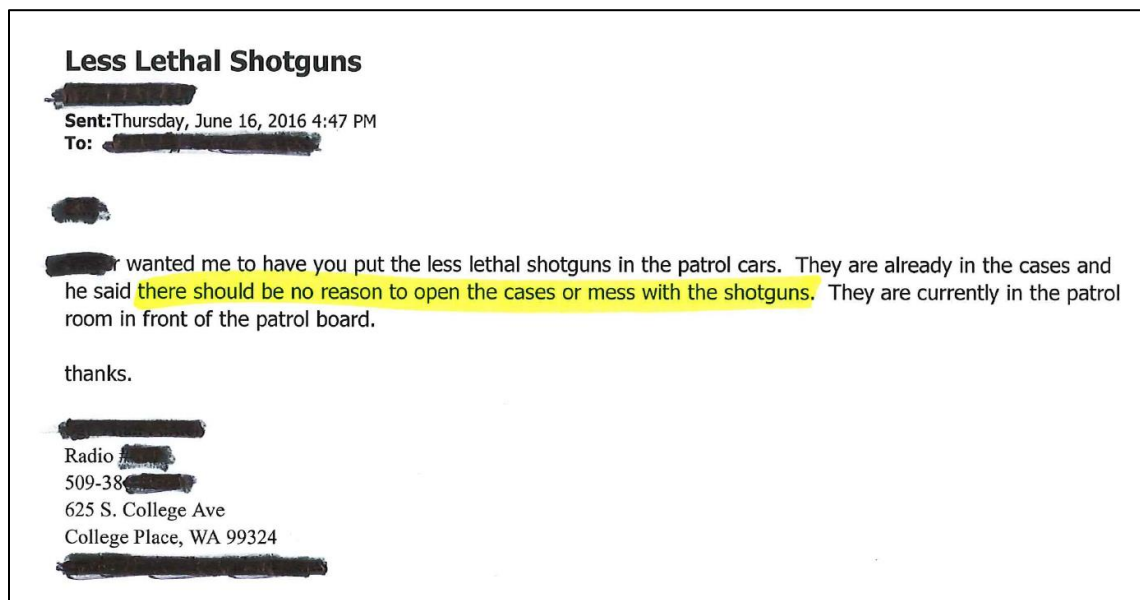
In-service training for non-lethal weapons should be given to all officers issued such tools every two years. Taser has a higher standard:

309.9 [Taser] Training

Proficiency training for personnel who have been issued TASER devices should occur every year.

Besides the Taser training, The CPPD training records do not show this training is being provided at the necessary intervals. None of the records reflected recent (within the last three years) training on baton, OC spray or less-lethal munitions.

Regarding the less-lethal munitions, all CPPD cars had a shotgun for less lethal munitions. Several officers said they would not use the less-lethal shotgun because they had not been properly trained in its use and a recent communication had been issued that officers should not open the cases that the shotguns were stored in. The LEMAP team requested a copy of the email.



It is unclear if the sender of the message intended for the instruction to be interpreted as the officers are doing so. This reluctance on the part of officers to use an important, long-range less-lethal tool could negatively impact their ability to safely resolve critical incidents in the field and may increase their reliance on lethal force.

Recommendations:

- Ensure Student Officer Daily Observation Reports (DOR) are completed by the end of the work shift.

- Sergeants should not be serving as FTO's. Evaluate current staff for interest and suitability as FTO's prior to the next hiring cycle of new officers. Facilitate training for these new FTO's as soon as possible.
- Modify Section 300.8 of the Use of Force policy to reflect an "annual," not "periodic" training requirement.
- Ensure annual training is provided to all sworn officers on both Use of Force and Deadly Force.
- Ensure Deadly Force training is documented in the Department's training records.
- Develop consistent nomenclature when recording entries in the individual training records spreadsheet. Current entries are confusing (e.g. "Weapons Qualifications," "Firearms Qualification," "Firearms Certification," "Firearms Shoot.")
- Maintain all training records in a central location.
- Obtain and retain course content documents from training courses provided by neighboring agencies.
- Provide and document training on less lethal weapons every two years (Annually for Taser).
- Consider reverting Policy 312.6 from a quarterly qualification requirement to the original annual qualification requirement. The Department can train more frequently but is not held to a standard that would be very difficult to meet.
- Supervisors must obtain Career-level certification prior to April, 2018.
- In light of the confusion over the June 16, 2016 email, clarify with officers the Department's expectations regarding the use of less-lethal shotguns.

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 which then provides an opportunity for the employee to not only learn where they excel but also any performance deficits that need improvement. It can also 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 at least an annual basis and that the evaluation process will accurately reflect their performance.

An examination of the College Place personnel files resulted in finding that neither sergeants nor probationary employees (officers who had completed the FTO process) had received performance evaluations. Although CPPD's policy language provides clear guideline as to how evaluations are to be done, evaluations were not being done prior to the arrival of Chief Tomaras. Since the new Chief's arrival, evaluations on all employees will be completed at the end of the year.

Completed evaluations are maintained in personnel files located in the HR Director's Office. Supervisors maintain working files on each of their employees. Information in the files is used to construct the final evaluation and are not retained as part of the personnel file.

A copy of the evaluation form was provided to the LEMAP team who found it confusing. The evaluation form does not provide a quantitative indicator that would give the employee a reference point for how they are performing. The form is simply a series of paragraphs which attempt to provide some input as to how the officer is performing. Also, the instrument does not identify short term and/or long term goals or offer any form of career development guidance for the employee.

Recommendations:

- Revise the CPPD Evaluation Form to provide improved feedback to employees. The evaluation form should be delivered at least annually and constructed in a way that will aid the employee in their career growth, whether promotional or specialty position. The Evaluation form should also provide an employee with information that will help them better understand justification for strengths and opportunities for improvement.
- Evaluate probationary employees on (at least) a quarterly basis using an evaluation instrument that is similar to non-probationary employees.
- Provide training for all supervisors on development and delivery of performance evaluations.

- 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 Code of Conduct is an integral component of any agency's Policy Manual as it is the primary accountability link between the department and the employee. It also reflects the culture of the agency and therefore is critical in both holding employees accountable and the indoctrination of new employees. The goal of any Code of Conduct is to direct the behavior of the department's employees in a manner that reflects positive on both the employee and the department.

College Place Police Department policy requires review and modification by the department to actually reflect the culture of the department. Generally the policies College Place has adopted meet best practices. Those areas offered for improvement are identified in the recommendations section below.

Recommendations:

- College Place Police Department needs to create a policy which clearly addresses guidelines for speech, expression and social networking.
- Adopt a policy addressing Brady Material Disclosure.
- The Department needs to establish a policy directing all employees to document and review critical policies on an annual basis. Examples include:
 - Use of Force Policy
 - Pursuit Policy
 - Domestic Violence Policy
 - Discriminatory Harassment Policy
 - Whistle Blower Policy
 - Racial-or Biased Policing
 - Drug-and Alcohol-Free Workplace Policy
 - Workplace Violence Policy
 - Hate Crimes
 - Department Technology Use Policy

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:

A police department has the obligation to ensure ethical conduct by its employees. One key component in meeting this obligation is creating an effective Internal Affairs and discipline system that is alert, responsive, thorough and fair. In such a system, all complaints against an officer are heard and handled effectively, sustained misconduct is dealt with appropriately and officers are protected against false accusations.

CPPD policy, **Section 340 Conduct**, identifies four levels of infractions from **Class D to Class A**. In summary, class A infractions are serious and generally result in termination; Class B infractions are those which result in suspension; Class C infractions are those which would result in a written reprimand; and Class D infractions are those that would result in a coaching or counseling. Although this policy section is comprehensive and addresses progressive discipline, the format mirrors that of a disciplinary matrix. At first look, this format would appear to simplify the disciplinary process (an employee would know if they did something listed in the Class D category they would receive an informal talk). However, this format also restricts the latitude management can exercise in dealing with violations of agency standards or patterned substandard behavior.

The department has designated the Administrative Sergeant as the individual who will handle all internal investigations. Exceptions to this protocol include when they are the subject of the complaint or the investigation involves a significant incident, in which case the Walla Walla Valley Investigative Unit would be asked to investigate. The Walla Walla Investigative Unit is a regional partnership that is made up of local detectives from surrounding agencies. The Unit's purpose is to assist local agencies in major investigations where the department lacks the resources to investigate or for transparency reasons would like an impartial investigation.

The Internal Investigations process at College Place Police Department is currently evolving. The Administrative Sergeant has recently received training in conducting internal investigations and is tasked with handling the bulk of these investigations, although

CPPD has had only two internal investigations since Chief Tomaras arrived and they were conducted prior to the sergeant's training.

The IA log, provided to the LEMAP team, consisted of only two investigations and both were minor in nature. Prior to the new chief's arrival in 2017 the department was not maintaining a log for internal investigations.

Policy 1020.4 clarifies assignment to Administrative Leave and provides guidelines as to the criteria for placing an employee on administrative leave and how administrative leave is to be conducted. Policy 1020.8 prescribes that internal investigations will be completed within 30 days of the final review by the Chief of Police and indicates that written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any is imposed.

Recommendations:

- Update Policy 340 Conduct excluding level of discipline listed for each violation of department policy.
- Review Policy 1020 and clean up the ambiguity so that there is a clear understanding on who is assigned responsibility for investigations,
- Provide additional training for supervisors on the handling and documentation of complaints with a goal of consistency in the investigations.

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 (Silver Alert) 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.*

Observations:

Patrol first responders are typically the largest division within police organizations. Patrol officers are on the front line of service, 24 hours a day, every day of the year, answering calls for service that involve emergent response to the non-emergent, routine calls for service. Uniformed patrol officers are the face of a community, they must act as ambassadors of the City that they serve. Community interactions and contacts can most certainly affect not only the perception of the police organization but that of the City. Community trust and confidence are almost always based upon this perception. Law enforcement organizations cannot predict every situation with which their officers will encounter, nor is it realistic to try and create policies/procedures for every type of event an officer might have to respond to. It is, however, the responsibility of the leadership in the organization to provide overall direction and regulation through case law, current policies/procedures and industry best-practices. It is critical for a Law Enforcement agency to recognize the need to have up-to-date policies/procedures that accurately reflect organizational practices. During numerous interviews with officer and supervisors it was clear that comprehensive training to ensure policy understanding by all personnel needs to be a paramount priority particularly in high risk areas such as police pursuits.

Officers at CPPD work 10 hour shifts providing patrol coverage 24/7 but because of staffing issues there is typically only one officer on shift. There are two patrol sergeants who provide supervision but patrol supervision is not provided on a 24/7 basis.

CPPD policy 102.1 requires officers to receive certification from the State Criminal Justice Training Commission prior to assuming law enforcement duties. All officers interviewed stated they had received the certification, including two officers who had recently graduated from the State training academy.

CPPD policy 316.3 and 316.4 provides guidance and direction relating to the response to emergency and non-emergency calls for service. Although each officer interviewed could not identify which policy directed their response to calls or what the policy stated, they all, in practice, seemed to understand what the policy allows.

CPPD policy 314 is a detailed, robust pursuit policy that is typically seen with Lexipol policy manuals. Officers understanding of the pursuit policy was quite varied. Some officers stated that pursuits were for serious or felony offenses, some indicated that they could pursue for non-felony crimes until it became too dangerous, one officer said that they could pursue for felonies with supervisor approval. Requesting supervisor approval is not practical since officers are often working alone.

The current police pursuit policy in place is somewhat confusing in that the heading of one section (314.2.1) is “THE MAGIC WORD FELONY”. The policy speaks of pursuing a subject wanted on felony warrants or for committing a felony is not always justified but certain conditions must be considered. This section of policy could lead a reasonable officer to believe that pursuits are only allowed for felony offenses. This connotation is ambiguous, confusing and, arguably, unprofessional.

However, in CPPD policy 314.3.1, the language clearly indicates that there is no felony threshold for pursuits and instead indicates that anyone who is fleeing from the police,

regardless of the reason can be pursued and that the officer must keep in mind a variety of circumstances typically seen in departments. This is one example of putting a policy manual in place and neglecting to specifically train officers in critical policies involving high risk and high liability incidents. The officers at CPPD have access to stop sticks in their patrol cars and receive annual training in their use. Officers also receive annual Emergency Vehicle Operations Course (EVOC) training. CPPD provided a copy of a "Pursuit Report Form" that policy 314.12 requires an officer to fill out following a pursuit. Even though the department was involved in one recent pursuit, an annual review was conducted and a patrol Sergeant provided the LEMAP assessor with that annual review

Per policy 502, CPPD utilizes Statewide Electronic Collision and Ticket Online Records (SECTOR) and provides guidance for the investigation of private property, public highway collisions involving city employees, city vehicles and officers involved in collisions and serious injury/fatality collisions. All officers interviewed confirmed their use of SECTOR for collisions. The "Traffic Collision Reporting" policy 502.2 indicates that a sergeant will report monthly and quarterly traffic collision statistics. This is not occurring at CPPD.

CPPD policy 500.6 requires officers to address hazardous roadway conditions but does not provide procedures (i.e., who to call) for them.

The agency has a comprehensive Lexipol Domestic Violence Investigation policy (320). Officer that were interviewed by the LEMAP team appeared to have a good understanding of the requirements for the arrest of the primary aggressor. All interviewed officers said that they issue "DV Pamphlets" which contain advocate information and services available to the victim. The pamphlets does not contain any information that advises the victim or a family or household member they can make a request to be notified if a firearm taken by the department is released to the suspect/owner, (known as the Sheena Henderson Act of 2015).

CPPD policy 1052 is a clear and complete policy on "Domestic Violence involving Law Enforcement Employees". One sergeant interviewed has a good understanding of his responsibility when there is an officer involved domestic violence incident and his requirement to notify the officer's agency or his command (if CPPD officer is involved) of the incident and provide all relevant reports.

CPPD has a Public Alerts Policy (334) which includes procedures for Amber Alerts, Endangered Missing Persons and Blue Alerts. The policy is boilerplate language from Lexipol but it is an example of where policy and practices are very different. Even though these types of alerts are low frequency events, they involve very critical situations that can have serious consequences if not handled properly. Officers interviewed stated that if a situation arose that warranted the need for the broadcast of an alert they would inform their supervisor. The agency detective indicated that he would request that Walla Walla PD send the alert for them because there has been no training in the process of sending alerts. Also, the policy indicates that AMBER Alert reports would be sent to WASPC for review by the AMBER Alert Committee, however that committee and practice no longer exists.

CPPD has a policy that is compliant with Washington State laws (RCW 71) concerning the detention of persons with mental health issues. A police officer's abilities to recognize a

person suffering from mental health crises, and developing a skill set to de-escalate such incidents with minimal force, is in the national spotlight. Officers interviewed indicated that there has been little or no training given to officers involving mental health crises/issue (other than what was provided at the basic academy). The agency has adopted comprehensive policies and procedures for the detention of voluntary and involuntary commitments and the transport of those individuals. CPPD has a policy (418.4.1) that complies with recent legislation providing the opportunity for an officer/detective to petition the court to place a hold on a firearm take from the person until a petition to retain can be presented to a judge.

Recommendations:

- Update department policy 314, Vehicle Pursuit, to ensure that the language is not conflicting or confusing with regard to when to engage in a pursuit and clearly defines the parameters in which an officer can engage in a pursuit. Review the section titled “The Magic Word Felony” as its connotation is ambiguous and inappropriate for policy language.
- Update policy 500.6 to provide guidance on who to contact in situations involving hazardous road situations.
- Provide training to all personnel on the requirements necessary for issuing the different types of public alerts and more specifically provide training to the individual(s) who will be responsible for issuing the alert.
- Determine if Walla Walla PD is willing and more importantly, capable of (through training, knowledge and experience) providing public alert assistance and consider entering into an MOU or service contract for that assistance.
- Provide current, relevant refresher training to all personnel in the handling of mentally ill individuals and mental health commitments through local mental health agencies or WSCJTC.

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 functions of a law enforcement agency perform the important task of following up on cases which cannot be adequately handled by the Patrol officer on the street. The CPPD has one detective, who has held the position for the past seventeen years. This is a highly unusual practice for an agency the size of College Place PD, which has few specialty assignments. Such a stagnant system tends to dishearten motivated street officers, who see no options for variety in their careers. Most small agencies have a rotational system which provides the opportunity for other officers to become detective officers every three to five years. The agency benefits from increased morale and retention of superior performers while increasing the median investigative capabilities of the entire department. In the event of a major incident, officers who previously held the detective positions can be temporarily assigned to assist. The downside is training costs to the agency, as each new

detective has to be trained in a handful of core courses. The current detective has sufficient training, having attended core courses in investigations, homicide investigations, fingerprinting, interview and interrogation, crime scene photography and basic computer forensics.

The detective does not use a traditional case managements system. The sergeants review every report written by patrol officers and route those requiring investigation to the detective. The detective logs the case on a MS Word “Detective Case Load” document. When the detective decides a case should be closed, he has the authority to do so. There is no secondary review by the supervisor, who is the Administrative Sergeant.

Policy 326 provides guidelines for the investigation and reporting of suspected abuse of vulnerable and elderly adults. The detective was not familiar with the policy, stating he was behind on his policy manual review. He advised that he rarely has an elder abuse case. The Department occasionally get referrals from Adult Protective Services.

Policy 330 provides guidelines for the investigation of suspected child abuse. The policy complies with RCW 26.44 in that it requires the CPPD notify Child Protective Services when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect.

Interviewing child victims of abuse requires unique skill. A child’s age and developmental abilities influence his or her perception of an experience, the amount of information that they can store in long-term memory and their ability to recount the event. A forensic interview of a child is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse. Recognizing this, the Washington legislature enacted RCW 43.101.224, which requires that ongoing specialized training be provided for persons responsible for investigating child abuse. College Place Police Department does not have trained child interviewers. They send children to Walla Walla PD, which, apparently, has the appropriately trained staff.

Hate crimes differ from other crimes in that they are often especially brutal and leave victims terrified. The effects go beyond the victim. Others in the community who share the victim's characteristics may feel vulnerable, which can lead to community unrest. A swift response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery. Policy 338 provides solid guidance for response to hate crimes. The detective reported that College Place PD has not experienced any hate crimes in recent memory.

According to the detective, identity theft is a fairly rare occurrence in College Place. The Department’s response to identity theft is guided by Policy 362 – Identity Theft. 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. The detective said he had heard of this program but had not had occasion to send a victim to the WSP.

The Department has a policy on the use of confidential informants – Policy 608 – however, they do not use paid informants. The new Chief returned the Department’s investigative

funds to Finance. These funds would have been used to pay informants, if the Department had any. Drug cases, which often require the use of informants, are referred to Walla Walla PD - which has two narcotics detectives. There is no regional drug task force in Walla Walla County.

The Department has two sparse interview rooms where suspects, victims and witnesses can be interviewed separated by sight and sound from the public areas of the facility. Interviews are recorded on hand held recorders. If an interview needed to be videotaped, the detective would use Walla Walla PD, which has the capability of videotaping interviews. According to the detective, he has not used this option in a long time.

According to the detective, the department has made seizure/forfeiture of criminal assets in past years. RCW 69.50.505 requires that, "by January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the state general fund." The detective does not believe this has been done recently and pointed out that no one in the Department has been designated to track seizure paperwork. The same RCW requires that:

"When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property." And that "Each seizing agency shall retain records of forfeited property for at least seven years."

The Department has adopted the recently released Lexipol policy 616 – Operations Planning and Deconfliction. The Department has not conducted any operations in recent memory which needed deconfliction.

Recommendations:

- Consider a rotational system for the detective position to provide opportunities to other officers and increase the investigative capacity of the entire agency.
- The Administrative sergeant should regularly review the status of the detective's cases and authorize closure of the case.
- Ensure identity theft victims are informed of their right to be fingerprinted and go to the Washington State Patrol and obtain a victim's letter to present to businesses and creditors.
- Designate and train a person responsible to handling seizures, to include all required notices and record keeping.
- Conduct a review of previous seizures to ensure the records were/are retained for the required time and that 10% of forfeited property was paid to the State as required by RCW 69.50.505 (9)(a).

- 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.

Observations:

Providing the appropriate security and safety for property and evidence that comes into the possession of a law enforcement agency is a crucial responsibility of any professional police organization. The safeguards used by the agency to protect personal property and criminal evidence, while in the agency's possession, require diligent attention to ensure they continue to meet best practices while preserving the integrity of the agency. Problems that occur within an agency's evidence function can often call into question the leadership of the agency and can have a negative impact on the agency's reputation and compromise public trust. This chapter provides a basic framework for agencies to operate a safe, secure and contemporary property and evidence function.

The agency's only detective is also the evidence custodian. The detective has been in the role as evidence custodian for 15 years. During his tenure as the evidence custodian he has not attended any training courses in property management, such as the 40 hour class offered by WSWSCJTC or the 40 hour training offered by the International Association of Property and Evidence professionals (I.A.P.E).

Intake of property/evidence averages three items per week. The detective/evidence custodian is the only key holder and he does not have a back-up person that could function in his role when he is gone for any length of time. There are approximately 700 items of property/evidence stored in the evidence room or being kept in the officer process room. New World Systems is the department's computer property module used by CPPD. All input of new property/evidence items into the system is done so by the evidence custodian. The property room was organized and did not appear to need additional space. Storage locations were established for the variety of items stored. The sign in log was inspected and appeared in order.

Serving a dual role in the agency, one being the only detective in the department and the other being the evidence custodian, has had an impact on the ability to ensure that evidence is handled in a safe and secure manner that prevents access by anyone other than the evidence custodian. The evidence processing room contained numerous unsecured items for safekeeping that anyone with access to the room could tamper with or remove.

CPPD policy 804.6.5 requires that efforts be made to identify and notify owners of personal property in writing within 15 days of the date the property is released. In the interview of the evidence custodian he advised that written notifications to owners of personal property are not made and haven't been made in at least the last 15 years.

RCW 63.32.010 requires notification be made to the owner, if known, of personal property and that the owner has 60 days from the date of notification to retrieve their property. Making notifications and releasing property to the rightful owner is a sole responsibility of the agency and when done in a timely manner can have a positive effect on reducing both agency liability and the number of items in the property room.

CPPD operates under policy (804.3.1) that requires officers to place property/evidence into the temporary lockers before the end of shift. Each officer interviewed was aware of that requirement and indicated that they follow that directive. When an officer places items into a temporary locker, he/she will then lock the locker, remove the key and place it into a slotted drop box that only the evidence custodian has access to. There are a number of temporary lockers but they are all the same size and would not be able to accommodate large items such as a piece of luggage or an oversized backpack. Current CPPD 804.3.1(f) allows officer to place items too big for the temporary lockers into a supply room that all have access to. There are no temporary lockers to accommodate long guns, instead, officers put the gun in the armory next to the entrance to the property room. However, all sworn employees have access to the armory and therefore the gun is not in a secure location. Finally, there is no refrigerator available to officers for the temporary storage of evidence items requiring refrigeration.

The permanent storage facility is alarmed to keep property protected from unauthorized entry but it is not alarmed for fire. There is also a camera mounted in the evidence room. High value items are kept in a safe that only the evidence custodian has access to.

Guests entering the property room are required to provide their name, date, time and purpose for the entry. All of the entry of property/evidence into the tracking system (New World) is done by the evidence custodian and then entered onto a spreadsheet. Officers do not have access to the property module in New World and therefore cannot enter their item into the tracking system. Each officer should be entering their own property or evidence into the RMS property module. This process provides a much more accurate chain of custody record, which is critical to any criminal case investigation.

Based on interviews with officers and the evidence custodian, it is common practice for officers not to write reports for found property that describe the circumstances of how they came into possession of the item(s). When any item of property/evidence comes into the possession of a police agency, it is that agency's responsibility to account for and maintain care and custody of the item(s) in a manner that reflects best practices and in which there is a written record of the situation under which the agency came into possession. Failure to record the manner and circumstance of seizing personal property is a significant breach of law enforcement duty.

CPPD police 804.4.2 directs officers to weigh and package drugs before being placed into a temporary locker. Based on interviews with the evidence custodian and officers, for the most part drugs are not being weighed by the officer before packaging. The evidence custodian is consistently weighing drugs when he processes them into the permanent facility, however, they are not being weighed if/when they leave the property room for examination or court. The scale used for weighing drugs has not been calibrated in years, which neutralizes any effect of weighing them.

CPPD does not appear to have policy language requiring that drugs be weighed when leaving the property room for destruction. Nor is there policy language requiring visual inspections of drug packages and random weighing at time of destruction. CPPD has not destroyed drugs for several years and the last time it was done the drugs were burned in a burn barrel. The evidence custodian indicated he is unaware of how to complete drug destructions using the authorized disposal site in Spokane.

When releases are performed they are done so appropriately with one exception. The records person who does the background checks for firearms explained that on found or safekeeping of guns they do not perform the DSHS mental health check as required by law. There is no exception to this mandate; each and every gun release must include a mental health check upon release. This shortcoming must be corrected immediately as it creates an elevated likelihood that a firearm could be placed in the hands of someone ineligible to possess a firearm. Also, the agency has no policy/procedure in place to notify a family or household member (when they request to be) that a gun is being released to an involved individual, otherwise known as the Sheena Henderson Act of 2015.

Audits and inventories of property/evidence rooms are vital to ensure that there is a means of accountability and reliability of systems used in the property and evidence functions. Audits provide necessary oversight and the opportunity to discover potential problems and/or errors and most importantly protect the employees assigned to the property and evidence function. CPPD policy requires monthly inspections of the property room and that they are conducted by the evidence custodian's supervisor. These inspections are not occurring and have rarely occurred in (at least) the last 15 years. The policy also requires an annual audit of the property room, however the policy does not require that the audits be unannounced. The most recent audit of the property room was in June of this year and was conducted by an outside agency but there is no written record or report of the results.

It cannot be stressed enough that the ability for an evidence custodian to complete regular clearing and destruction of property is critical to the management of any property room. The evidence custodian indicated that in the past 15 years they have never been part of any meaningful clearing of items in the property room. When agencies fail to appropriately clear property and evidence an accumulation can lead to disorganization and create a lack of space for storage. Although the property room at CPPD does not appear to have a space crisis, the room eventually will become dangerously congested if some meaningful purging does not occur in the very near future.

Although the evidence custodian also serves as the department's only detective, ultimately it is their responsibility to develop a plan for purging items on a routine basis. If resources are provided to him to begin to purge/destroy items out of the property room, storage space problems could be avoided. As a starting point, the safekeeping items that are kept unsecure in the officer processing room should be researched to determine an owner and the notification, in writing, be made so that the items can be released or destroyed. The same should be done for similar items stored in the permanent facility.

Recommendations:

- Designate a back-up person to the evidence custodian.

- Provide current training to the evidence custodian and the back-up person to the evidence custodian.
- Ensure that the evidence custodian is consistently sending written notifications to owners of property that their property can be released to them as required by department policy and State law.
- Ensure officers are complying with department policy by securing property in temporary storage lockers. Create temporary secure storage areas for oversized items and for those items identified as containing hazardous material.
- Found and safekeeping items must be stored in secure (temporary) storage or the permanent facility to await final disposition.
- Provide a secure refrigerator for officers to temporarily store perishable items in. Ensure that the refrigerator has capacity to be locked.
- The alarm system in property room for permanent storage of property/evidence needs to be monitored for fire protection.
- Train officers to be able to enter their own property/evidence items into the New World property module in order to maintain a more accurate and accountable chain of custody.
- Ensure that every new item of property/evidence booked into the temporary lockers is accompanied by a report describing the circumstances in which the item came into the officer's possession. Draft a policy that mandates a report be written for all items being processed into the temporary lockers regardless of the status of the item.
- Ensure that officers are following department policy and are weighing drugs before being packaged and placed into a temporary locker.
- Calibrate all scales used to weigh drugs as soon as possible.
- Immediately start performing DSHS metal health checks when releasing found or safekeeping firearms.
- Adopt a policy/procedure for notifying a family or household member (when they request it) when a firearm is being released to an involved individual in compliance with State law.
- Ensure that drug destruction is done in a safe manner and in accordance with EPA and DOE requirement by using a facility that is authorized to incinerate drugs.
- As a priority, conduct an inventory of high value items including money, guns, jewelry, and drugs.

- Immediately develop a plan and procedure for the purging/destruction of items in the property room. If necessary, identify additional resources to assist with this effort.

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 six hours.

Observations:

The handling of prisoners, particularly those with special needs, can pose safety risks for both the prisoner and the transporting officer if not done in a safe manner. Policies that require the thorough search and proper restraint of all prisoners can mitigate those risks and help to prevent unnecessary liability. Equally important is the need to have appropriate policies and procedures for the handling and security of juveniles, particularly those that are deemed “status offenders”. Chapter 18 sets out basic guidelines that establish safe, appropriate and accepted standards for the handling of prisoners. The chapter also includes standards for searching prisoners and vehicles before and after transport.

CPPD does not have holding cells and contracts with Walla Walla County Jail for jail services. There are a number of policies in place in the Lexipol manual that CPPD could eliminate simply because there are no holding cells at the police department.

CPPD has policies in place for the use of restraining devices transporting sick, injured or disabled prisoners. Those policies state that if an arrestee appears, or claims, illness or injury then that person should be medically cleared before booking. The policy also states that an arrestee who appears to have a serious medical issue “should” be transported by ambulance. Interviews of commissioned officers indicated that they were aware of the policy and each stated that when they have an arrestee that is injured, sick or mentally ill, those individuals would be transported by aid car to a hospital for examination before booking.

CPPD also has policies in place that state that the officer “should” search an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle. The policy also states that a custody search “should” be conducted by an officer of the same sex. Interviews with officers indicated that searching and handcuffing arrestee’s is automatic and all stated that they routinely do this and that it is expected. The language “officers should” search individuals before transport is permissive and should be changed to “shall”

Additionally, there are appropriate policies in place that state officers shall inspect their patrol vehicles at the beginning and end of their shift. The policy also states that officers “should” inspect the vehicle after transporting arrestees. Again, the language with regard to inspecting a vehicle after transporting an arrestee is permissive and needs to be changed to “shall” inspect after transporting an arrestee. All officers that were interviewed confirmed that CPPD officers inspect their patrol cars at the beginning and end of their shift as well as after transporting the arrestee.

CPPD has sound policies and procedures for dealing with the secure and non-secure detention of juveniles. The policy appropriately limits the situations in which a juvenile can be held in custody and releasing them as soon as reasonably practical. Supervisors must approve the temporary custody of any juvenile. The policy is also very clear that in no event shall a juvenile be held beyond six hours from the time of his/her entry. The department provided a “Juvenile Detention Log Sheet” that, by policy must be filled out whenever a juvenile is held in custody at the department. Interviews with several officers indicated that it would be unlikely that a juvenile would be held at the department and that they would more likely be taken to a juvenile detention facility in Walla Walla.

The policy also defines juvenile status offenders and indicates that they should be released with a warning and not taken into custody. In the event a juvenile status offender is taken into custody the policy directs that they are not to be kept in secure custody and that they should not be handcuffed unless they are combative or threatening. All of the officers interviewed did not have a firm understanding of what a status offender was and any specialized handling considerations. Clearly, this gap is an organizational weakness or misunderstanding that needs prompt attention.

Recommendations:

- Revise policy 468.5.1 from Arrestees who appear to be ill or injured “shall” be medically cleared prior to booking as well as arrestees who appear to have a serious or suspected medical issue “shall” be transported by ambulance with trained medical personnel to the local medical facility.
- Revise policy 902.3 officers “shall” conduct a custody search immediately after arrest and before transporting.
- Conduct refresher training on the topic of “status offenders” to ensure that officers are in compliance with Federal Law related to this type of juvenile offender.